

PROTECTION OF THE FAMILY - GENERAL

IV. CONCLUDING OBSERVATIONS, CONTINUED

CERD

- Denmark, CERD, A/57/18 (2002) 27 at para. 119.

119. While acknowledging the information provided in the report regarding article 5 of the Convention, the Committee reiterates that equal attention should be paid to economic, social and cultural rights, particularly with respect to minorities. The Committee is concerned about the impact of the recent (May 2000) amendments to the Aliens Act, particularly as they abolish the statutory right to reunification of spouses under the age of 25 years. The Committee encourages the State party to take effective measures to ensure that the right to family life is guaranteed to all persons in Denmark without distinction...

- Bahamas, CERD, A/59/18 (2004) 10 at para. 33.

33. The Committee takes note of the constitutional reform process now in progress but is concerned at the fact that the Constitution contains discriminatory provisions on the subject of women's rights to transmit their nationality to their children and foreign spouses.

It invites the State party to continue its efforts to remedy such discrimination, and draws its attention to the Committee's general recommendation XXV (2000) on gender-related dimensions of racial discrimination.

- The Netherlands, CERD, A/59/18 (2004) 29 at para. 154.

154. The Committee takes note of the Aliens Act 2000, which came into force on 1 April 2001, and welcomes the possibility that asylum-seekers can be granted a residence permit even after their claim has been rejected on judicial appeal, provided they are able to demonstrate objectively that they cannot return to their country. However, it is of the opinion that the criteria for any decisions by the authorities in this regard should be as clearly defined as possible, taking into account all aspects of the individual case. The Committee is also concerned about the possible risks which the Government's plan to return a very large number of failed asylum-seekers may entail, particularly with regard to respect for their human rights and the unity of their families.

The Committee requests the State party to ensure that its asylum procedures are in full conformity with international standards and, when proceeding with the return of asylum-seekers to their countries, to respect the principle of *non-refoulement* when there are substantial grounds for believing that there is a risk to their lives or physical integrity, as

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well as the principles of family unity and appropriate treatment of minors.

- Portugal, CERD, A/59/18 (2004) 66 at para. 371

371. The Committee notes the new rules for family reunification following the recent enactment of new legislative provisions governing the entry, stay, departure and removal of aliens from the national territory.

The Committee recommends that the State party take measures to facilitate family reunification of immigrants in a regular situation. Furthermore, the Committee invites the State party to consider signing and ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

- Australia, CERD, A/60/18 (2005) 13 at para. 44.

44. The Committee is concerned at reports according to which temporary protection visas granted to refugees who arrive without a valid visa do not make them eligible for many public services, do not imply any right to family reunion, and make their situation precarious. It is further reported that migrants are denied access to social security for a two-year period upon entry into Australia (art. 5).

The Committee...recommends that the State party review its policies, taking into consideration the fact that, under the Convention, differential treatment based on citizenship or immigration status would constitute discrimination if the criteria for such differentiation, judged in the light of the objectives and purposes of the Convention, are not applied pursuant to a legitimate aim, and are not proportional to the achievement of that aim.

- France, CERD, A/60/18 (2005) 26 at para. 108.

108. Despite the State party's efforts, the Committee remains concerned at the situation of non-citizens and asylum-seekers in holding centres and areas and delays in processing applications from refugees for family reunification.

The Committee recommends to the State party that it should strengthen the supervision of police personnel responsible for the reception and day-to-day monitoring of holding centres for non-citizens and asylum-seekers; improve the conditions in which such persons are held; operationalize the national committee to monitor holding centres and premises and holding areas; and process applications from refugees for family reunification as speedily as possible.

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ICCPR

- United Kingdom of Great Britain and Northern Ireland (Overseas Territories), ICCPR, A/57/40 vol. I (2002) 36 at paras. 75(28), 75(31) and 75(33).

(28) The Committee is concerned that the categories of persons for whose deportation Cayman law provides, in particular "undesirable" or "destitute" persons, are defined in terms that are vague and unclear, and that deportation of such persons may violate articles 17 and 23 of the Covenant. Moreover, the Committee considers that, since deportation occurs pursuant to an order issued by the Governor after having considered a magistrate's report, there is insufficient review of the appropriateness of such a measure in terms of article 13.

The State party should review its law on deportation to provide clear criteria, and effective and impartial review of any deportation decision, in order to ensure compliance with articles 17, 23 and 26.

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(31) The Committee appreciates the Domestic Violence and Matrimonial Proceedings Act 1998 and the Maintenance (Amendment) Ordinance 1998, which provide protection orders and exclusion orders for vulnerable parties in matrimonial relationships.

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(33) The Committee is concerned over the situation of long-term prisoners [in Montserrat], who have had to serve sentences in other overseas territories.

The State party should ensure that, consistent with articles 10, 17, 23 and 24 of the Covenant, long-term prisoners may serve their sentences in its territory; alternatively, it should investigate non-custodial means of punishment.

- Switzerland, ICCPR, A/57/40 vol. I (2002) 44 at para. 76(15).

(15) The Committee is concerned at the consequences of distinctions made in various pieces of legislation between citizens and non-citizens, the latter forming a considerable segment of the workforce. In particular, aliens without working papers run the risk of becoming victims of exploitation and abuse. Another vulnerable category of persons are foreign spouses of foreigners with residence permits, who are subject to deportation in the event of discontinuation of *de facto* cohabitation and, hence, may be forced to live in abusive relationships.

The State party should review its policies in relation to distinctions between citizens and aliens and between different categories of aliens, in particular in respect of those who do not have papers and spouses of foreigners with residence permits, in order to ensure that the rights of such persons under the Covenant are respected and ensured (arts. 2, 3, 9, 12, 17 and

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23).

- Hungary, ICCPR, A/57/40 vol. I (2002) 60 at para. 80(10).

(10) The Committee regrets continuing reports of violence against women, including rape and sexual harassment.

The State party should take more vigorous measures to encourage the development of a culture of human rights and to ban violence against women; in this context, training and education in human rights are essential at all levels and in all sectors of society. In particular, the State party should take measures to encourage women to report domestic violence to the authorities, and to make police officers more sensitive in their handling of allegations of rape and its psychological effects on the victim. It should also consider enacting further legislation to deal with domestic violence, including the introduction of restraining orders as a means of separating women from violent male family members; and it should provide shelters and other support for victims of domestic violence (articles 3, 7 and 9 of the Covenant).

- Togo, ICCPR, A/58/40 vol. I (2002) 36 at para. 78(21).

(21) The Committee notes with great concern that the Individuals and Family Code, which has been under review since 1999, still contains provisions that discriminate against women, particularly with respect to the minimum age for marriage, the choice of the matrimonial home and freedom to work; that it authorizes polygamy and designates the husband as head of the family; and that it upholds the primacy of particularly discriminatory customary laws relating to marriage and succession.

The State party should bring the Individuals and Family Code into line with articles 3, 23 and 26 of the Covenant and bear in mind, in this regard, the concerns expressed by non-governmental organizations active in the field of women's rights.

- Mali, ICCPR, A/58/40 vol. I (2003) 47 at para. 81(10).

(10) While welcoming the establishment of a Ministry for the Advancement of Women, Children and the Family, the Committee expresses its grave concern at the continued existence in Mali of legislation which discriminates against women, in particular with regard to marriage, divorce, and inheritance and succession, and of discriminatory customary rules relating to property ownership. The Committee, while appreciating that adoption of a Family Code requires wide-ranging consultations, notes with concern that the proposed

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reform, ongoing since 1998, has not yet concluded. The Committee is also concerned about information that the practice of the levirate, a practice whereby a widow is inherited by the deceased husband's brother or cousin, is said to persist in Mali (articles 3, 16 and 23 of the Covenant).

(a) The State party should expedite the adoption of the Family Code; the Committee recommends that the Code comply with the provisions of articles 3, 23 and 26 of the Covenant, in particular with regard to the respective rights of spouses in the context of marriage and divorce. In this connection, the Committee draws the attention of Mali to its general comment No. 28 on equality of rights between men and women, in particular with regard to polygamy, a practice that violates the dignity of women and constitutes unacceptable discrimination against women. The State party should abolish polygamy once and for all.

...

(c) The State party should establish a succession regime that does not discriminate against women: equality of heirs without discrimination on the basis of sex should be guaranteed, and the State should ensure better guarantees of the rights of widows and that upon succession there is a fair distribution of assets.

(d) The State party should abolish the levirate once and for all and apply appropriate penalties against those engaging in the practice, and take appropriate measures to protect and support women, especially widows.

- Slovakia, ICCPR, A/58/40 vol. I (2003) 52 at para. 82(9).

(9) The Committee is concerned at reports of high rates of domestic violence and regrets that the statistics provided by the State party were inconclusive. While noting some positive steps taken by the State party in the area of legislation, the Committee regrets that the adoption of the National Strategy for the Prevention and Elimination of Violence Committed against Women and in Families has been delayed (arts. 3, 9, 26).

The State party should adopt the necessary policy and legal framework to combat domestic violence; specifically, it should provide a framework for the protection of a spouse who is subjected to violence or threats of violence. The Committee recommends that the Government of Slovakia establish crisis centre hotlines and victim support centres equipped with medical, psychological, legal and emotional support services; in order to raise public awareness, it should disseminate information on this issue through the media.

- Portugal, ICCPR, A/58/40 vol. I (2003) 56 at para. 83(17).

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(17) The Committee notes that an accessory penalty of expulsion may not be imposed on a resident alien when the person concerned was born and lives in Portugal, or exercises parental authority over under-age children residing in Portugal, or has been in Portugal since he/she was less than 10 years old. The Committee is concerned, however, that those limitations may not protect the family life in all cases and that non-resident aliens do not benefit from such guarantees (arts. 17 and 26).

The State party should amend its legislation in order to ensure that the family life of resident and non-resident aliens sentenced to an accessory penalty of expulsion is fully protected.

- Israel, ICCPR, A/58/40 vol. I (2003) 64 at paras. 85(16) and 85(21).

(16) While fully acknowledging the threat posed by terrorist activities in the Occupied Territories, the Committee deplores what it considers to be the partly punitive nature of the demolition of property and homes in the Occupied Territories. In the Committee's opinion the demolition of property and houses of families some of whose members were or are suspected of involvement in terrorist activities or suicide bombings contravenes the obligation of the State party to ensure without discrimination the right not to be subjected to arbitrary interference with one's home (art. 17), freedom to choose one's residence (art. 12), equality of all persons before the law and equal protection of the law (art. 26), and not to be subject to torture or cruel and inhuman treatment (art 7) .

The State party should cease forthwith the above practice.

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(21) The Committee is concerned about Israel's temporary suspension order of May 2002, enacted into law as the Nationality and Entry into Israel Law (Temporary Order) on 31 July 2003, which suspends, for a renewable one-year period, the possibility of family reunification, subject to limited and subjective exceptions, especially in the cases of marriages between an Israeli citizen and a person residing in the West Bank or in Gaza. The Committee notes with concern that the suspension order of May 2002 has already adversely affected thousands of families and marriages.

The State party should revoke the Nationality and Entry into Israel Law (Temporary Order) of 31 July 2003, which raises serious issues under articles 17, 23 and 26 of the Covenant. The State party should reconsider its policy with a view to facilitating family reunification of all citizens and permanent residents...

- Latvia, ICCPR, A/59/40 vol. I (2003) 25 at para. 65(13).

(13) While noting the efforts made by the State party to combat domestic violence,

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particularly in the area of legislative reform, the Committee regrets the lack of detailed information on the nature of the problem. The Committee is concerned at reports that domestic violence persists (arts. 3, 9 and 26).

The State party should adopt the necessary policy and legal framework to combat domestic violence, as envisaged, *inter alia*, by the draft programme on the implementation of gender equality. Furthermore, the Committee recommends that the State party establish crisis-centre hotlines and victim-support centres offering medical, psychological, legal and emotional support. In order to raise public awareness, it should disseminate information on this issue through the media.

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

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

- Lithuania, ICCPR, A/59/40 vol. I (2004) 52 at para. 71(9).

(9) The Committee is concerned that incidents of domestic violence against women and children are rising. While noting the efforts made by the State party to combat domestic violence, including the National Equal Opportunities Programme and the Action Plan on Violence against Children, the Committee notes that there is no special legislation relating to domestic violence within the legal system (arts. 3 and 7).

The State party should take all necessary measures, including the enactment of appropriate legislation, to deal with domestic violence. New legislation should include the introduction of restraining orders as a means of protecting women and children from violent family members. The State party should continue its efforts to provide shelters and other support for victims of domestic violence and take measures to encourage women to report domestic violence to the authorities, and to make police officers more sensitive in their handling of allegations of domestic violence, including rape and its psychological impact on the victim.

- Albania, ICCPR, A/60/40 vol. I (2004) 25 at para. 82(10).

(10) The Committee is concerned that women continue to face discrimination under customary law and traditional codes (*Kanun*), as well as about reports of high rates of

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domestic violence, and regrets the lack of detailed information provided on the nature and extent of those problems (arts. 2, 3 and 26).

The State party should adopt and implement appropriate policies to combat effectively and prevent the application of discriminatory customary law, to reinforce its policies against domestic violence and to assist its victims. The Committee recommends in particular that the State party establish crisis-centre hotlines and victim support centres equipped with medical, psychological and legal facilities, including shelters for battered spouses and children. In order to raise public awareness, it should disseminate information on those issues through the media.

ICESCR

- Solomon Islands, ICESCR, E/2003/22 (2002) 65 at paras. 457 and 470.

457. The Committee is...concerned that the erosion of the traditional social support among relatives and the *wantok* system is not being complemented and supported by some other forms of social assistance.

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470. The Committee...recommends that the State party take effective measures to address the problem of the erosion of traditional support system and *wantok* communities, particularly in rural areas, and complement and support such a system by some other forms of social assistance.

- Luxembourg, ICESCR, E/2004/22 (2003) 24 at para. 97.

97. The Committee recommends that the State party enact as soon as possible the draft law on domestic violence introduced in May 2001, by which a violent spouse may be forced to leave the family home.

- Brazil, ICESCR, E/2004/22 (2003) 28 at paras. 141 and 164.

141. The Committee notes with concern that the State party has not facilitated the access to, and adequate provision of, housing credit and subsidies to low-income families, especially disadvantaged and marginalized groups.

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164. The Committee urges the State party to provide access to housing credit and subsidies to low-income families and disadvantaged and marginalized groups.

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- Iceland, ICESCR, E/2004/22 (2003) 39 at paras. 227 and 237.

227. The Committee notes with concern that the support provided to single-parent families remains insufficient.

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237. The Committee urges the State party to increase its efforts to provide greater support to single-parent families.

- Israel, ICESCR, E/2004/22 (2003) 42 at paras. 261 and 277.

261. The Committee is particularly concerned about the status of “Jewish nationality”, which is a ground for exclusive preferential treatment for persons of Jewish nationality under the Israeli Law of Return, granting them automatic citizenship and financial government benefits, thus resulting in practice in discriminatory treatment against non-Jews, in particular Palestinian refugees. The Committee is also concerned about the practice of restrictive family reunification with regard to Palestinians, which has been adopted for reasons of national security. The Committee reiterates its concern in this regard contained in its previous concluding observations.^{16/}

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277. The Committee reiterates its recommendation that in order to ensure equality of treatment and non-discrimination, the State party undertake a review of its re-entry and family reunification policies for Palestinians.^{21/}

Notes

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^{16/} [Official Records of the Economic and Social Council, 1999, Supplement No. 2 (E/1999/22-E/C.12/1998/26), chap. IV], para. 239, and *ibid.*, 2002, Supplement No. 2 (E/2002/22-E/C.12/2001/17), chap. IV, para. 705.

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^{21/} [Official Records of the Economic and Social Council, 1999, Supplement No. 2 (E/1999/22-E/C.12/1998/26), chap. IV], para. 262.

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- Republic of Moldova, ICESCR, E/2004/22 (2003) 49 at paras. 311 and 333.

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

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...

333. The Committee recommends that the State party strengthen its efforts to reduce the number of children living in institutions, including by strengthening family support measures and by developing alternative forms of family care. The State party should ensure that children in institutions as well as all other children deprived of their natural family environment grow up in an atmosphere of emotional and material security.

- Yemen, ICESCR, E/2004/22 (2003) 55 at paras. 352 and 371.

352. Despite the measures taken by the State party to advance the status of women in Yemen, the Committee is concerned about the existence of certain customs, traditions and cultural practices which lead to substantial discrimination against women and girls and that there are still persisting patterns of discrimination, particularly in family and personal status law, as well as inheritance law...

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371. The Committee strongly recommends that the State party amend existing legislation to bring it in line with the provisions of article 3 of the Covenant...

- Guatemala, ICESCR, E/2004/22 (2003) 59 at paras. 411 and 429.

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

...

429. The Committee urges the State party to increase its efforts to reunite separated families, to continue seeking children who have disappeared and to safeguard the situation of war orphans while facilitating access to the judicial system for affected persons.

- Russian Federation, ICESCR, E/2004/22 (2003) 64 at paras. 468 and 496.

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

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496. The Committee urges the State party to further strengthen measures to prevent child neglect and to ensure adequate assistance and social rehabilitation for neglected or abandoned children. The State party should take effective measures to deal with the root

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causes of neglect and abandonment, particularly by increasing assistance rendered to families with children, including by increasing the levels of family benefits.

- Lithuania, ICESCR, E/2005/22 (2004) 18 at paras. 88 and 110.

88. The Committee is concerned about the problem of street children in the State party as well as the lack of information about children placed in institutions.

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110. The Committee urges the State party to combat the phenomenon of street children as a matter of priority. In this regard, the State party should take effective measures to address the root causes of neglect, abuse and abandonment, particularly through increased assistance to families with children...

- Spain, ICESCR, E/2005/22 (2004) 34 at para. 252.

252. The Committee recommends that the State party continue strengthening programmes to reduce unemployment targeting the most affected regions and groups. It also recommends that the State party take further measures to make it easier for women to reconcile work and family life. The Committee encourages, in this regard, the State party to improve childcare facilities for children under the age of 3.

- Malta, ICESCR, E/2005/22 (2004) 45 at paras. 344 and 362.

344. The Committee is concerned that it is still difficult for women to balance employment and family responsibilities in the State party. Moreover, the Committee notes with concern that certain measures introduced, including more flexible parental leave schemes, are mainly aimed at women working in the public service and do not apply to women working in the private sector.

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362. The Committee urges the State party to take further measures to enable working parents to reconcile professional and family responsibilities, including by ensuring access to affordable childcare and flexible parental leave schemes for workers in both the public and private sectors.

- Denmark, ICESCR, E/2005/22 (2004) 49 at paras. 390 and 403.

390. The Committee notes with concern that the 24-year rule introduced by amendment to the Aliens Act in 2002 restricts the right to family reunification and may constitute an

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impediment to the right to family life in the State party.

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403. The Committee calls upon the State party to take appropriate measures to either repeal or amend the so-called 24-year rule of the 2002 Aliens Act, in line with its obligation to guarantee the enjoyment of the right to family life to all persons in Denmark, without distinction. In this connection, the Committee encourages the State party to consider alternative means of combating the phenomenon of forced marriage involving immigrant women.

- Zambia, ICESCR, E/2006/22 (2005) 19 at paras. 84, 92, 107 and 114.

84. The Committee is concerned that article 23 (4) of the current Constitution of the State party provides for exclusions and exceptions to the prohibition against discrimination, including with respect to adoption, marriage, divorce, burial, devolution of property on death, and other matters of personal law, and to the application of customary law.

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92. The Committee is concerned about the large number of widows and orphans, a situation further exacerbated by the HIV/AIDS pandemic. It is also concerned about the harsh living conditions of widows and girl orphans due to, *inter alia*, harmful traditional practices such as “widow-cleansing”, early marriages and denial of inheritance.

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107. The Committee recommends that the State party facilitate the constitutional review process and, in particular, consider amending article 23 (4) of the current Constitution.

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114. The Committee recommends that the State party take adequate measures to address the difficulties faced by widows and orphans, and in particular to eliminate harmful traditional practices.

- China (Hong Kong Special Administrative Region), ICESCR, E/2006/22 (2005) 34 at paras. 207 and 219.

207. The Committee regrets that the Hong Kong Special Administrative Region has not implemented a number of the recommendations contained in its concluding observations of 2001.^{9/} The Committee wishes to reiterate in particular its concern at the following issues:

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(e) The exclusion of many individuals, including women who are homemakers, persons with disabilities and older persons, from the Mandatory Provident Fund Scheme, due to their inability to make sufficient voluntary contributions;

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(f) The hardship arising from the right of abode policies in relation to permanent residence and split families; and

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219. The Committee once again urges the Hong Kong Special Administrative Region to implement the Committee's relevant suggestions and recommendations, contained in its concluding observations adopted in 2001,^{9/} as well as in the current ones, and urges it to undertake whatever relevant concrete measures may be necessary towards their implementation.

Notes

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^{9/} *Official Records of the Economic and Social Council, 2002*, Supplement No. 2 (E/2002/22-EC.12/2001/17), chap. IV, paras. 189 to 210.

- Norway, ICESCR, E/2006/22 (2005) 48 at paras. 343 and 362.

343. The Committee is concerned that the subsistence requirement imposes an undue constraint on the ability of some foreigners, including those who have been granted a residence permit on humanitarian grounds, to be reunited with their closest family members.

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362. The Committee encourages the State party to consider easing restrictions on family reunification in order to ensure the widest possible protection of, and assistance to, the family.

CEDAW

- Fiji, CEDAW, A/57/38 part I (2002) 9 at paras. 66 and 67.

66. The Committee notes with concern that family laws in Fiji contain many discriminatory provisions, and that restrictive divorce laws encourage violence, including suicide. It also notes with concern that the proposed Family Law Bill has not been adopted.

67. The Committee urges the early adoption of the Family Law Bill and calls for the law on family relations of all communities to be brought into conformity with the Constitution

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and the Convention.

- Saint Kitts and Nevis, CEDAW, A/57/38 part II (2002) 90 at paras. 105 and 106.

105. Although it welcomes the legislation that has been adopted, in particular, the Law Reform Act and the 2000 Domestic Violence Act, and the programmes to prevent violence against women which are being implemented, the Committee expresses concern about the persistent high level of violence, particularly domestic violence, in the State party. The Committee is concerned about the high incidence of sexual abuse of girls, particularly by older men. It is also concerned about the unwillingness of women to initiate complaints of domestic violence against husbands and testify against them because of the unwritten code of family loyalty, which regards such violence as a private matter.

106. The Committee urges the State party to enhance its efforts to combat violence against women and girls, in accordance with general recommendation No. 19. It also encourages the State party to come up with creative solutions for shelters for victims of violence, adopt a zero tolerance approach to the sexual abuse of girls, and establish telephone help lines, rehabilitation programmes for offenders, and educational programmes targeted at men and boys on the prevention of violence and the reform of traditional negative attitudes towards women. The Committee also urges the State party to prosecute the perpetrators of abuse against girls. The Committee further urges the State party to pursue prosecution of offenders in cases of domestic violence even in the absence of testimony of the victim in the Court.

- Belgium, CEDAW, A/57/38 part II (2002) 95 at paras. 137, 151 and 152.

137. The Committee commends the State party for its measures to eliminate traditional and stereotypical attitudes regarding the role of men and women in the family, in employment and in society.

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151. The Committee is concerned about the high incidence of violence, including domestic violence, against women and children in the State party. In particular, the Committee is concerned that the mediation procedure established to facilitate reconciliation between the offender and the victim might condone violence by facilitating disadvantageous compromise. The Committee also expresses concern about the fact that Belgium's law does not define sexual crime as a human rights violation and classifies sexual abuse as a crime of morality rather than as a violent crime.

152. The Committee calls on the State party to intensify its efforts to address the issue of violence against women, including domestic violence, as an infringement of human rights. In particular, the Committee urges the State party to formulate appropriate measures and

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laws in conformity with general recommendation 19 to prevent violence, punish and rehabilitate offenders, and provide services for victims.

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

184. The Committee commends the State party on the early reform of its Personal Status Code, which abolished polygamy and granted the right to divorce to both spouses, and its reform of the inheritance law. The Committee welcomes the continuing legislative reforms by the State party. It welcomes the amendments to the Personal Status Code, which provide women with the capacity to institute legal proceedings in their own name, affirm the principle of equality and partnership between spouses, provide that both parties should cooperate in managing family affairs, prevent manipulation of divorce proceedings by the husband, allow spouses to agree to a joint property regime and grant women the right to give their family name to a child born of an unknown father and the opportunity for gene-testing to prove parenthood. The Committee also welcomes the reform of the Penal Code, which imposes heavy penalties for the killing of a woman for adultery.

- Zambia, CEDAW, A/57/38 part II (2002) 107 at paras. 250 and 251.

250. The Committee expresses concern that marriage and family relations are governed by dual legal systems of statutory and customary law, and that many of these laws are not in harmony with the Convention. It also notes that customary law is mostly unwritten, often administered by male justices without a legal background, and that discrimination against women is not addressed in their decisions.

251. The Committee recommends that statutory law be reformed and customary law is revised and codified to conform with article 16 of the Convention. It also recommends the introduction of programmes on legal education, gender sensitization and human rights for judges.

- Ukraine, CEDAW, A/57/38 part II (2002) 114 at para. 296.

296. The Committee urges the State party to design and implement comprehensive programmes in the educational system and to encourage the mass media to promote cultural changes with regard to the roles and tasks attributed to women and men, as required by article 5 of the Convention. It recommends that policies be developed and programmes implemented to ensure the eradication of traditional sex role stereotypes in the family, in employment, in politics and in society.

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- Argentina, CEDAW, A/57/38 part III (2002) 196 at paras. 356 and 357.

356. The Committee is concerned at the situation of women resulting from the growing increase in poverty, and extreme poverty, which has spread to more than half the population, and which can have a disproportionately heavy impact on the female population. Of special concern are women heads of household who are living in poverty and unemployed, with dependent children, and women from rural areas, indigenous populations and the most vulnerable sectors of the population.

357. The Committee recommends that the State party should pay special, ongoing attention to the situation of women and should take the necessary measures to prevent women, especially those from rural areas, indigenous populations and the most vulnerable sectors of the population, from bearing the heaviest burden of the crisis. It also requests the State party to ensure that the Programme for unemployed heads of household with children under 18 or disabled children includes a gender perspective in order that the few resources that are available for social allowances may be distributed without discrimination.

- Peru, CEDAW, A/57/38 part III (2002) 212 at paras. 494 and 495.

494. Although the Committee recognizes that the State party is taking action in the Amazon region, through the National Institute for Family Well-Being, primarily for children and adolescents living in situations of risk or abandonment, it is concerned that there are no specific programmes for indigenous women.

495. The Committee recommends that the State party should strengthen the current programme and set up specific programmes for indigenous women in order to improve their economic, social and family situation and develop their economic skills, and to promote respect for their rights on an equal footing with men.

- Albania, CEDAW, A/58/38 part I (2003) 13 at paras. 68 and 69.

68. The Committee is concerned about the persistence of entrenched traditional stereotypes regarding the role and responsibilities of women and men in the family and in society at large. The Committee is also concerned about the resurgence of discriminatory customary law (kanun) and traditional codes of conduct in some northern areas of the country.

69. The Committee urges the State party to implement measures to eliminate the practice of customary law and traditional codes of conduct discriminating against women. The Committee further urges the State party to design and implement comprehensive programmes in the educational system to ensure eradication of traditional sex role

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stereotypes in the family, in employment, in politics and in society. The Committee recommends that the State party encourage the mass media to promote cultural changes with regard to the roles and responsibilities attributed to women and men, as required by article 5 of the Convention.

- Canada, CEDAW, A/58/38 part I (2003) 53 at paras. 355, 356 and 379-382.

355. While appreciating the fact that funds are available under the Court Challenges Programme for test cases under the equality guarantee in the Canadian Charter of Rights and Freedoms, the Committee is concerned that the Programme applies only to federal laws and programmes. The Committee is also concerned that federal legal aid funds in civil and family law and for legal matters related to poverty issues, in contrast to legal aid for criminal cases, are channelled to the provinces and territories at their discretion. That, in practice, turns out to have a disproportionately restrictive impact on women seeking legal redress as compared with men.

356. The Committee urges the State party to find ways for making funds available for equality test cases under all jurisdictions and for ensuring that sufficient legal aid is available to women under all jurisdictions when seeking redress in issues of civil and family law and in those relating to poverty issues.

...

379. The Committee is concerned that, while the report cites laudable efforts at expanding and improving childcare under all governments, there is no information, except for Quebec, indicating whether the available childcare places meet the demand and are affordable.

380. The Committee recommends that the State party further expand affordable childcare facilities under all governments...

381. While noting improvements in the Employment Insurance Act, the Committee is concerned that the number of women eligible for unemployment benefits is lower as compared with men. While appreciating the increase in the number of months of parental leave, the Committee is concerned that the low benefit level of the parental leave may not encourage great numbers of fathers to avail themselves of that leave.

382. The Committee recommends to the State party to reconsider the eligibility rules of that Act based on a gender-based impact analysis in order to compensate for women's current inequalities in accessing those benefits owing to their non-standard employment patterns. It also encourages the State party to consider raising the benefit level for parental leave.

- Costa Rica, CEDAW, A/58/38 part II (2003) 86 at paras. 54 and 55.

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54. Although the Committee notes with satisfaction the efforts made by the State party since 1994 to combat and eliminate violence against women, particularly domestic violence, it notes with concern that the problem has been viewed in the context of health, and is not recognized as a human rights violation and as grave discrimination against women. The Committee is also concerned that the Domestic Violence Act does not penalize domestic violence or rape in marriage, and that in applying it the courts do not employ uniform criteria, particularly with respect to the level of application of measures to protect the victims, while at the same time, the practice of holding conciliation meetings between the aggressors and the victims of family violence is promoted.

55. The Committee requests the State party to recognize that violence against women is a human rights violation and a serious form of discrimination against women, to promote the adoption and promulgation of the Act on the Criminalization of Violence against Women and the preparation of the requisite regulations and legal procedures for its better application. The Committee also requests the State party to strengthen programmes to combat violence against women, including training and awareness promotion for court officials and judges, and to encourage judges to reduce the utilization of “conciliation” between aggressors and victims and to ensure that the rights of women are duly protected in such “conciliation meetings”. The Committee also recommends to the State party that in carrying out the measures suggested above and in any others aimed at eliminating and penalizing violence against women, it should take into account the provisions of the Convention and of the Committee’s General Recommendation 19.

- Brazil, CEDAW, A/58/38 part II (2003) 93 at paras. 92, 108, 109, 112 and 113.

92. The Committee commends the State party on its Federal Constitution of 1988 that enshrines the principle that men and women have equal rights and duties; prohibits discrimination in the labour market by reason of sex, age, colour or marital status; protects motherhood as a social right by ensuring maternity leave without the loss of job and salary; and establishes the duty of the State to suppress violence within the family.

...

108. The Committee is concerned about the glaring persistence of stereotyped and conservative views, behaviour and images of the role and responsibilities of women and men, which reinforce women’s inferior status in all spheres of life.

109. The Committee recommends that policies be developed and that programmes directed at men and women be implemented to help ensure the elimination of stereotypes associated with traditional roles in the family and the workplace, and in society at large. It also recommends that the media be encouraged to project a positive image of women and of the

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equal status and responsibilities of women and men both in the private and public spheres.

...

112. While acknowledging the efforts made to address violence against women, including the early establishment of specialized police stations (DEAMS) and shelters, the Committee is concerned about the persistence of violence against women and girls, including domestic violence and sexual violence, the existing lenient punishments for offenders and the absence of a specific law on domestic violence. The Committee is further concerned that violence against women, including domestic violence and sexual violence, is not being sufficiently addressed owing to the lack of information and data.

113. The Committee urges the State party to take all necessary measures to combat violence against women in conformity with the Committee's general recommendation 19 to prevent violence, punish offenders and provide services for victims. It recommends that the State party adopt without delay legislation on domestic violence and undertake practical measures to follow up and monitor the application of such a law and evaluate its effectiveness...

- Slovenia, CEDAW, A/58/38 part II (2003) 109 at paras. 201, 206 and 207.

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

...

206. The Committee expresses concern about the incidence of violence against women, including domestic violence... The Committee expresses concern at the light penalties for crimes of violence against women under the Penal Code and that no specific legislation has been enacted to combat domestic violence.

207. In the light of its general recommendation 19, the Committee urges the State party to place high priority on putting in place comprehensive measures to address violence against women in the family and in society, including quantitative and qualitative research, and to recognize that such violence, including domestic violence, constitutes a violation of the human rights of women under the Convention. The Committee calls upon the State party to adopt legislation on domestic violence and to ensure that violence against women is prosecuted and punished with the required seriousness and speed. Women victims of violence should have immediate means of redress and protection, including protection orders and access to legal aid. The Committee recommends that measures be taken to provide accessible shelters for women victims of violence in sufficient number and with adequate funding, and to ensure that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women and trained to handle such situations adequately...

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- Ecuador, CEDAW, A/58/38 part II (2003) 122 at paras. 301, 302, 317 and 318.

301. Although the Committee welcomes with satisfaction the laws recently adopted and the legislative reforms and bills submitted to the National Congress, it is concerned that discriminatory provisions still remain in criminal and civil law, family law in particular. Furthermore, the Committee is concerned at the disparity between the *de jure* and *de facto* situation regarding legal protection for women. It is also concerned at the lack of an integrated policy to institutionalize a gender perspective among the major elements of the State party's strategic priorities.

302. The Committee urges the State party to repeal the remaining discriminatory provisions in its criminal, civil and family law to ensure the enforcement of laws prohibiting discrimination against women, and to streamline procedures for review of the compatibility of those laws with the Convention, thereby strengthening its political will to incorporate a gender perspective in the formulation and enforcement of laws...

...

317. The Committee is concerned that, although there is a National Education Plan for Love and Sexuality, it is not applied consistently and little is done to publicize women's right to sexual and reproductive health care, which would help to make both sexes aware of their rights and responsibilities in the area of reproduction...

318. The Committee urges the State party to implement the National Education Plan for Love and Sexuality and to strengthen its health-care programmes, including sexual and reproductive health, and, as soon as possible, to implement a national programme that provides women and men with adequate and reliable information on available contraceptive methods and methods that can enable them to exercise their right to make a free and informed decision concerning the number and spacing of their children and to strengthen methods for preventing sexually transmitted diseases and HIV/AIDS, including the availability of condoms...

- New Zealand, CEDAW, A/58/38 part II (2003) 138 at paras. 415, 416, 421 and 422.

415. The Committee expresses concern at the prevalence of gender-based violence, including rape and sexual and domestic violence within the family...

416. ...In the light of its general recommendation 19, the Committee calls upon the State party to ensure that all violence against women is prosecuted and punished... It further recommends that the number of shelters for women victims of violence be increased and that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women. The Committee

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calls upon the State party to create public awareness of violence against women as an infringement of women's human rights that has grave social costs for the whole community.

...

421. While applauding the State party's progressive disability strategy, the Committee is concerned that discrimination against women with disabilities still exists, particularly in the areas of loans, employment and childcare, and about the situations of economic hardship they may encounter. The Committee is also concerned about the lack of economic independence of married women with disabilities.

422. The Committee recommends that the State party take appropriate measures to ensure that disabled women do not suffer from discrimination, in particular in the areas of employment and access to health care and loans. It also recommends that the State party pay attention to the situation of disabled married women with a view to ensuring their economic independence.

- Ethiopia, CEDAW, A/59/38 part I (2004) 42 at paras. 243, 244, 251 and 252.

243. The Committee, while welcoming the revision of the family code regulating marriage and family relations, is concerned that it has not yet been adopted by all regions.

244. The Committee encourages the State party to ensure that regional governments adopt and duly implement the Family Code without delay and take all necessary measures, including awareness-raising measures, to sensitize the population about the revised Family Code.

...

251. The Committee is concerned about the continuing persistence of entrenched traditional discriminatory practices, including the 80 per cent of girls and women who undergo female genital mutilation and inheritance of a widow with all her property, and strong stereotypical attitudes in respect of the roles and responsibilities of women and men in the family and society, which negatively affect women's enjoyment of their human rights.

252. The Committee urges the State party to increase its efforts to design and implement comprehensive awareness-raising programmes targeting women and men in order to foster a better understanding of equality between women and men at all levels of society, with a view to changing negative social and cultural patterns of conduct and stereotypical attitudes about the roles and responsibilities of women and men in the family and society and to eliminate female genital mutilation and widowhood practices. The Committee also calls upon the State party to periodically review the measures taken in order to better assess their impact...The Committee recommends that the State party take action without delay to end all discriminatory traditional practices.

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- Malta, CEDAW, A/59/38 part II (2004) 111 at paras. 105 and 106.

105. The Committee is concerned about the persistence of entrenched traditional stereotypes regarding the role and responsibilities of women and men in the family and society which, despite women's generally high level of education, negatively affect the full enjoyment of their rights and impede the full implementation of the Convention. Such stereotypes are reflected, inter alia, in women's low representation in the labour force, in their low participation in political and public life, and in the non-recognition of household work and volunteering in the national account statistics and in women's pension entitlements and social benefits.

106. The Committee strongly recommends the organization of awareness-raising campaigns, on the basis of the Convention and the Committee's general recommendations, at regular intervals to foster a better understanding at all levels of society of the equal status and joint responsibilities of women and men in the family and in family care. These campaigns should be targeted at teachers in all educational establishments at all levels, marriage counsellors, the police force, social and health workers and church authorities, and the impact of such campaigns should be evaluated. It also recommends that the media be encouraged to project positive images of women and men in non-traditional activities. It further encourages the State party to begin assessing the unpaid work done by women in the family in order to recognize such work in national account statistics and in pension entitlements and social benefits.

- Bangladesh, CEDAW, A/59/38 part II (2004) 134 at paras. 245-248.

245. The Committee expresses concern that traditional and cultural discriminatory practices, including polygamy, and strong stereotypical attitudes persist with respect to the roles and responsibilities of women in the family and society, negatively affecting women's enjoyment of their rights and impeding the full implementation of the Convention.

246. The Committee urges the State party to undertake measures to design and implement comprehensive awareness-raising programmes to change stereotypical attitudes and norms about the roles and responsibilities of women and men in the family and society and take measures to eliminate polygamy. It also calls upon the State party to periodically review the measures taken and assess their impact in order to identify shortcomings and make necessary changes to improve them.

247. The Committee is concerned about the unequal status of Bangladeshi women within the family, particularly in matters related to marriage, divorce, custody, alimony and property inheritance. The Committee expresses concern that personal laws, derived from religious precepts which are discriminatory to women, continue to prevail in the country and

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that no uniform Family Code is in place.

248. The Committee urges the State party to adopt without delay a uniform Family Code that fully complies with the provisions of the Convention and general recommendation 21 on equality in marriage and family relations, as a way to protect the rights of all Bangladeshi women in matters related to marriage, divorce, custody, alimony and property inheritance. It recommends that the State party step up its efforts to provide awareness-raising and training, including on the importance of a uniform Family Code and the State party's obligations under the Convention, to community leaders.

- Dominican Republic, CEDAW, A/59/38 part II (2004) 141 at paras. 286 and 287.

286. The Committee is concerned that no proposals have been presented for the draft bill to amend the Civil Code so that it would recognize consensual unions as a source of rights.

287. The Committee urges the State party to pursue and facilitate the process of reform of the Civil Code in order to eliminate discriminatory provisions that undermine the rights of women within the family and to have consensual unions recognized as a source of rights.

- Samoa, CEDAW, A/60/38 part I (2005) 9 at paras. 48 and 49.

48. While noting that the Government has identified several areas where legislation inadequately protects women against discrimination, namely, in regard to gender-based violence and in family and employment law, the Committee is concerned that no time line or benchmarks are in place for undertaking the legal reform efforts necessary to bring domestic legislation into conformity with the Convention. The Committee is also concerned that, although the Law Reform Commission Act was passed in 2002, the office has not yet been established for lack of resources.

49. The Committee recommends that the State party put in place without delay a plan, with a clear timetable and priorities, for the revision of existing discriminatory legislation and the drafting and submission to Parliament of new laws to promote gender equality. The Committee also recommends the establishment of the office of the Law Reform Commission in order to expedite the legal reform process. The Committee encourages the Government to consult with women's organizations in the development and prioritization of such a legislative reform agenda.

- Algeria, CEDAW, A/60/38 part I (2005) 23 at paras. 153 and 154.

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153. The Committee expresses concern that discriminatory practices and strong stereotypical attitudes persist about the roles and responsibilities of women and men in the family and in society, hence negatively affecting women's enjoyment of their rights and impeding the full implementation of the Convention.

154. The Committee urges the State party to increase its efforts to design and implement comprehensive awareness-raising programmes to foster a better understanding of and support for equality between women and men at all levels of society. Such efforts should aim to change stereotypical attitudes and traditional norms about the responsibilities and roles of women and men in the family and society and to strengthen societal support for equality between women and men.

- Democratic People's Republic of Korea, CEDAW, A/60/38 part II (2005) 101 at paras. 32, 45, 46, 53 and 54.

32. The Committee welcomes the availability of such support services as nurseries, kindergartens, children's wards, kitchens in workplaces and breastfeeding breaks for working mothers, as well as the use of temporary special measures to increase the number of women in certain management positions.

...

45. The Committee is concerned that there are many instances of indirect and hidden discrimination against women, as evidenced by the fact that women do not choose to take on management positions because they have no time and are unwilling to participate in public and social life owing to ascribed duties in the family. The Committee is also concerned about the prevailing perception that the public and social spheres are "men's spheres".

46. The Committee urges the State party to recognize and analyse the persistence of indirect and hidden discrimination as an obstacle to the implementation of the Convention, and to take measures to identify where it occurs, raise awareness and be proactive in its elimination.

...

53. The Committee notes with concern the persistence of traditional and stereotyped assumptions and attitudes in respect of the roles and responsibilities of women and men, which are discriminatory against women and have a pronounced impact, particularly in the areas of education and employment as well as in other areas of their lives. For example, the Committee is concerned at the stereotyping of women, which perceives them exclusively as caregivers and homemakers and assigns them in areas such as education and employment to spheres suitable to their "characteristics". The Committee is concerned that such expectations of women have serious consequences, preventing them from accessing rights and entitlements on an equal basis with men and creating a dependency on men, husbands and family for housing, food entitlements and other services. It is also concerned that in

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times of economic crisis, as in the current situation of the country, women's prescribed roles and lesser entitlement intensifies their hardship and amounts to multiple discrimination.

54. The Committee urges the State party to increase its efforts to address stereotypical attitudes about the roles and responsibilities of women and men, including the hidden patterns that perpetuate direct and indirect discrimination against women and girls in the areas of education and employment and in all other areas of their lives, in accordance with articles 2 (f) and 5 (a) of the Convention. Those efforts should include educational measures at all levels, beginning at an early age; the revision of school textbooks and curricula; and awareness-raising campaigns directed at both women and men to address stereotypes regarding the roles of women and men.

- Gambia, CEDAW, A/60/38 part II (2005) 122 at paras. 189-192.

189. The Committee is concerned that the Constitution explicitly exempts from prohibition of discrimination on grounds of gender the areas governing personal status, particularly with regard to adoption, marriage, divorce, burial and devolution of property on death, in contravention of articles 2 and 16 of the Convention, resulting in continuing discrimination against women. The Committee also expresses concern about the widespread practice of polygamy.

190. The Committee calls upon the State party to amend section 33 (5) of its 1997 Constitution, which explicitly exempts from prohibition of discrimination on grounds of gender the areas governing personal status, particularly with regard to adoption, marriage, divorce, burial and devolution of property on death. It urges the State party to accelerate its efforts towards the revision of discriminatory legislation so as to bring it into compliance with articles 2 and 16 of the Convention. The Committee also calls upon the State party to implement measures aimed at eliminating polygamy, as called for in the Committee's general recommendation 21 on equality in marriage and family relations.

191. The Committee expresses concern about the persistence of strong patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in society, which are discriminatory against women. The Committee is concerned that the persistence of such discriminatory cultural practices and traditional attitudes perpetuates women's subordination in the family and society and produces serious obstacles to women's enjoyment of their human rights. The Committee regrets that no systematic action has been taken by the State party to modify or eliminate negative harmful cultural practices and stereotypes that discriminate against women.

192. The Committee urges the State party to view culture as a dynamic aspect of the country's social fabric and life, and subject, therefore, to change. It urges the State party to

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introduce measures without delay to modify or eliminate negative harmful cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. It urges the State party to undertake such efforts in collaboration with civil society organizations, women's groups and community leaders, as well as teachers and the media. It invites the State party to design and implement comprehensive education and awareness-raising programmes targeting women and men at all levels of society, with a view to creating an enabling environment for the transformation of discriminatory stereotypes and allowing women to exercise their rights under the Convention.

- Israel, CEDAW, A/60/38 part II (2005) 129 at paras. 253 and 254.

253. The Committee is concerned about the State party's temporary suspension order of May 2002, enacted into law as the Nationality and Entry into Israel Law (Temporary Order) of 31 July 2003, which suspends the possibility, subject to limited and subjective exceptions, of family reunification, especially in cases of marriages between an Israeli citizen and a person residing in the Occupied Territories. The Committee notes with concern that the suspension order, which has been extended until the end of August 2005, has already adversely affected the marriages and family life of Israeli Arab women citizens and Palestinian women from the Occupied Territories.

254. The Committee calls on the State party to balance its security interests with the human rights of persons affected by such policies, and to reconsider them with a view to facilitating family reunification of all citizens and permanent residents. It calls on the State party to bring the Nationality and Entry into Israel law (Temporary Order) of 31 July 2003 into line with articles 9 and 16 of the Convention...

- Guyana, CEDAW, A/60/38 part II (2005) 136 at paras. 289 and 290.

289. The Committee is concerned about the persistence of discriminatory legal provisions, particularly the Criminal Law (Offences) Act provision which makes it a criminal act for a girl of 16 years to have sexual intercourse with a relative such as a grandfather or brother and making her liable to imprisonment for up to seven years; and the Married Persons Property Act that prevents non-working spouses from acquiring the same rights in matters of division of property and disproportionately affects women.

290. The Committee urges the State party to undertake comprehensive legal reform in accordance with its obligations under the Convention and, in particular, to eliminate discriminatory provisions without delay in the Criminal Law (Offences) Act and civil law so as to ensure full compliance with articles 2 and 16 of the Convention. The Committee requests the State party to provide the necessary support to the Women and Gender Equality

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Commission so that it may place high priority on reviewing existing and future legislation for compliance with the provisions of the Convention and submitting recommendations for compliance with international instruments to which the State is a party.

- Burkina Faso, CEDAW, A/60/38 part II (2005) 144 at paras. 341 and 342.

341. While welcoming legislation prohibiting female genital mutilation, forced and early marriage, levirate and sororate, dowry and practices that prevent women from owning land and inheriting from their husbands, the Committee remains concerned about the continuing strong prevalence of patriarchal attitudes and deep-rooted stereotypes and of customs and traditions that discriminate against women, particularly women in rural areas, and constitute violations of their human rights. The Committee is concerned that these practices persist in contravention of the provisions of the Convention, as well as national legislation. The Committee is also concerned that women are not informed of remedies under relevant legislation.

342. The Committee calls upon the State party to take all necessary measures to ensure full compliance with the provisions of the Convention, the Individual and Family Code, the Penal Code and other laws in regard to harmful traditional or customary practices that violate women's rights. The Committee recommends that these efforts be undertaken in combination with educational programmes designed to raise awareness and challenge discriminatory customs and traditions and stereotypic attitudes regarding the roles and responsibilities of women in the family and society, as required under articles 2 (f) and 5 (a) of the Convention. The Committee encourages the State party to undertake these efforts in collaboration with civil society and women's and human rights organizations, and target women and men in all segments of society, including public officials at all levels of government and community and traditional leaders, as well as the general public. It also urges the State party to improve women's access to remedies, including through awareness-raising efforts and measures to enhance women's legal literacy.

- Ireland, CEDAW, A/60/38 part II (2005) 151 at paras. 382 and 383.

382. The Committee is concerned at the persistence of traditional stereotypical views of the social roles and responsibilities of women and men in the family and in society at large, which are reflected in article 41.2 of the Constitution and its male-oriented language, as recognized by the All-Party Oireachtas Committee on the Constitution, in women's educational choices and employment patterns, and in women's low participation in political and public life.

383. The Committee recommends that the State party take additional measures to eliminate

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traditional stereotypical attitudes, including through sensitization and training of all educational actors and sustained awareness-raising campaigns directed at both women and men. It recommends that the All-Party Oireachtas Committee on the Constitution take the Convention fully into account in considering any amendments to article 41.2 of the Constitution, as well as including a provision to underline the obligation of the State to pursue actively the achievement of substantive equality between women and men. The Committee also suggests that the State party consider replacing male-oriented language with gender-sensitive language in the Constitution to convey the concept of gender equality more clearly. Considering the important role of the media in regard to cultural change, the Committee furthermore recommends that the State party encourage the media to project a positive image of women and of the equal status and responsibilities of women and men in the private and public spheres.

CAT

- Czech Republic, CAT, A/59/44 (2004) 42 at paras. 86 and 87.

86. The Committee expresses concern about the following:

...

(j) The amendments to the law on the right to asylum which amplified the grounds for rejecting asylum requests and allows for the detention of persons in the process of being removed to be held in aliens' detention centres for a period of up to 180 days; as well as the restrictive nature of the conditions in these centres which are comparable to those in prisons;

...

87. The Committee recommends that the State party:

...

(m) Review the strict regime of detention for illegal immigrants with a view to its repeal and ensure that all children held in these detention centres are removed with their parents to family reception centres;

...

- Latvia, CAT, A/59/44 (2003) 48 at paras. 100 and 101.

100. The Committee expresses concern about the following:

...

(g) The fact that although the draft new Criminal Procedure Law has addressed many of the existing shortcomings, the Criminal Procedure Law currently in force does not include the

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right of a detainee to contact family members. Concern is also expressed about the information that access to a doctor of choice is subject to the approval of the authorities;

...

101. The Committee recommends that the State party:

...

(c) Guarantee that detainees in police custody have the right to contact their families and have access to a medical doctor of their choice and to legal counsel from the outset of their deprivation of liberty;

...

CRC

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

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

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

...

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

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

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

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

- Portugal, CRC, CRC/C/111 (2001) 48 at paras. 232 and 233.

232. The Committee welcomes the State party's decision to develop a global plan on family policy, including changes to social welfare and social security and means-tested coverage with particular provisions for families and children and including those persons not paying contributions to the social security system. The Committee also welcomes the definition, in

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the National Plan of Action against Poverty and Social Exclusion of child protection priorities including the provision of support measures for families in order to enable them to fulfil their parental responsibilities. Nevertheless, the Committee remains concerned:

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

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

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

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

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

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

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

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

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

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

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- Cameroon, CRC, CRC/C/111 (2001) 71 at paras. 385 and 386.

385. The Committee is deeply concerned at the large number of children being sold by their parents and subsequently exploited in the labour market. The Committee is also concerned at information on alleged instances of trafficking in children for their exploitation in the State party and in neighbouring countries. The Committee is further concerned at the possible use of intercountry adoption for the purpose of trafficking.

386. The Committee recommends that the State party:

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

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

(c) Ratify the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

- Uzbekistan, CRC, CRC/C/111 (2001) 117 at paras. 547, 548, 564 and 565.

547. The Committee notes the important role of the *Makhallas* at the local level in all matters of family law and protection of children, including juvenile justice. However, the Committee is concerned at the lack of information on their role in the implementation of the general principles of the Convention.

548. The Committee recommends that the State party:

(a) Educate *Makhalla* committees on the principles and provisions of the Convention, and ensure that those principles and provisions are reflected in the decision-making procedures of these committees...

...

564. The Committee expresses its concerns that:

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

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

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

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

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

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

565. The Committee recommends that the State party:

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

See also:

- Ukraine, CRC, CRC/C/121 (2002) 70 at paras. 340 and 341.

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

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

633. The Committee recommends that the State party:

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

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

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

(d) Seek assistance from UNICEF in this regard.

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

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

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

- Greece, CRC, CRC/C/114 (2002) 25 at paras. 140 and 141.

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140. The Committee is concerned:

- (a) At the high percentage of persons (19.5 per cent) estimated to be living below the poverty line and that, in this regard, the rights of some children, including the right to a family environment, may be violated;
- (b) That the system of financial “allowances” provided by the State to assist in the care of children under certain circumstances, such as low family income, are not provided to children themselves but rather to mothers, irrespective of whether they are caring for their children;
- (c) That the amount of such financial allowances is extremely low and, in addition, that many Roma families do not receive these allowances at all.

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

- (a) Strengthen its efforts to protect children’s right to a family environment, including by reducing the number of persons living in poverty and ensuring access for all children and parents in need to financial assistance, giving particular attention in this regard to children and parents from Roma communities;
- (b) Amend the procedures for the disbursement of family allowances to ensure that this financial support is provided to the person(s) currently caring for the children intended to benefit from the allowances;
- (c) Consider increasing financial support to families living in poverty to the maximum extent of available resources.

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

213. The Committee is very concerned that current facilities available for the alternative care of children deprived of a family environment are insufficient and that many children do not have access to such assistance...The Committee is also concerned at the complicated adoption procedure which may lead to practices that do not pay adequate attention to the best interests of the child.

214. The Committee recommends that the State party:

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

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allocation of increased resources to relevant bodies;

...

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

...

- Mozambique, CRC, CRC/C/114 (2002) 65 at paras. 291-294, 309 and 310.

291. The Committee is concerned that:

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

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

292. The Committee recommends that the State party:

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

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

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

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

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

...

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

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294. The Committee recommends that the State party:

- (a) Make every effort to improve alternative care for children, giving particular attention to HIV/AIDS orphans;
- (b) Establish standards and procedures, guaranteed in legislation, for alternative care, including in the domains of health, education, safety and overall respect for the Convention, giving particular attention to protecting the inheritance rights of children in alternative care;
- (c) Encourage and monitor the current practice of placement within the extended family, assuring the rights of children cared for in this context;
- (d) Develop legislative or administrative rules and guidelines for ensuring the protection of children who are cared for under the “substitute family” practice described in the State party’s report;

...

309. While noting the State party’s significant efforts in the past to provide assistance to refugees and internally displaced persons, the Committee remains concerned that:

- (a) Former refugees and displaced persons, seeking to resettle in their communities, do not always have full access to education and health services;

...

310. The Committee recommends that the State party:

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

...

- Malawi, CRC, CRC/C/114 (2002) 104 at paras. 432, 433, 442 and 443.

432. While noting the challenging socio-economic situation, the Committee remains concerned at the increasingly high number of children who do not enjoy their right to an adequate standard of living, including children belonging to poor families, AIDS orphans, street children and children living in remote rural areas...

433. In accordance with article 27 of the Convention, the Committee recommends that the State party:

- (a) Reinforce its efforts to provide support and material assistance to economically disadvantaged families and to guarantee the right of children to an adequate standard of

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living;

...

442. The Committee is also concerned at information on alleged instances of trafficking in children and at the possible use of intercountry adoption for the purpose of trafficking.

443. The Committee recommends that the State party:

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

(b) Facilitate, *inter alia*, the reunification of child victims with their families and provide adequate care and reintegration for them;

(c) Ratify the Convention on the Civil Aspects of International Child Abduction adopted in 1980 at The Hague.

See also:

- Burkina Faso, CRC, CRC/C/121 (2002) 103 at paras. 475 and 476.

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

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

...

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

...

- Belarus, CRC, CRC/C/118 (2002) 54 at paras. 235 and 236.

235. The Committee notes with deep concern the spreading phenomenon of family disintegration in Belarus, including the high rate of divorce, the growing number of single-parent families and cases of parental neglect. While noting that the State party is taking some measures to strengthen families such as the Law on Allowances to Families of Children of 1 April 2002, it expresses its concern that there is no coordination between public agencies dealing with family-oriented policies, including the implementation of a poverty reduction strategy, very little preventive action, and that professional social workers are not trained enough to deal with dysfunctional families.

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

(a) Continue to develop measures for the prevention of family disintegration and the strengthening of family development;

(b) Improve social assistance and support to families to help them with their child-rearing responsibilities, including through parental education, counselling and community-based programmes;

(c) Provide adequate training to social workers;

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

- Switzerland, CRC, CRC/C/118 (2002) 78 at paras. 310, 311, 354 and 355.

310. The Committee is concerned at the reservations made by the State party to articles 5, 7, 10, 37 and the four reservations made with regard to article 40, but welcomes the information that the State party is considering the withdrawal of most of these reservations thanks to recent and current revisions of the Constitution and other relevant laws, following a tentative timetable presented during the dialogue. Despite this information, the Committee remains concerned at the rather slow pace of this withdrawal process and even more at the fact that some reservations may not be withdrawn at all, or only in the distant future.

311. In light of the 1993 Vienna Declaration and Programme of Action, the Committee recommends that the State party:

...

(c) Expedite the current revision of the Foreign Nationals Act (formerly Federal Act concerning the Permanent and Temporary Residence of Foreigners) and withdraw as soon as possible after the approval of the revision the reservation made to article 10, paragraph 1, regarding family reunification;

...

354. While welcoming the entry into force of the federal asylum legislation (Federal Asylum Act and Ordinance 1 on Asylum Procedure) on 1 October 1999, the Committee remains concerned that the procedure used for unaccompanied minors is not always in their best interests nor fully in line with relevant provisions of the Convention. In addition, in relation to reservation made to article 10 of the Convention, the Committee is concerned that the right to family reunification is too restricted.

355. The Committee recommends that the State party simplify its approach regarding the procedures for requesting asylum and take all necessary measures to expedite them and to

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ensure they take into account the special needs and requirements of children, in particular unaccompanied children; these include the designation of a legal representative, the placement of such children in centres, and their access to health care and education. In addition, the Committee recommends that the State party review its system for family reunification, notably for refugees who stay for a long period in the State party.

- Saint Vincent and the Grenadines, CRC, CRC/C/118 (2002) 101 at paras. 437 and 438.

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

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

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

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

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

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

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

537. The Committee recommends that the State party:

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- (a) Continue in its effort to ensure that the new provisions of the Civil Code and Family Law are published and accessible to the public, and are sufficiently known and understood by all professional groups working for and with children;
 - (b) Review the legislation in order to achieve full compliance with the Convention and its rights-based approach.

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/121 (2002) 23 at paras. 115, 123 and 124.
 - 115. The Committee recommends that the State party:
 - ...
 - (d) Amend the nationality law to allow transmission of nationality through unmarried as well as married fathers.
 - ...
 - 123. While noting the recent Adoption and Children Bill (2002), the Committee is concerned that children born out of wedlock, adopted children, or children born in the context of a medically assisted fertilization do not have the right to know the identity of their biological parents.
 - 124. In light of articles 3 and 7 of the Convention, the Committee recommends that the State party take all necessary measures to allow all children, irrespective of the circumstances of their birth, and adopted children to obtain information on the identity of their parents, to the extent possible.

- Seychelles, CRC, CRC/C/121 (2002) 41 at paras. 189 and 190.
 - 189. The Committee is concerned that the right of children born out of wedlock to know their biological fathers can be limited, *inter alia*, owing to the right of the mother not to reveal the name of the father, and that children of divorced or separated parents may not be able to preserve their identity.
 - 190. In light of article 8, the Committee recommends that the State party review its legislation in order to ensure that all children born out of wedlock have, as far as possible, the legal right to know and maintain contact with both their biological parents, and that all children of divorced or separated parents have the legal right to maintain their identity.

- Sudan, CRC, CRC/C/121 (2002) 53 at paras. 256, 257, 276 and 277.

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256. The Committee is concerned that:

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

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

257. The Committee recommends that the State party:

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

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

...

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

277. The Committee recommends that the State party:

(a) Strengthen its efforts to secure the voluntary and safe return of Sudanese refugee children and their families, in accordance with all international standards;

(b) Continue and strengthen its efforts to provide protection to children and their families from neighbouring countries who seek shelter as refugees within the Sudan;

(c) Make every effort to provide assistance and support to the resettlement of internally displaced persons;

(d) Continue efforts to support family reunification;

(e) Ensure that oil exploration activities do not lead to the forced displacement of families, including children, and that the rights of all children in regions where these activities are undertaken are respected.

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

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

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

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

- (a) Strengthen its efforts to protect children's right to a secure family environment and ensure, through a comprehensive new Children's Act, effective protection of children and access by all children and parents in need to financial assistance in this regard;
- (b) Take action on the recently drafted social assistance bill designed to restructure the system of social security benefits;
- (c) Improve social assistance and support to families through advice and education so as to promote positive child-parent relationships;
- (d) Provide adequate training to social workers;
- (e) Strengthen preventive measures, such as supporting the role of families and communities, in order to help eliminate the social conditions leading to such problems as delinquency, crime and drug addiction;
- (f) Consider increasing financial support for families with children living in poverty under the Poverty Reduction Strategy 2001 at the national, regional and local levels.

- Republic of Moldova, CRC, CRC/C/121 (2002) 89 at paras. 408 and 409.

408. The Committee expresses its deep concern at the increasing number of children with disabilities and at the insufficient support provided to their families...

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

...

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

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

...

- Poland, CRC, CRC/C/121 (2002) 120 at paras. 498, 527 and 528.

498. The Committee welcomes the various legislative measures taken to further implement the Convention, notably the following:

(a) The Act of 24 July 1998 amending the Act on Social Welfare, which established local centres for family assistance;

(b) The Act of 7 January 2000 amending the Acts on Social Welfare and Pensions, which created a coherent system of family protection and childcare within the framework of social welfare based on the local centres for family assistance.

...

527. The Committee notes the establishment of the “Blue Card” programme to address family violence, but is concerned that child abuse, and violence in the home and in schools, remain a problem in the State party and that there is no national system to receive and address complaints of child abuse and neglect. It is also concerned that victims of abuse and their families receive limited support for recovery and reintegration...

528. The Committee recommends that the State party:

...

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

...

- Israel, CRC, CRC/C/121 (2002) 131 at paras. 553, 598 and 599.

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553. The Committee welcomes:

...

(f) The various measures taken to support families in need (e.g. single-parent families).

...

598. The Committee notes the State party's activities to improve support for vulnerable families (e.g. single-parent families), but is concerned at the recent cuts in the budget for social welfare and at the very high percentage of children living in poverty, particularly those living in large families, single-parent families and Arab families.

599. The Committee recommends that the State party develop and implement a comprehensive strategy for the eradication of poverty, and provide it with adequate financial and human resources.

- Estonia, CRC, CRC/C/124 (2003) 9 at paras. 25 and 54-57.

25. The Committee welcomes:

...

(b) The system of family benefits and child allowances supporting parents and children in general and providing extra support for especially vulnerable families such as single-parent families, and families with many children and/or with unemployed parents;

...

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

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

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

...

55. The Committee recommends that the State party:

...

(b) Promote the family as the best environment for the child, through counselling and community-based programmes as well as financial support to assist parents in raising children at home;

...

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

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and families on a regular basis;

...

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

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

(a) That the provisions of the Aliens Act reflect the decision of the National Court and are implemented;

(b) That the Refugee Act is amended to ensure that the right to family reunification shall be dealt with by the State party in a positive, humane and expeditious manner.

- Republic of Korea, CRC, CRC/124 (2003) 24 at paras. 122 and 123.

122. The Committee welcomes the establishment of Centres for the Prevention of Child Abuse in many regions of the country that deal with reports of child abuse and neglect and provide counselling and assistance to victims. Nevertheless, it is concerned that there is no nationwide system for receiving and effectively addressing complaints of child abuse and neglect or for providing assistance to victims.

123. The Committee recommends that the State party:

(a) Take all appropriate measures, including legislative reform, to establish a national system for receiving, monitoring and investigating complaints of child abuse and neglect and, when necessary, prosecuting cases in a child-sensitive manner, and provide training for law enforcement officials, social workers and prosecutors in this regard;

(b) Strengthen its efforts to establish Centres for the Prevention of Child Abuse in order to develop a nationwide response system which is designed to provide, where appropriate, support and assistance to both victims and perpetrators of family violence, rather than solely intervention or punishment, and which ensures that all victims of violence have access to counselling and assistance with recovery and reintegration;

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...

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

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

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

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

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

...

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

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

(a) Take all necessary measures to ensure the implementation of Law 184/83;

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

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

...

- Romania, CRC, CRC/124 (2003) 49 at paras 234-237.

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

235. The Committee recommends that the State party:

(a) Develop a comprehensive child-centred family policy;

(b) Strengthen its efforts to comprehensively protect children's right to a secure family environment and ensure, through a comprehensive new children's act, effective protection of children and access by all children and parents to financial assistance, having due regard to article 18, paragraph 2, of the Convention;

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

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

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

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

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

236. The Committee notes the introduction of the government programme of

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

...

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

...

237. The Committee recommends that the State party:

...

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

...

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

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

301. The Committee recommends that the State party:

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

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

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

- Czech Republic, CRC, CRC/C/124 (2003) 78 at paras. 363 and 364.

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

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preventive efforts and family counselling are inadequate and that placement in an institution may be a solution to social problems and crisis situations in the family.

364. The Committee recommends that the State party:

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

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

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

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

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

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

...

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

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

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

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

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

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

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

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

(a) Insufficient importance has been accorded to the formulation of family policies by municipalities because only a few have been formulated to date;

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

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

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

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

(a) Make greater efforts to encourage municipalities to formulate public family policies, ensuring that these are based on human rights, and that municipalities are provided with adequate resources to meet their objectives;

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

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

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

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mandate effectively.

- Eritrea, CRC, CRC/C/132 (2003) 8 at paras. 59-62, 77 and 78.

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

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

61. The Committee notes with concern that there is no information available on the various forms of child abuse in the family and that legislation does not provide for effective protection of children from sexual and physical abuse.

62. The Committee recommends that the State party:

(a) Reform its legislation on abuse in the family to expressly prohibit sexual and physical abuse;

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

...

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

...

77. While noting with appreciation the State party's extensive experience in providing care and protection to vulnerable children separated from their families through national and

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field-level structures, as well as the Eritrean Refugees and Relief Commission, the Committee is concerned that there are still a significant number of children suffering from the effects of armed conflict, in particular returnees, internally displaced children, landmine victims and children who were separated from their parents following expulsions of Eritreans from Ethiopia during the border war (1998-2001).

78. The Committee recommends that the State party continue to strengthen programmes to provide assistance and support to children affected by armed conflict, including returnee and displaced children and landmine victims, while paying particular attention to female-headed households. In particular, the Committee recommends that the State party:

...

(b) Strengthen efforts to trace and reunite family members of refugee and displaced children, including those expelled from Ethiopia during the border war;

...

- Cyprus, CRC, CRC/C/132 (2003) 21 at paras. 127 and 128.

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

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

- Zambia, CRC, CRC/C/132 (2003) 32 at paras. 185, 186, 205 and 206.

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

186. The Committee recommends that the State party:

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

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

...

205. The Committee is concerned about the widespread poverty, especially among female-headed households, in the State party and the increasingly high number of children who do not enjoy the right to an adequate standard of living, including access to clean drinking water, adequate housing and latrines.

206. The Committee takes note of the efforts undertaken by the State party and recommends that, in accordance with article 27 of the Convention, the State party strengthen its efforts to provide support and material assistance to economically disadvantaged families, notably female-headed households, and to guarantee the right of children to an adequate standard of living. In this connection, the Committee recommends that the State party pay particular attention to the rights and needs of children when implementing its poverty reduction strategy and all other programmes intended to improve the standard of living in the country.

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

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

262. The Committee recommends that the State party:

...

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

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

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

332. The Committee urges the State party to make every effort to protect the civilian

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population from displacement, giving particular attention to the situation of unaccompanied children and the need for effective family tracing and reunification. The Committee also urges the State party to ensure that all displaced children and their families 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. The Committee further urges the State party to provide returning children and their families with assistance in re-establishing themselves in their homes. In addition, the Committee urges the State party 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.

- Jamaica, CRC, CRC/C/132 (2003) 86 at paras. 428, 429, 440 and 441.

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

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

429. The Committee recommends that the State party:

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

...

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440. Noting the intention to reform the social safety net for the poor, the Committee, in the light of its earlier concern about the large number of families living in poverty (CRC/C/15/Add.32, para. 20), wishes to stress that the situation is made more difficult by the lack of an efficient social security policy. The Committee is also concerned that the existing standard of living hampers children's physical, mental, spiritual, moral and social development.

441. The Committee therefore recommends that the State party strengthen its efforts to revise and/or establish a social security policy along with a clear and coherent family policy, as well as effective strategies for using the social safety net benefits to further the rights of children. Furthermore, the Committee recommends that the State party develop and implement a poverty reduction strategy and seek assistance from the international community, including United Nations agencies and other competent bodies, in that effort.

- Morocco, CRC, CRC/C/132 (2003) 100 at paras. 482, 483, 494, 495, 506 and 507.

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

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

...

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

495. The Committee recommends that the State party undertake all necessary efforts to strengthen dialogue and consultation with relevant countries, as mentioned in the State party's report ([CRC/C/93/Add.3] para. 258), notably those with which the State party has signed an agreement regarding custody or visitation rights, and ratify the Hague Convention on the Civil Aspects of International Child Abduction of 1980.

...

506. The Committee notes the efforts undertaken by the State party, notably through the National Five-Year Plan for Social and Economic Development (2000-2004), but remains concerned about the large number of children who do not enjoy their right to an adequate standard of living, including children belonging to poor families, children living in remote rural areas and street children. In addition, the Committee is concerned that not many

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children benefit from the social security system.

507. In accordance with article 27 of the Convention, the Committee recommends that the State party:

(a) Strengthen its efforts to provide support and material assistance to economically disadvantaged families, including single-parent families, and to guarantee the right of children to an adequate standard of living;

(b) Extend further and strengthen the social security coverage;

(c) Consider preparing a poverty reduction strategy with special emphasis on vulnerable children and their families;

(d) Seek assistance from United Nations agencies and donors.

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

554. The Committee is concerned that the general principle of the best interests of the child contained in article 3 of the Convention is not expressly incorporated in all legislation concerning children and is not always considered in practice...It remains concerned that custody is determined by criteria such as age, rather than what arrangement is in the child's best interest.

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

- Kazakhstan, CRC, CRC/C/132 (2003) 129 at paras. 621 and 622.

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

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

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

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

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

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

- Canada, CRC, CRC/C/133 (2003) 14 at paras. 91, 93, 96 and 97.

91. The Committee reiterates its previous concern relating to the emerging problem of child poverty and shares the concerns expressed by the Committee on the Elimination of Discrimination Against Women (CEDAW) relating to economic and structural changes and deepening poverty among women, which particularly affects single mothers and other vulnerable groups, and the ensuing impact this may have on children.

...

93. The Committee recommends that the State party continue to address the factors responsible for the increasing number of children living in poverty and that it develop programmes and policies to ensure that all families have adequate resources and facilities, paying due attention to the situation of single mothers, as suggested by CEDAW (A/52/38/Rev.1, para. 336), and other vulnerable groups.

...

96. The Committee welcomes the incorporation of the principle of the best interests of the

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child in the new Immigration and Refugee Protection Act (2002) and the efforts being made to address the concerns of children in the immigration process, in cooperation with the Office of the United Nations High Commissioner for Refugees and non-governmental organizations. However, the Committee notes that some of the concerns previously expressed have not been adequately addressed, in particular, in cases of family reunification, deportation and deprivation of liberty, priority is not accorded to those in greatest need of help. The Committee is especially concerned at the absence of:

(a) A national policy on unaccompanied asylum-seeking children;

...

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

...

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

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

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

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

- Pakistan, CRC, CRC/C/133 (2003) 37 at paras. 210-213, 224 and 225.

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

211. The Committee recommends that the State party review its current legislation concerning custody in order to ensure that the principle of the best interests of the child is a primary consideration, in order to prevent siblings being separated only because of sex

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and/or age, and in order to ensure that children's views are heard and duly taken into consideration in custody decisions, in accordance with the principles and provisions of the Convention.

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

213. The Committee recommends that the State party:

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

...

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

...

224. The Committee is very concerned at the high number of children living in poverty, the shortage of adequate housing, clean water, adequate sanitation and sewage and the problem of air pollution, all of which have a serious negative impact on the living conditions of children in the State party, causing injuries, sickness and death.

225. In accordance with article 27 of the Convention, the Committee recommends that the State party:

(a) Reinforce its efforts to provide support and material assistance to economically disadvantaged families and to guarantee the right of children to an adequate standard of living;

...

(c) Strengthen the social security system to broaden its coverage so as to include non-working parents.

- Madagascar, CRC, CRC/C/133 (2003) 56 at paras. 291-294, 306 and 307.

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

292. The Committee recommends that the State party continue and strengthen its support to families, including through legal and financial assistance in obtaining adequate housing, basic social services and counselling to help resolve problems. The Committee urges the State party to give particular attention to the establishment of psychosocial and parental

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guidance programmes to strengthen vulnerable family units such as single-parent households.

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

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

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

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

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

...

306. The Committee notes the challenging socio-economic situation and the adoption, in 2003, of a chapter on special protection in the poverty reduction strategy paper. However, it is concerned about the increasingly high number of children who do not enjoy their right to an adequate standard of living, including children belonging to poor families, street children and children living in remote rural areas.

307. In accordance with article 27 of the Convention, the Committee recommends that the State party:

(a) Strengthen its efforts to provide support and material assistance to economically disadvantaged families and to guarantee the right of children to an adequate standard of living, in particular, access to drinking water, health, housing and hygiene;

(b) Pay particular attention to the rights and needs of children in the poverty reduction strategy paper and in all programmes intended to improve the standard of living in the country;

(c) Cooperate and coordinate its efforts with civil society and local communities.

- Bangladesh, CRC, CRC/C/133 (2003) 93 at paras. 478, 497, 499 and 500.

478. The Committee recommends that the State party urgently take measures to increase

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alternative care opportunities for children and, in line with article 25 of the Convention, conduct periodic reviews of the placement of children and ensure that institutionalization is used only as a measure of last resort. The Committee also recommends that the State party take effective measures to prevent abandonment of children, *inter alia*, by providing adequate support to families.

...

497. The Committee recommends that the State party:

...

(c) Monitor and evaluate existing programmes on early childhood education and development, and extend services, especially parenting education and education for caregivers to all regions;

...

499. The Committee is very concerned about the difficult conditions under which some refugee children, especially children belonging to the Rohingya population from Myanmar, are living, and that many of these children and their families do not have access to legal procedures that could grant them legal status...

500. The Committee recommends that the State party:

...

(b) Grant all refugee children and their families immediate access to relevant procedures determining refugee status;

(c) In collaboration with and with support from international agencies, undertake effective measures to improve the living conditions of refugee families and children, particularly with regard to educational and health-care services;

...

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

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

551. The Committee recommends that the State party:

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

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

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

(d) Consider strategies to address the situation of abandoned children with disabilities and ensure their inclusion primarily in residential schools;

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

...

- Indonesia, CRC, CRC/C/137 (2004) 8 at paras. 53, 54, 58, 60, 67-70 and 86.

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

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

...

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

(a) Children born out of wedlock may be denied the right to know their father;

(b) Children with a foreign father may be denied Indonesian citizenship.

...

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

...

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

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68. The Committee recommends that the State party:

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

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

70. The Committee recommends that the State party:

...

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

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

...

86. The Committee recommends that the State party:

...

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

...

- Armenia, CRC, CRC/C/137 (2004) 36 at paras. 206, 207 and 210-213.

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

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

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...

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

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

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

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

- Germany, CRC, CRC/C/137 (2004) 51 at paras. 254, 299, 300, 305 and 306.

254. The Committee welcomes the adoption of:

...

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

...

299. The Committee shares the concerns of the State party regarding the lack of sufficient childcare facilities, especially in the western part of the country (see CRC/C/83/Add.7, paragraphs 584, 585 and 630) and of national standards for these facilities.

300. In line with articles 18 (3) and 25 of the Convention and in light of the recommendations of the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.68, para. 44), the Committee recommends that the State party take measures to establish more childcare services to meet the needs of working parents, and to set up

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national standards to ensure quality childcare is available to all children.

...

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

...

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

...

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

...

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

...

- The Netherlands (Netherlands and Aruba), CRC, CRC/C/137 (2004) 63 at paras. 354 and 355.

354. The Committee is concerned about the reduction of funding for childcare institutions, facilities and services, including day care, in the State party, which has resulted in waiting lists and a fragmentation of services aimed at assisting parents in their child-rearing responsibilities.

355. In light of article 18, the Committee recommends that the State party evaluate services available to parents to assist them in their child-rearing responsibilities in order to determine the cause of waiting lists in the Netherlands and assess the quality of services provided. The Committee further recommends that throughout the Kingdom, the State party increase the funding and availability of quality childcare facilities and services, support parental education programmes, in particular for parents of disadvantaged and vulnerable children and adolescents, and ensure that all children and adolescents of working parents have the right to benefit from these services and facilities.

- India, CRC, CRC/C/137 (2004) 75 at paras. 387, 388, 407, 408, 436 and 437.

387. The Committee welcomes the fact that the Convention can be invoked before the courts and that the Supreme Court has adopted various decisions based on the Convention; however, the Committee remains concerned that domestic legislation, and in particular religious and personal laws which govern family matters, are not yet fully in conformity with the provisions and principles of the Convention.

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388. In light of its previous recommendations (CRC/C/15/Add.115, para. 11), the Committee recommends that the State party:

(a) Scrutinize carefully existing legislative and other measures, including religious and personal laws, both at the federal and state levels, with a view to ensuring that the provisions and principles of the Convention are implemented throughout the State party;

...

407. The Committee welcomes the National Plan of Action for the Girl Child and the Platform for Action, but is deeply concerned at the persistence of discriminatory social attitudes and harmful traditional practices towards girls, including low school enrolment and high dropout rates, early and forced marriages, and religion-based personal status laws that perpetuate gender inequality in areas such as marriage, divorce, custody and guardianship of infants, and inheritance.

408. The Committee urges the State party to take all necessary measures for the implementation of the National Plan of Action for the Girl Child and encourages the enforcement of protective laws. The Committee also encourages the State party to continue its efforts to carry out comprehensive public education campaigns to prevent and combat gender discrimination, particularly within the family. Political, religious and community leaders should be mobilized to support efforts to eradicate harmful traditional practices and attitudes which still discriminate against girls.

...

436. The Committee is deeply concerned at the existence of harmful traditional practices such as incidents relating to dowries and to devadasis.

437. The Committee recommends that the State party:

(a) Enforce the Dowry Prohibition Act, 1961 and the Karnataka Devadasis (Prohibition of Dedication) Act, 1982 and Rules, 1982;

(b) Take legislative and awareness-raising measures to prohibit and eradicate all kinds of traditional practices harmful to the health, survival and development of children, boys as well as girls; and

(c) Reinforce its sensitization programmes, with the involvement of community leaders, practitioners and the general public, to change traditional attitudes and discourage harmful practices, in particular in rural areas.

- Papua New Guinea, CRC, CRC/C/137 (2004) 94 at paras. 502-505.

502. The Committee notes with appreciation that the Constitution recognizes the obligation

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of both parents to support, assist and educate their children, yet it is concerned that domestic and customary laws do not generally reflect article 18 of the Convention.

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

504. The Committee is concerned at the high incidence of informal adoption which lacks the guarantees that the best interests of the child are taken into account and which may lead, *inter alia*, to the use of young informally adopted girls as domestic servants.

505. The Committee recommends that the State party take all necessary measures to ensure that all existing practices of adoption comply with article 21 of the Convention, that both legal parents are required to give their consent for the adoption and that the children's views, where appropriate, and their best interests are taken into account. The Committee also recommends that the State party ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

- Slovenia, CRC, CRC/C/137 (2004) 104 at paras. 534, 557-562, 565-568, 579 and 580.

534. The Committee welcomes a number of positive developments in the reporting period, including:

...

(d) The adoption of the Family Earnings Act in 1999, under which the age for entitlement to a special childcare allowance was raised, so that a parent of a seriously ill child or a child with mental or physical disability who attends school will receive an allowance until the child or young person reaches the age of 26;

...

557. The Committee notes the rulings of the Constitutional Court (U-I-284/94 of 4 February 1999 and U-I-246/02 of 3 April 2003) that the erasure of about 18,300 people originating from other parts of the former Socialist Federal Republic of Yugoslavia from the Register of Permanent Residence in 1992 had no legal basis and that the permanent residence status should be restored to the affected persons retroactively. The Committee is concerned that many children were negatively affected by this erasure, as they and their families lost their right to health care, social assistance and family benefits as a consequence of losing their permanent residence status and children born in Slovenia after 1992 became stateless.

558. The Committee recommends that the State party proceed with the full and prompt

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implementation of the decisions of the Constitutional Court, compensate the children affected by the negative consequences of the erasure and ensure that they enjoy all rights under the Convention in the same way as other children in the State party.

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

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

561. The Committee appreciates the work and the role of Social Work Centres in providing administrative and other types of assistance to children and families, but is concerned at the lack of appropriate and effective measures to strengthen professional capacities of the staff of these centres, as well as at the often lengthy procedures applied.

562. The Committee recommends that the State party take all necessary steps to provide ongoing training to the staff of Social Work Centres and provide for efficient administrative, legal and practical measures to ensure quality and efficiency of all activities of these institutions.

...

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

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

567. The Committee welcomes the information that the Police Act has been amended,

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allowing the police to remove an alleged perpetrator of child abuse or other forms of family violence from the home for up to 10 days and that the courts can extend this period for 30 days. The Committee, however, remains concerned that child abuse in the family and in institutions appears to be widespread. Furthermore, while noting that an Act for Prevention of Violence in the Family is in preparation, it is concerned that the existing preventive and protective measures taken to address the problem are not sufficient.

568. The Committee recommends that the State party continue and strengthen its efforts to address the problem of child abuse by, *inter alia*:

(a) Ensuring full and effective implementation of the changes in the Police Act and adequate ongoing training of police officers and judges;

(b) Expediting the drafting and approval of the Act for Prevention of Violence in the Family and related changes in the family law, legislative measures which should provide for effective procedures and mechanisms to receive, monitor and investigate complaints, including intervention where necessary;

(c) Ensuring that cases of ill-treatment are investigated and prosecuted, that the abused child is not victimized in legal proceedings and that his or her privacy is protected;

(d) Providing training for parents, teachers, law enforcement officials, care workers, judges, health professionals and children themselves in the identification, reporting and management of cases of ill-treatment, using a multidisciplinary and multisectoral approach;

(e) Ensuring effective coordination among the multidisciplinary team dealing with child abuse and neglect;

(f) Carrying out public education campaigns about the negative consequences of ill-treatment of children;

(g) Providing facilities for the care, recovery and reintegration of victims.

...

579. While welcoming measures undertaken to fight poverty, including the Action Programme against Poverty and Social Exclusion, adopted in 2000, the Committee is concerned about the incidence of poverty in the State party, particularly among Roma and single-parent families.

580. The Committee recommends that the State party continue and further strengthen measures to combat poverty, including special measures targeted at single-parent families and the Roma community.

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- Japan, CRC, CRC/C/137 (2004) 116 at paras. 633 and 634.

633. The Committee is concerned that a child of a Japanese father and foreign mother cannot obtain Japanese citizenship unless the father has recognized that child before its birth, which has, in some cases, resulted in some children being stateless. It is additionally concerned that undocumented migrants are unable to register the birth of their children, and that this has also resulted in cases of statelessness.

634. The Committee recommends that the State party amend its Nationality Law and all other relevant legislation and regulations to ensure conformity with article 7 of the Convention so that no child born in Japan should become stateless.

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

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

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

- Panama, CRC, CRC/C/140 (2004) 23 at para. 148

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

- Rwanda, CRC, CRC/C/140 (2004) 36 at paras. 189, 190 and 197-200.

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

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

...

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

198. The Committee recommends that the State party:

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

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

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

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

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

268. The Committee welcomes the provisions contained in the Constitution and in Act No.

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2/77 recognizing the right of the child to be recognized immediately after birth, the right to a name and to a nationality from birth, and the right to know and be cared for by his or her parents...

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

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

(a) The large numbers of children who have been deprived of a family environment through the death of, or separation and abandonment from, their parents or other family;

...

343. The Committee urges the State party:

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

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

...

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

...

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

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

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

418. The Committee, while welcoming the State party's activities to reduce institutionalization, is concerned at the large number of children who are placed in institutions. The Committee is further concerned that these institutions provide similar

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services for groups of children with different needs, such as orphans, abandoned children, children in conflict with the law and street children...

419. The Committee recommends that the State party:

...

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

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

...

- Democratic People's Republic of Korea, CRC, CRC/C/140 (2004) 111 at paras. 553 and 554.

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

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

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

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

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

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

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

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140. The Committee recommends that the State party:

- (a) Take all necessary measures to provide parents and families in particularly difficult circumstances with the necessary financial and other support as much as possible;
- (b) Take the necessary legislative and other measures to ensure that the best interests of the child are of primary consideration and that guardianship with one of the parents after divorce is not automatically granted to the father;
- (c) Take measures to improve the enforcement of child support by fathers, in particular of children born out of wedlock, *inter alia*, by providing mothers with information about the legal provisions in this regard and with the necessary legal or other assistance free of charge for mothers who cannot afford it, not only for initiating legal actions but also for enforcing court decisions.

- Croatia, CRC, CRC/C/143 (2004) 36 at paras. 206-209.

206. While taking note of the legislation adopted in the area of the family environment, the new Family Act and the Social Welfare Act, the Committee remains concerned that many children are left on their own without proper guidance from parents and other caregivers. The Committee also remains concerned that supervision and guidance for vulnerable families are not well structured and defined, making it difficult to monitor the situation.

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

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

209. The Committee recommends that the State party give high priority to the assistance provided to families in order to prevent placement of children in alternative care. The Committee further recommends that the State party promote family-based assistance in foster care as a form of alternative care and ensure that institutionalization is used only as a measure of last resort, i.e. that it is professionally indicated and in the best interests of the child, and conduct periodic reviews of the placement of children in light of article 25. The

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Committee also recommends that the State party develop quality standards of foster care and significantly decrease the time spent in institutions for children deprived of parental care...

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

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

281. The Committee recommends that the State party:

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

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

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

...

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

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

- Equatorial Guinea, CRC, CRC/C/143 (2004) 64 at paras. 347-350.

347. The Committee is concerned at the weakening of family support for children, which

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

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

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

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

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

...

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

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

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

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- Antigua and Barbuda, CRC, CRC/C/143 (2004) 93 at paras. 491 and 492.

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

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

- Sweden, CRC, CRC/C/146 (2005) 8 at paras. 47, 48, 51, 52, 65 and 66.

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

48. The Committee recommends that the State party:

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

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

...

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

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

...

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

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for recognized refugees.

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

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

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

110. The Committee recommends that the State party take appropriate measures to promote the registration of all children, including through facilitating late registration when necessary and paying particular attention to the most vulnerable and marginalized groups. In this context, the State party should ensure that the provisions of article 7 be fully enforced in the light of the principles of non-discrimination (art. 2) and the best interests of the child (art. 3), including the right of the child to know, as far as possible, his or her parents. Meanwhile, immediate access to basic services, such as health and education, should be ensured to children who were not registered at birth, while their registration is being properly prepared.

...

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

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

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

120. The Committee recommends that the State party:

- (a) Take effective measures to strengthen support to families by developing a

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comprehensive child-centred family policy to enable families to care for their children at home;

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

...

147. The Committee is very concerned that street children represent the most unprotected category of children in Albania...

148. The Committee recommends that the State party:

...

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

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

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

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

...

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

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

...

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

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- Austria, CRC, CRC/C/146 (2005) 47 at paras. 251, 252, 257, 258, 267 and 268.

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

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

...

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

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

...

267. The Committee notes with appreciation the various measures adopted by the State party to combat poverty, including the adoption of family-related benefits and an increase in child allowances to help families with children. However, the Committee remains concerned at the high rate of poverty, mainly affecting single-parent families, large families and families of foreign origin.

268. The Committee recommends that the State party take all necessary measures to further reduce and eliminate family poverty, which affects children. It also recommends that the State party continue to provide well-coordinated financial assistance to provide support to economically disadvantaged families, in particular single-parent families and families of foreign origin, so as to guarantee the right of a child to an adequate standard of living. In this regard, efforts should be increased to support, in particular, single mothers re-entering the labour market and to extend good quality and affordable child day-care facilities.

- Islamic Republic of Iran, CRC, CRC/C/146 (2005) 88 at paras. 470, 471, 486, 487 and 497-500.

470. The Committee is concerned about discrimination against children on account of their father’s nationality. It notes with concern that while a child whose father is an Iranian national is considered to have Iranian nationality, a child whose mother is Iranian and who has married a non-Iranian without getting the official consent of the Government, will not

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be recognized as an Iranian national. The Committee is concerned that this situation currently affects a large number of children whose mothers are Iranian and fathers Afghan and who consequently have neither a birth certificate nor a nationality.

471. The Committee recommends that all children are registered at birth and acquire an irrevocable nationality without discrimination.

...

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

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

...

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

498. The Committee recommends that the State party:

...

(b) Discontinue the practice of deporting unaccompanied children under 18 years of age back to Afghanistan and take the necessary steps to reunite all unaccompanied children with their families or take effective measures to integrate these children into society;

(c) Ensure that Afghan families who are not in a position to return to Afghanistan are not forcibly deported but assisted to integrate into society;

...

499. The Committee continues to be concerned about the large number of children living and/or working in the streets, particularly in urban centres such as Tehran, Isfahan, Mashhad, and Shiraz. It regrets that the State party could not present studies on the extent and nature

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of the problem and is concerned that the centres known as “Khaneh Sabz”, “Khaneh Shoush” and “Khaneh Reyhane” homes, which were established to assist these children, albeit in a limited capacity, have been closed down. It is equally concerned at reports of the round-up and arrest of Afghan children in the streets despite the fact that they were registered with the authorities, and that as a “condition” for their release the authorities request that their parents register for repatriation. The Committee welcomes the policy of the State party to reunite children with their families, whenever possible, and notes the State party’s assurances that these children are assembled in centres for further assistance and not arrested with police methods.

500. The Committee recommends that the State party:

(a) Take measures to address the large and increasing number of street children, with the aim of protecting these children, especially girls, and of preventing and reducing this phenomenon, in particular through assistance to families and the provision of adequate housing and access to education;

...

(c) Ensure that child victims of physical, sexual and substance abuse are provided with recovery and reintegration services, protection from arbitrary and/or unlawful arrest and maltreatment by the police, and effective services for reconciliation with their families and community;

(d) Ensure that all Afghan children rounded up on the streets are released and are not used to push their parents to repatriate;

...

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

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

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

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

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

...

581. The Committee is concerned at the large number of children living and working on the

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streets, at the vulnerability of these children to various forms of violence, including sexual abuse and economic exploitation, at the lack of a systematic and comprehensive strategy to address the situation and protect these children...

582. The Committee recommends that the State party:

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

...

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

...

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

(g) Seek technical cooperation in this regard from, among others, UNICEF.

- Bolivia, CRC, CRC/C/146 (2005) 121 at paras. 630-633.

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

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

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

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

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with its parent remaining in prison.

- Nigeria, CRC, CRC/C/146 (2005) 135 at paras. 704-709, 723 and 724.

704. Given the large number of working mothers who require childcare in the State party, the Committee is concerned with the quality of childcare provided in private and public day-care facilities. The Committee also notes with concern that there are no measures in place to support single parents...

705. The Committee recommends that the State party adopt a programme to strengthen and increase capacities of childcare facilities in the State party, *inter alia*, through the strengthening of existing structures including childcare centres and extended families...

706. In view of the information that cases of abandoned children are common and that the number of HIV/AIDS orphans is rapidly increasing, the Committee is concerned that the State party does not have a comprehensive and well-resourced policy programme in place for the protection of orphans, and that current facilities available for the alternative care of children deprived of their family environment are qualitatively and quantitatively insufficient and many children do not have access to such assistance...

707. The Committee recommends that the State party:

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

...

708. The Committee is deeply concerned about:

(a) Traditional and discriminatory attitudes and behaviour towards women and children, contributing to violence, abuse, including sexual abuse, neglect, killing, torture and extortion;

(b) Generally high level of acceptance of domestic violence among law enforcement officials and court personnel; and

(c) Lack of adequate measures taken by the State party to prevent and combat violence, abuse and neglect against women and children.

709. The Committee urges the State party to strengthen considerably its efforts to prevent and combat violence in society, including violence against women and children, in the

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context of the family, as well as in schools and other environments. In this regard, the Committee recommends the State party to take the following specific actions:

(a) Carry out public education campaigns about the negative consequences of violence and ill-treatment of children and promote positive, non-violent forms of conflict resolution and discipline, especially within the family and in the educational system and in institutions;

(b) Take all legislative measures to prohibit all forms of physical and mental violence, including sexual abuse, against children in all contexts in society, as well as take effective measures for the prevention of violent acts committed within the family, in schools and by the police and other State agents, making sure that perpetrators of these violent acts are brought to justice, putting an end to the practice of impunity;

(c) Give attention to addressing and overcoming sociocultural barriers, especially the submission and acceptance of maltreatment on the part of girls and women, which inhibit them from seeking assistance;

(d) Provide care, recovery and reintegration for child victims of direct or indirect violence and ensuring that the child victim is not re-victimized in legal proceedings and that his/her privacy is protected;

...

723. In view of the high proportion of children living in poverty in the State party, the Committee notes with concern the lack of reliable information regarding the coverage of the social security plans in place *vis-à-vis* the needs of children and their families. The Committee reiterates that such data is crucial for the monitoring and evaluation of progress achieved and impact assessment of policies with respect to children. The Committee is also concerned that the social security system currently in place in the State party is not in full compliance with article 26 of the Convention.

724. The Committee recommends that the State party:

(a) Upgrade its system of data collection on the coverage of the social security plans currently in place, and ensure that all data and indicators are used to evaluate and revise these plans whenever necessary; and

(b) Make efforts to revise or/and establish a social security policy along with a clear and coherent family policy in the framework of poverty reduction strategy, as well as effective strategies for using the social safety net benefits to further the rights of children.

- Saint Lucia, CRC, CRC/C/150 (2005) 10 at paras. 63, 64, 69 and 70.

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

64. The Committee recommends that the State party amend its legislation to include the concrete recognition of both parents in the upbringing and development of the child, as well as investigate and submit to the Committee disaggregated information relating to the benefits, progress, and difficulties encountered in the measures relating to child development and upbringing.

...

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

70. The Committee recommends that the State party introduce legislation ensuring the child's right to contact or visit the parent when the child is deprived of a family environment... Furthermore, the Committee recommends that the State party enhance family-based alternate care.

- Philippines, CRC, CRC/C/150 (2005) 24 at paras. 147, 148, 156 and 157.

147. As regards parental responsibilities for the upbringing and development of the child, the Committee is concerned about many Philippine children living with loose family ties due to the fact that at least one parent is working overseas.

148. The Committee calls for effective implementation of the Act to Institute the Policies of Overseas Employment and Establish a Higher Standard of Protection and Promotion of the Welfare of Migrant Workers, Their Families and Overseas Filipinos in Distress, and for Other Purposes (Republic Act No. 8042) and recommends to the State party that it take all necessary measures to ensure that overseas Philippine workers, equally women and men, are able to meet their parental responsibilities, including through concluding bilateral agreements with the countries of destination, and facilitate family reunification and a stable family environment for the upbringing of children. In addition, the Committee recommends that the State party continue its efforts to develop and provide child-sensitive family counselling services for overseas Philippine workers and their children.

...

156. As regards children living in prison with their mothers, the Committee is concerned about access to adequate social and health services for these children and particularly, about their living conditions, which are often poor and fall short of international standards.

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157. The Committee recommends that the State party ensure that living conditions and health services in prison are adequate for the child's early development in accordance with article 27 of the Convention and that the principle of the best interests of the child (article 3 of the Convention) is carefully and independently considered by competent child professionals prior to and during their stays with their detained mothers. The Committee recommends that alternative care for those children who are separated from their mothers in prison be regularly reviewed ensuring that the physical and mental needs of children are appropriately met. Furthermore, the Committee recommends that the State party ensure that alternative care allows the child to maintain personal relations and direct contact with the mother who remains in prison. The Committee encourages the State party to seek assistance from, among others, UNICEF and other United Nations bodies in this regard.

- Bosnia and Herzegovina, CRC, CRC/C/150 (2005) 49 at paras. 242, 243, 256 and 257.

242. The Committee notes that, during and after the armed conflict, the number of children's homes receiving children without parental care more than doubled... Furthermore, the Committee is concerned that, once a child is in alternative care, little effort is made to reunify the family and child.

243. The Committee recommends that the State party ensure that institutionalization is used only as a measure of last resort, meaning that it is professionally indicated and in the best interests of the child, and that it systematically conduct periodic reviews of the placement of children, in conformity with article 25 of the Convention. The Committee also recommends that the State party develop quality standards for foster care and significantly decrease the time spent in institutions by children without parental care...

...

256. The Committee notes that, as a result of the war, slow economic recovery, low salaries and unemployment, many families live in economic hardship and about 20 per cent below the official poverty line. Most children who have lost their parents live in harsh poverty. The Committee is concerned that poor living conditions seriously limit children's enjoyment of their rights in the family, schools and in peer and cultural activities.

257. The Committee recommends that the State party take all necessary measures to provide support and material assistance to economically disadvantaged families, including targeted programmes with regard to the most needy groups of families, in order to guarantee the right of all children to an adequate standard of living.

- Nepal, CRC, CRC/C/150 (2005) 66 at paras. 323, 325, 330-335, 352, 354 and 355.

323. The Committee is...concerned that many groups of children are not registered and/or

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are ineligible for Nepalese citizenship, with gravely negative consequences on the full enjoyment of fundamental rights and freedoms by those children, in particular, the right to know and be cared for by parents. The Committee is particularly concerned that under the current provisions of the Birth, Death and other Personal Incidences (Vital Registration) Act of 1976 a mother may experience difficulties in registering her child, and similarly, the Citizenship Act of 1964 does not allow a child to claim nationality with his/her mother's name. As a consequence, children born to foreign fathers, abandoned children, orphans, children born to single mothers and children from the *Badi* community who may not be able to identify their fathers are unable to obtain citizenship...

...

325. The Committee...recommends the State party to amend, as a matter of priority, the relevant legislation, most notably the Birth, Death and other Personal Event (Vital Registration) Act of 1976, the Citizenship Act of 1964 and articles 9 (1), (2) and (5) of the Constitution to ensure full compliance with articles 7 and 8 of the Convention...

...

330. The Committee is deeply concerned that an increasing number of families and children are facing the risks of family disintegration and separation as a consequence of the current armed conflict in the State party. The Committee is equally concerned at the increasing number of children placed in residential care facilities not only as a result of the armed conflict, but also of HIV/AIDS, and that many of these children still have both or one of the parents and/or close relatives...

331. The Committee recommends the State party:

(a) To develop and implement programmes through community structures and social security benefits to support parents in the performance of their parental obligations, and to pay particular attention in this regard to families affected by the armed conflicts and vulnerable families such as single-parent households;

(b) To undertake effective measures for the reunification of separated families, by implementing programmes for the reinforcement of existing structures such as the extended family, and for the introduction of a foster care system that is well resourced, with adequately trained staff;

...

332. The Committee is concerned about the significant number of children who are living in adult prisons with their parents, often in poor conditions that fall short of international standards.

333. The Committee recommends to the State party that it review the current practice of children living with their parents in prison, with a view to limiting the stay to instances in which it is in his/her best interest, and to ensuring that the living conditions are suitable for his/her needs for the harmonious development of his/her personality. The Committee also

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recommends that children of parents in prison should be provided with adequate alternative care, for instance, within the extended family and be allowed regular contact with their parents.

334. Given the significant number of Nepalese children who are adopted by foreigners and in the context of the current armed conflict in the State party, the Committee is concerned at the lack of a clear policy and appropriate legislation on intercountry adoption, which results in various practices, such as trafficking and smuggling of babies. The Committee is particularly concerned about the absence of due judicial process, including technical assessment of the capacity of the parents or guardians, in cases involving termination of the parental responsibility...

335. The Committee recommends the State party to develop and implement policies and legal provisions regarding intercountry adoption to guarantee that the practice of this form of adoption is in full conformity with the principles and provisions of the Convention, in particular, article 21. In this regard, the Committee recommends the State party to, in particular:

...

(c) Develop and implement strict criteria for the adoption of Nepalese children, ensuring in particular that reasonable time is given for an effective tracing of the parents or close relatives of children separated from them as a result of the armed conflicts, and abolish the provisions in the Conditions and Procedures made to provide Nepalese Children to Foreign Nationals for Adoption (2000), that states that poverty of the parents of a child can be a legal ground for adoption;

(d) Ensure that exhaustion of all means to prevent termination of parental responsibility and/or separation of the child is set as a clear criteria in all cases involving adoption;

(e) Regulate and monitor the practice of placing children with close relatives or others, to prevent children from being exploited, and to ensure that all their rights, including the right to education and to health care are fully respected.

...

352. The Committee expresses concern about the high level of prevailing poverty in the State party, which hampers the respect for, and fulfilment of, the rights of children, particularly those living in rural areas, those living in slums and squats, and among the lower castes and ethnic minorities, and the ability of their families to provide them with adequate protection.

...

354. In accordance with articles 26 and 27 of the Convention, the Committee recommends that the State party:

...

(b) Reinforce its efforts to provide support and material assistance to economically

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disadvantaged families, notably those living in rural areas, slums and squats and to guarantee the right of children to an adequate standard of living;

...

(d) Establish a social security policy along with a clear and coherent family policy, as well as effective strategies for using the social safety net benefits to further the rights of children and provide adequate financial resources to the social security system.

355. The Committee therefore recommends that the State party make efforts to revise and/or establish a social security policy along with a clear and coherent family policy in the framework of poverty reduction strategy, as well as effective strategies for using the social safety net benefits to further the rights of children.

- Norway, CRC, CRC/C/150 (2005) 105 at paras. 485-488, 491 and 492.

485. The Committee is concerned that the best interests of the child are not adequately taken into consideration in cases where foreign nationals who have children in Norway are permanently deported as a consequence of having committed a serious criminal offence.

486. The Committee urges the State party to ensure that the best interests of the child are a primary consideration in the decisions taken regarding deportation of their parents.

487. The Committee is concerned at the number of children who have been removed from their families and live in foster homes or other institutions. In this regard, the Committee notes the State party's willingness to review its practices concerning the removal of children from their family environment.

488. The Committee recommends that the State party take measures to address the causes of the rising number of children who are removed from their families, including through adequate support to biological parents. The State encourages the State party to give priority to protecting the natural family environment and ensure that removal from the family and placement in foster care or institutions is used only as a measure of last resort when in the best interests of the child.

...

491. The Committee is concerned that children who are exposed to violence within the family do not always receive sufficient care and assistance.

492. The Committee recommends that the State party continue to strengthen its efforts to provide adequate assistance to children who are exposed to violence within the family or whose parents are psychiatric patients and/or drug abusers, including through:

(a) Ensuring that all victims of violence have access to counselling and assistance with

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recovery and reintegration;

(b) Providing adequate protection to child victims of abuse within their homes;

(c) Strengthening measures to address the root causes of violence within the family, giving special attention to marginalized and disadvantaged groups;

(d) Public education campaigns about the negative consequences of ill-treatment and preventive programmes, including family development programmes promoting positive, non-violent forms of discipline.

- Mongolia, CRC, CRC/C/150 (2005) 113 at paras. 548 and 549.

548. The Committee is concerned at the increasing number of children in institutional care, including children who fled from their homes and were placed in child care centres. Referring to article 25, paragraph 9, of the Family Law, the Committee is of the view that the placement procedures are not fully in conformity with the principles and provisions of the Convention.

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

(a) Take immediate preventive measures to avoid separation of children from their family environment and to reduce the number of children living in institutions;

...

(c) Strengthen its efforts to develop the traditional foster-care system by paying particular attention to the rights recognized in the Convention, including the principle of the best interests of the child, and other family-based alternative care;

(d) Provide appropriate assistance and support services to parents and legal guardians in the performance of their child-rearing responsibilities, including through education, counselling and community-based programmes for parents.

- Nicaragua, CRC, CRC/C/150 (2005) 132 at paras. 626-629.

626. While the Committee notes with appreciation that strengthening the family is an important strategy within the national policy for the comprehensive care of children and adolescents, it is concerned that insufficient financial and other resources have been provided for the implementation of this strategy. Furthermore, while noting that various legislative initiatives are currently under debate in this respect, the Committee is concerned

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at the lack of an appropriate and comprehensive regulation of family relations, e.g. via a comprehensive Code, as well as at the lack of specialized family courts.

627. The Committee recommends that the State party:

(a) Promote and support responsible parenthood, *inter alia* by providing families with financial allowances when needed;

(b) Approve and implement appropriate regulations of family relations that reflect and incorporate international standards ratified by the State party, such as the Convention on the Rights of the Child, preferably by developing a comprehensive code;

(c) Establish specialized family courts with trained judges and other professionals involved, and ensure that family law practice is accessible to everybody and that family law procedures are conducted without undue delay.

628. The Committee notes with concern the difficulties that some parents and families encounter - such as unemployment, malnutrition and lack of adequate housing - which may cause abandonment or abuse resulting in placement of children in institutions or in adoption.

629. The Committee recommends that the State party undertake - in cases where a child is deprived of her/his family environment - maximum efforts to return the child to the family of origin. If that action is not in the best interests of the child, efforts should be undertaken to place the child in a family-type form of alternative care, with preference for kinship care and to use institutional placement only as a measure of last resort. In case adoption is in the best interests of the child, preference should be given to domestic over inter-country adoption. The Committee recommends in this regard that the State party ensure that its legislation and practice regarding adoption is brought in line with article 21 of the Convention and that it become a party to the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Inter-country Adoption.

- Costa Rica, CRC, CRC/C/150 (2005) 149 at paras. 702 and 703.

702. The Committee recognizes the continuum of alternative care services available from PANI [National Children's Trust] for children deprived of a family environment. It is however concerned at the considerable duration of interim placement, which in some cases may last over three years, before the matter is brought before a judge for a decision on the final placement of these children.

703. The Committee recommends that interim placement is done for the shortest period of time and regularly reviewed in accordance with article 25 of the Convention. The

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Committee further recommends that the matter be brought before a judge at the initial phase of the separation of the child from his or her parents.