

PROTECTION OF THE FAMILY - PARENTAL RIGHTS AND RESPONSIBILITIES

III. CONCLUDING OBSERVATIONS

ICCPR

- United Republic of Tanzania, ICCPR, A/48/40 vol. I (1993) 35 at para. 174.

Although there has been some progress towards equality between men and women, there still appears to be a lack of equality, especially with respect to property, inheritance and parental authority, and it is hoped that those forms of discrimination will be prohibited in the future.

- Peru, ICCPR, A/52/40 vol. I (1997) 28 at para. 159.

The existence of a number of provisions of the Civil Code that discriminate against women, such as the difference in the minimum age required for matrimony and the fact that single mothers under 16 years of age lack legal capacity to recognize their children, is of concern. This gives rise to problems of compatibility between Peruvian legislation and articles 3, 23, 24 and 26 of the Covenant.

- United Republic of Tanzania, ICCPR, A/53/40 vol. I (1998) 57 at para. 399.

The Committee deplores the law in force in Zanzibar which allows for the imprisonment of both mother and father in the event of an unmarried woman becoming pregnant. This carries risks to the right to life (article 6) (through resort to illegal abortion) and to the rights of the child (articles 23 and 24) if born in such circumstances. This law in Zanzibar should be abolished, and noting in this connection that illegal abortion is a major cause of maternal mortality, a national review should be carried out on the restrictions on abortions (articles 3, 6 and 26).

- Ireland, ICCPR, A/55/40 vol. I (2000) 61 at para. 441.

The references to women made in article 41 (para. 2) of the Constitution could perpetuate traditional attitudes toward the role of women. In that provision, the State “recognizes that by her life within the home, woman gives to the State a support without which the common good cannot be achieved. The State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home.”

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ICESCR

- Canada, ICESCR, E/1994/23 (1993) 28 at para. 103.

Information has been received from non-governmental organizations about families being forced to relinquish their children to foster care because of inability to provide adequate housing or other necessities.

- Paraguay, ICESCR, E/1997/22 (1996) 22 at para. 88.

The necessary legislative and other measures should be adopted to prevent and remedy situations of distress caused by the abandonment of families by fathers, making them responsible for assisting and supporting their families.

- Italy, ICESCR, E/2001/22 (2000) 34 at para. 111.

The approval of law No. 53 of 8 March 2000 which recognizes the right of the father, as well as the mother, to take leave from work to care for a child during early infancy is noted with appreciation.

CEDAW

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

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

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

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

- Iceland, CEDAW, A/51/38 (1996) 12 at para. 94.

Revising the law on maternity leave is not enough to achieve a more balanced sharing of family responsibilities by men and women. The Government should therefore develop other means to

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increase men's participation in household tasks and child care, bearing in mind the nature of both the paid work done by men and that done by women inside and outside the home.

- Hungary, CEDAW, A/51/38 (1996) 29 at para. 250.

The undue emphasis placed on women's role as mothers without balancing it with their role as citizens is of concern.

- Morocco, CEDAW, A/52/38 (1997) 11 at para. 74.

The competent national bodies, the women's sections of the different political parties and associations and non-governmental organizations should do their utmost to bring about as great a change in men's traditional role in the family and in society as in women's, so as to ensure genuine equality of opportunity between men and women in all spheres. It is observed that revising the content and orientation of school textbooks in order to eliminate stereotypes and negative images of women could help to speed up a change of mentality and remove certain obstacles.

- Slovenia, CEDAW, A/52/38/Rev.1 part I (1997) 15 at paras. 114 and 115.

Paragraph 114

The creation of more formal and institutionalized child-care establishments for children under three years of age as well as for those from three to six is recommended.

Paragraph 115

Parental leave legislation should be adopted in which part of the leave must be taken by the father.

- Armenia, CEDAW, A/52/38/Rev.1 part II (1997) 78 at para. 65.

The Government should use the education system and the electronic media to combat the traditional stereotype of women "in the noble role of mother" and to raise awareness of the role of men in caring and their responsibility for parenting.

- Argentina, CEDAW, A/52/38/Rev.1 part II (1997) 101 at para. 308.

Efforts should be made to increase the number of women pursuing technical careers and occupying

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positions considered to be a male preserve, and to ensure that men share with women the task of caring for the children.

- Italy, CEDAW, A/52/38/Rev.1 part II (1997) 106 at paras. 356 and 363.

Paragraph 356

Large-scale measures should be taken to combat the widespread acceptance of stereotypical roles of women and men, particularly in the south, by alerting the public to the importance of an equitable distribution between women and men of family roles and "caring responsibilities". It is essential that textbooks and teaching material be reviewed and revised to reflect the non-stereotypical roles of men and women.

Paragraph 363

The State party should ensure that all women have an adequate income and that husbands and fathers are obliged to provide financial support. The Government should also introduce measures to enforce payment of alimony and of a fair share of the matrimonial assets, including measures which would enable the courts to set aside provisions intended to or having the effect of concealing assets and income and thereby depriving women of their entitlements.

- Czech Republic, CEDAW, A/53/38/Rev.1 part I (1998) 16 at para. 191.

The lack of measures and programmes to promote a positive image of women in the media as actors in all areas and at all levels of public life and to encourage equal sharing of family responsibilities by men is of concern.

- New Zealand, CEDAW, A/53/38/Rev.1 part II (1998) 68 at para. 266.

The continuing existence of a reservation to article 11, subparagraph 2 (b), on paid maternity leave is of serious concern. The requirement for women to negotiate maternity leave individually with their employers, rather than being established as a matter of national law and policy, is a disadvantage for New Zealand's women and is of concern. The constraints for obtaining unpaid maternity leave and the lack of awareness by women of existing unpaid parental leave rights are also matters of concern.

- Algeria, CEDAW, A/54/38/Rev.1 part I (1999) 12 at para. 91.

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The fact that the Family Code still contains many discriminatory provisions which deny Algerian women their basic rights, such as free consent to marriage, equal rights to divorce, sharing of family and child-rearing responsibilities, shared child custody rights with fathers, the right to dignity and self-respect and, above all, the elimination of polygamy is a serious concern.

- Ireland, CEDAW, A/54/38/Rev.1 part II (1999) 60 at para. 184.

The Government is urged to monitor and review its work and family life policies and legislation so as to ensure that they create incentives and opportunities for women and men to share equally in paid work outside the home and unpaid family work. It is recommended that such regulations and policies be accompanied by awareness-raising and educational efforts aimed at changing attitudes concerning women's traditional roles and responsibilities for child and family care. It is also recommended that parental leave regulations be assessed with a view to providing for paid parental leave so as to create an incentive for men to take advantage of their legal entitlements.

- United Kingdom of Great Britain and Northern Ireland, CEDAW, A/54/38/Rev.1 part II (1999) 71 at para. 308.

The Government should use its new employment policies to address the pay gap between women's and men's earnings, taking into account developments that have refined the concepts of equal pay for equal work and for work of comparable value. The Government should also assess the impact of cultural stereotypes and women's reproductive responsibilities on the continuing pay gap. In this regard, the Government is invited to pursue its efforts towards providing men more opportunities to take on roles traditionally assumed by women and to continue to review and rationalize maternal and parental leave and benefits.

- Jordan, CEDAW, A/55/38 part I (2000) 16 at paras. 174 and 175.

Paragraph 174

It is noted that a woman's right to choose a family name, a profession or occupation, rights upon divorce and rights and responsibilities as a parent are not recognized in the Personal Status Code.

Paragraph 175

The Government is called upon to amend the Personal Status Code to recognize women's rights to choice of family name, occupation, as well as their rights upon divorce and with regard to their responsibilities as parents.

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- Germany, CEDAW, A/55/38 part I (2000) 29 at paras. 313 and 314.

Paragraph 313

Concern is expressed at the persistence of stereotypical and traditional attitudes about the roles and responsibilities of women and men in private and in public life. That persistence is reflected in women's predominance in part-time work, their main responsibility for family and caring work, occupational segregation, men's extremely low participation in parental leave, at 1.5 per cent of those taking parental leave in 1997, and the taxation of married couples. It is of concern that measures aimed at the reconciliation of family and work entrench stereotypical expectations for women and men. In that regard, concern is expressed at the unmet need for kindergarten places for the 0-3 age group, the fact that the proportion of all-day kindergartens was only 34.8 per cent in 1994 and that childcare centres were available for only 5.1 per cent of school-age children, especially since all-day schools are the exception in Germany.

Paragraph 314

The Government is urged to study the impact of measures aimed at reconciliation of work and family responsibilities so as to create a firm basis for policies and programmes that will accelerate change and eradicate stereotypical attitudes. The State party is urged to develop more programmes and policies targeted at men to accelerate the changing of attitudes and behaviour. The State party should consider the introduction of non-transferable parental leave for fathers to increase the number of men that share responsibility for childcare and child-rearing. The Government is also urged to improve the availability of care places for school-age children to facilitate women's re-entry into the labour market. The State party should assess the current legal provisions on the taxation of married couples ("splitting") and its impact on the perpetuation of stereotypical expectations for married women.

- Luxembourg, CEDAW, A/55/38 part I (2000) 38 at paras. 396 and 402-405.

Paragraph 396

The law on implementation of the national action plan on employment, which introduced the right to non-transferable parental leave of six months for every parent, covered by State benefits, is welcomed.

Paragraph 402

Notwithstanding the Government's stated commitment in its action plan 2000 to the implementation of the Beijing Declaration and the Platform for Action, it is of concern that no further progress has been made in withdrawing the reservations concerning articles 7 (hereditary transmission of the crown to the oldest male) and 16 (g) (right to choose the family name of children). With regard to the latter, concern is expressed at the lack of governmental commitment to working towards influencing cultural

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traditions and attitudes which would allow for a withdrawal of the reservation.

Paragraph 403

The Government should undertake awareness-raising and education campaigns to overcome traditional and stereotypical images of women and men so as to enable it to withdraw its reservation under article 16.

Paragraph 404

Concern is expressed at the persistence of traditional and stereotypical attitudes about the roles and responsibilities of women and men in public and in private life. These attitudes are reflected in people's behaviour and in legislation and policy, and limit women's full enjoyment of all their rights guaranteed under the Convention.

Paragraph 405

The Government is urged to intensify its awareness-raising efforts, supported by legislation, policy and specific projects, to overcome traditional and stereotypical attitudes, so as to emphasize women's and men's shared family responsibilities and the importance of women's full participation in public and economic life.

- Republic of Moldova, CEDAW, A/55/38 part II (2000) 56 at paras. 97, 98 and 108.

Paragraph 97

The persistence of stereotyped attitudes and behaviour patterns about the roles of women and men in the family and in society, is noted with concern. Such stereotyped behaviour is reflected in the lack of sharing of responsibilities between women and men for household and family duties.

Paragraph 98

Urgent measures should be taken to overcome stereotyped and patriarchal societal attitudes. The Government should take urgent measures to modify social and cultural patterns of behaviour, including through information and public awareness-raising campaigns, so as to facilitate the emergence of non-discriminatory attitudes about the roles and responsibilities of women and men.

Paragraph 108

The Government is invited to increase measures to adopt the sharing of family responsibilities between spouses.

- Iraq, CEDAW, A/55/38 part II (2000) 66 at paras. 191 and 192.

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Paragraph 191

Concern is expressed over the prevailing view that emphasizes women's stereotypical role in the family and in private life to the detriment of establishing equality of women in all spheres of life.

Paragraph 192

Awareness-raising campaigns should be implemented to change stereotypical and discriminatory attitudes concerning the roles of women and girls, in addition to providing a non-discriminatory legislative basis.

- Austria, CEDAW, A/55/38 part II (2000) 70 at para. 224.

Persisting cultural stereotypes of women as homemakers and child-rearers constitute an impediment to the full implementation of the Convention.

- Cuba, CEDAW, A/55/38 part II (2000) 73 at paras. 261 and 262.

Paragraph 261

Concern is expressed over the persistence of stereotypes concerning the role of women in the family and society and of attitudes and behaviours of *machismo* in many areas of public and private life. Notwithstanding the Government's recognition of this problem and the implementation of measures to address it, concern is expressed that the persistence of such stereotypes continues to be an issue affecting efforts to fully implement the Convention.

Paragraph 262

The State party should continue to undertake measures to address stereotypical attitudes in Cuban society. In particular, the Government is called upon to continue efforts aimed at increasing women's participation in all areas and at all levels of decision-making, as well as to encourage men to share family responsibilities. The Government should also continue to undertake a comprehensive assessment of the impact of its measures to identify shortcomings, and adjust and improve these measures accordingly.

- Romania, CEDAW, A/55/38 part II (2000) 77 at paras. 294 and 301.

Paragraph 294

The entry into force, in December 1999, of the law on paternal leave aimed at strengthening the principle of sharing of responsibilities in the family and society is welcomed.

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Paragraph 301

Stereotypical attitudes about the roles of women and men in the family and society are reflected in women's low level of representation in decision-making at all levels and in all areas, and this is of concern.

- Kazakhstan, CEDAW, A/56/38 part I (2001) 10 at para. 89.

Traditional attitudes towards women are reflected in the lack of sharing of family responsibilities by men and there is no legislative provision for parental leave.

- Maldives, CEDAW, A/56/38 part I (2001) 15 at para. 136.

Early marriage and domestic responsibilities contribute to high dropout rates for girls. Minimum age of marriage laws and other programmes should be introduced to prevent early marriage, in line with the obligations of the Convention.

- Uzbekistan, CEDAW, A/56/38 part I (2001) 18 at paras. 168 and 169.

Paragraph 168

It is of concern that there is a very strong prevalence and significant resurgence of patriarchal attitudes and behaviour. Such traditional attitudes towards women are reflected in the lack of sharing of responsibility by men for household and family duties.

Paragraph 169

The Government should take urgent measures to overcome traditional stereotypes regarding the role of women and men in the society. It is emphasized that gender equality policy in compliance with the Convention will require the reconceptualization of the role of women in society from that of mother and wife, exclusively responsible for children and the family, to that of individual person and actor in society.

- Mongolia, CEDAW, A/56/38 part I (2001) 26 at paras. 269 and 270.

Paragraph 269

Concern is expressed over the fact that the responsibility for family and childcare is placed exclusively on women, particularly as the population policy encourages women to have large families. This situation encourages their marginalization in the economy and exacerbates poverty.

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Paragraph 270

Laws, policies and educational programmes should be developed that support and promote the idea of joint parental responsibility and prevent discrimination against women because of their family responsibilities.

- Finland, CEDAW, A/56/38 part I (2001) 29 at para. 298.

The increase of incentives for men to use their rights to parental leave and to set up stronger monitoring mechanisms for the plans under the Equality Act are urged.

- Egypt, CEDAW, A/56/38 part I (2001) 33 at paras. 332 and 333.

Paragraph 332

The persistence of cultural stereotypes and patriarchal attitudes impedes progress in the implementation of the Convention and the full enjoyment of human rights. In this regard, there is concern that article 11 of the Egyptian Constitution, which states that “the State shall enable a woman to reconcile her duties towards her family with her work in society and guarantee her equality with men in the sphere of political, social, cultural and economic life”, appears to entrench the woman’s primary role as mother and homemaker.

Paragraph 333

Awareness-raising programmes, including those specifically directed to men, should be increased. Measures should also be taken to change stereotypical attitudes and perceptions about the roles and responsibilities of women and men.

- Andorra, CEDAW, A/56/38 part II (2001) 49 at paras. 38 and 39

Paragraph 38

Concern is expressed at the persistence of patriarchal patterns of behaviour, as well as at the existence of negative stereotypes relating to the roles of women and men in the home, the workplace and society. It is of particular concern that, while women are rapidly becoming integrated into the world of paid employment, men are not becoming involved in parental and household tasks at a comparable rate.

Paragraph 39

High priority should be given to efforts to eradicate traditional stereotypes that perpetuate direct and indirect discrimination against women. The State party is encouraged to strengthen

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educational measures, beginning at a very early age, and to increase collaboration with civil society organizations, the media and the private sector in order to achieve a greater balance in the roles and responsibilities of women and men, in particular in the sharing of family duties.

- Singapore, CEDAW, A/56/38 part II (2001) 51 at para. 70.

The intention to extend the child sick leave provision to fathers working in the civil service is noted with satisfaction.

- Guinea, CEDAW, A/56/38 part II (2001) 55 at paras. 122 and 123.

Paragraph 122

It is of concern that despite prohibitions in statutory law, there is wide social acceptance and lack of sanctions for such practices as female genital mutilation, polygamy and forced marriage, including *levirate* and *sororate*, and discrimination with regard to child custody and inheritance. Concern is expressed that the Civil Code contains provisions in family law that discriminate against women and that reinforce discriminatory social practices. The Government's use of social practices and customs to justify the non-enforcement of the Civil Code is also of concern.

Paragraph 123

An action plan should be developed, including a public-awareness campaign targeted at both women and men, with the support of civil society and social partners, to eliminate the gap between statutory law and social customs and practices, especially with regard to family law. The State party should work with relevant ministries and non-governmental organizations, including lawyers' associations and women's groups, to create an enabling environment for legal reform and effective law enforcement. The Government is called upon to ensure women's awareness of their rights and to explore and apply innovative methods to reach illiterate women.

- The Netherlands, CEDAW, A/56/38 part II (2001) 63 at paras. 203, 204, 223 and 224.

Paragraph 203

Concern is expressed that the policy of balanced division of paid work and unpaid care has not produced the expected results, since the burden of unpaid care still falls mainly upon women. There is also concern that women who work outside the home devote twice as much time as men to unpaid work, and that there are still insufficient child-care places.

Paragraph 204

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The policy of balanced division of paid work and unpaid care should be reviewed. Also, greater efforts should be devoted to the development of additional programmes and policies to encourage men to share family and caring responsibilities. In addition, the availability of sufficient childcare places, and an uninterrupted, long school day should be ensured.

Paragraph 223

It is of concern that the new Law on Names provides that where the parents cannot reach an agreement as to the name of a child, the father has the ultimate decision. This contravenes the basic principle of the Convention regarding equality.

Paragraph 224

The Law on Names should be reviewed and amended to comply with the Convention.

- Viet Nam, CEDAW, A/56/38 part II (2001) 68 at para. 250.

It is of concern that patriarchal attitudes and behaviour, reflected in women's inferior role in the family, the non-recognition of women's work, son-preference and men's failure to share household and family responsibilities, are deeply entrenched.

CRC

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

Paragraph 78

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

Paragraph 86

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

- Indonesia (preliminary), CRC, CRC/C/20 (1993) 13 at para. 44.

Concern is expressed over the fact that the rights contained in article 14 of the Convention are

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not fully protected, in spite of the fact that they are non-derogable.

- Namibia, CRC, CRC/C/24 (1994) 15 at para. 52.

Certain phenomena which may have a possible negative impact or consequence on the situation of children, such as teenage pregnancies, the high incidence of households headed by a single person, and the apparent lack of widespread understanding among parents of their joint parental responsibilities, are of concern.

- Argentina, CRC, CRC/C/38 (1995) 10 at para. 45.

Greater efforts should be undertaken to provide family education and to develop awareness of the equal responsibility of parents. Health education programmes should be developed to counter the high incidence of teenage pregnancy.

- Poland, CRC, CRC/C/38 (1995) 20 at para. 135.

Greater efforts should be made to provide family education and to develop awareness of the role of the family in society and of the equal responsibilities of parents. Further steps should be taken to strengthen the system of assistance to both parents in the performance of their child-rearing responsibilities. It is further suggested that the problem of single parenthood be studied and that relevant programmes be established to meet the particular needs of single parents.

- Jamaica, CRC, CRC/C/38 (1995) 25 at para. 162.

The need for greater efforts in developing family education and awareness of the common parental responsibilities of both parents is stressed. Family planning information and services should be given greater attention and resources. State support of measures taken to promote early childhood development and the provision of child care services and centres for working mothers is encouraged.

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

As far as protection from ill-treatment is concerned, the social preventive approach should be

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strengthened and further measures should be undertaken to educate parents about their responsibilities towards their children, including through the provision of family education which should emphasize the equal responsibilities of both parents and contribute to the prevention of the use of corporal punishment.

- Italy, CRC, CRC/C/46 (1995) 7 at para. 41.

Comprehensive measures should be provided for responsible parenthood and for support to needy families, in order to assist them in their child-rearing responsibilities, thus limiting family disruption, reducing the numbers of institutionalized children and limiting the recourse to institutionalization to a measure of last resort.

- Ukraine, CRC, CRC/C/46 (1995) 11 at para. 71.

Greater efforts should be made to develop awareness of the important role of the family and of the equal responsibilities of parents. Further steps should be taken to strengthen the system of assistance to both parents in the performance of their child-rearing responsibilities.

- Republic of Korea, CRC, CRC/C/50 (1996) 26 at para. 176.

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

- Guatemala, CRC, CRC/C/54 (1996) 31 at paras. 207, 225 and 228.

Paragraph 207

Concern is expressed about the insufficient support given to families facing severe problems in fulfilling their responsibilities as regards the upbringing of their children. Concern is expressed about widespread and severe malnutrition.

Paragraph 225

The State party is encouraged to strengthen its support to families in carrying out their child-rearing responsibilities, such as by providing nutritious food and conducting vaccination

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programmes.

Paragraph 228

Provision should be made for offering social assistance to families to help them with their child-rearing responsibilities as laid down in article 18 of the Convention as a means of reducing institutionalization of children.

- Nigeria, CRC, CRC/C/57 (1996) 12 at para. 89.

Public awareness and information campaigns must support education and advice on family matters, including equal parental responsibilities and family planning in order to foster good family practices in line with the principles and provisions of the Convention.

- Uruguay, CRC, CRC/C/57 (1996) 19 at para. 118.

Appropriate assistance should be provided to the family in the performance of its child-rearing responsibilities, with a view, *inter alia*, to preventing domestic violence and abuse, abandonment and institutionalization of children, and to promoting research in these areas.

See also:

- Bulgaria, CRC, CRC/C/62 (1997) 7 at para. 52.

- Panama, CRC, CRC/C/62 (1997) 19 at para. 127.

Effective public awareness campaigns should be developed and measures should be adopted to provide appropriate assistance to the family in the performance of its child-rearing responsibilities, including parental guidance and counselling, with a view, *inter alia*, to preventing domestic violence and to prohibiting the use of corporal punishment as well as to preventing early pregnancies.

- Bangladesh, CRC, CRC/C/66 (1997) 22 at paras. 142 and 161.

Paragraph 142

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The inadequate measures to assist parents in fulfilling their common child-rearing responsibilities and the lack of assistance or child support for many children living in single-parent families or for other particularly vulnerable children are matters of concern. The inadequate provision in legislation and practice for alternative care for children deprived of a proper family environment is also of concern.

Paragraph 161

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

- Paraguay, CRC, CRC/C/66 (1997) 29 at paras. 190 and 210.

Paragraph 190

The large number of children who are not acknowledged by their fathers and the inadequate measures taken to force fathers to be responsible for the welfare of their children are matters of concern.

Paragraph 210

Parental education and family counselling should be promoted and measures should be taken to ensure adherence to the principle that both parents have common responsibilities for the upbringing of children.

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

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

- Barbados, CRC, CRC/C/87 (1999) 9 at para. 50.

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The challenges faced by children as a result of changes in social and family structures, which have led to high numbers of single-parent households and reduced support from extended families, are of concern. The existing social security structures make it difficult for the State party to ensure that both parents contribute to the maintenance of the child. Attention should continue to be given to the risks of early parenthood and single parenthood, to the promotion of higher levels of involvement of fathers in the upbringing and development of the child, and to the need to provide necessary support to children in these cases.

- Saint Kitts and Nevis, CRC, CRC/C/87 (1999) 17 at paras. 82 and 83.

Paragraph 82

The apparent lack of legal protection with respect to rights, including maintenance and inheritance rights, of children born out of wedlock from “visiting” or common law relationships and the financial and psychological impact of such relationships, is of concern. Efforts should be increased in developing family education and awareness through, *inter alia*, providing support, including training for parents, especially those in “visiting” and common law relationships, in parental guidance and joint parental responsibilities. A study should be undertaken on the impact (both physical and psychological) of “visiting relationships” on children. All the necessary measures should be taken, including those of a legal nature, to ensure that the rights of children born of “visiting” and common law relationships are protected. Technical assistance should be sought from UNICEF and WHO.

Paragraph 83

The absence of bilateral agreements for reciprocal enforcement of maintenance orders remains of concern. Efforts should be made to put in place the necessary measures to ensure the recovery of maintenance for children from parents who emigrate.

See also:

- Grenada, CRC, CRC/C/94 (2000) 72 at para. 400.
- United Kingdom of Great Britain and Northern Ireland (Overseas Territories), CRC, CRC/C/100 (2000) 40 at paras. 237 and 238.

- Benin, CRC, CRC/C/87 (1999) 35 at para. 151.

The lack of policies and programmes to provide guidance and assistance to parents in fulfilling their parental responsibilities is of concern. Policies and programmes should be established to provide guidance and assistance to parents and to enhance their parental skills.

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- Sierra Leone, CRC, CRC/C/94 (2000) 24 at paras. 162-164.

Paragraph 162

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

Paragraph 163

Concern is expressed that parents and families, particularly given the specific nature of the recent conflict, are in need of support and guidance with regard to their responsibilities for children under their care.

Paragraph 164

Every effort should be made to strengthen family ties and the capacity of parents to fulfil their role in contributing to the protection of children's rights and providing, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the Convention. The Committee recommends, *inter alia*, the strengthening of existing mechanisms which provide guidance to parents and families, and that equal emphasis, in such efforts, be placed on the roles of women and of men.

- South Africa, CRC, CRC/C/94 (2000) 81 at paras. 435, 436 and 441.

Paragraph 435

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

Paragraph 436

While legislation has been enacted to provide for the recovery of maintenance for the child, insufficient measures have been taken to ensure the enforcement of maintenance orders. In light of article 27 of the Convention, it is recommended that the State party take effective measures to ensure compliance with maintenance orders and the recovery of maintenance for the child.

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Paragraph 441

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

- Djibouti, CRC, CRC/C/97 (2000) 96 at paras. 542 and 543.

Paragraph 542

The impact of gender discrimination on the sharing of parental responsibility and the impact on children of the continuing practice of polygamy are matters of concern. Concern is also expressed about the lack of detailed information regarding cases of children separated from their parents against their will when necessary for the best interests of the child and respecting the legal guarantees set by the provisions of article 9 of the Convention.

Paragraph 543

The State party is encouraged to review its legislation, programmes and policies so as to promote the equal sharing of parental responsibility, discourage the practice of polygamy, and ensure adequate protection of children from abuse and neglect even when it may involve the need to separate children from their parents against their will.

- Marshall Islands, CRC, CRC/C/100 (2000) 89 at paras. 521 and 522.

Paragraph 521

It is of concern that many children in urban areas are left unattended at home while their parents are at work or pursue leisure activities. Owing to recent and rapid urbanization, assistance from extended family support networks is not always available. It is noted with concern that single parenthood and teenage pregnancy are increasing.

Paragraph 522

The State party should continue and strengthen its measures and programmes to educate and provide counselling on parental responsibilities to the general public. In light of articles 18 and 21 of the Convention, the State party is urged to consider developing comprehensive measures

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to encourage responsible parenthood and to assist needy families with their child-rearing responsibilities, for instance by offering social assistance to families or by securing childcare services and facilities for working parents.

- Latvia, CRC, CRC/C/103 (2001) 9 at paras. 56 and 57.

Paragraph 56

Concern is expressed about the high number of children living in institutions, due mainly to the fact that children living in vulnerable families or with a very low income cannot be supported because of the lack of alternative care and of social assistance.

Paragraph 57

In light of articles 18 and 26 of the Convention, comprehensive measures should be developed to support vulnerable families with a view to assisting them in their child-rearing responsibilities, for instance by increasing various forms of social assistance to families or by securing child-care services and facilities to help them with their child-rearing.

- Ethiopia, CRC, CRC/C/103 (2001) 24 at paras. 164 and 165.

Paragraph 164

While noting the very positive changes made to the Family Code, which establish fathers and mothers on a more equal legal base in the context of family separation than was previously the case, concerns remain that traditional and discriminatory practices may continue in spite of the new legislation.

Paragraph 165

The State party should make every effort to ensure that the provisions of the new Family Code are known by the population and respected and implemented in practice, and that structures are put in place to empower parents and children to claim child maintenance payments.

- Egypt, CRC, CRC/C/103 (2001) 36 at paras. 228 and 229.

Paragraph 228

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The general principle of the best interests of the child contained in article 3 of the Convention is not sufficiently taken into consideration, including in matters relating to family law (e.g. custody upon separation in article 20 of Law No. 25/1929 as amended, is determined by the child's age rather than the child's best interests and is discriminatory).

Paragraph 229

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

- Lithuania, CRC, CRC/C/103 (2001) 47 at paras. 282 and 283.

Paragraph 282

For a long time, issues such as abuse and neglect of children were not recognized as problems and deprivation of parental rights was the only legal way of protecting a child from abuse and violence within the family. Concern is expressed about the lack of data, appropriate measures, mechanisms and resources to prevent and combat all forms of child abuse and other forms of domestic violence.

Paragraph 283

In light of article 19 of the Convention, the State party should undertake studies on domestic violence, ill-treatment and abuse, including sexual abuse, to enable it to understand the extent, scope and nature of these practices, adopt adequate measures and policies and thereby contribute to changing attitudes. It is noted that while such measures are included in the new Civil Code, it is not yet in force. The State party should ensure that cases of domestic violence and ill-treatment and abuse of children, including sexual, are properly investigated within a child-friendly inquiry and judicial procedure in order to guarantee better protection of child victims, including their right to privacy. All necessary measures should be taken to make sure that placement of children outside their family only occurs when it is evidently in the best interests of the child and for the shortest period possible. Measures should also be taken to ensure the provision of support services to children in legal proceedings and the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment and violence, in accordance with article 39 of the Convention.

- Lesotho, CRC, CRC/C/103 (2001) 57 at paras. 345 and 346.

Paragraph 345

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The reported increase in family breakdown is noted with concern. This is related to a combination of factors, including HIV/AIDS, household poverty, the retrenchment of migrant workers from South Africa and increasing unemployment. Concern is expressed that the principle of the best interests of children is not respected by families or customary and civil courts in the course of family breakdown and that children in such situations are more likely to be abandoned or forced to live on the streets. Difficulties experienced by single parents, in particular single mothers, with regard to the enforcement of child maintenance payment orders and the growing number of child-headed households, linked to the spread of HIV/AIDS are matters of concern.

Paragraph 346

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

- Denmark, CRC, CRC/C/108 (2001) 10 at paras. 60 and 61.

Paragraph 60

It is of concern that the general principle of the best interests of the child (art. 3) is not fully applied and duly integrated in the implementation of domestic policies and programmes. In this regard, it is noted that the rights of parents are often found to be more important than the best interests of the child.

Paragraph 61

Further efforts should be made to ensure the implementation of the principle of the best interests of the child in laws, policies and programmes for children, as well as in all judicial and administrative decisions concerning children.

- Turkey, CRC, CRC/C/108 (2001) 18 at paras. 121, 122 and 132.

Paragraph 121

It is of concern that there is no appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities, in particular in the case of female-headed families.

Paragraph 122

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The State party is encouraged to undertake effective measures to improve social assistance to families, including through counselling and community- based programmes, and to implement fully the programme of cooperation with UNICEF on enhancing family capacity, in order also to reduce the number of children in institutional care.

Paragraph 132

To prevent child mortality and morbidity, adequate antenatal and post-natal health care services should be provided and campaigns developed to provide parents with basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation, and the prevention of accidents.

- Democratic Republic of the Congo, CRC, CRC/C/108 (2001) 31 at paras. 185, 186, 191 and 192.

Paragraph 185

It is of deep concern that the State seems increasingly to be shifting its duties and responsibilities onto parents and persons effectively or legally responsible for a child's upbringing. The large number of single-parent and child-headed households, the diminishing role of the extended family, and the negative effect of these changes on respect for children's rights are also matters of concern. Additionally, the increasing practice of "bi-linear" families under which a community leader assumes parental responsibilities for children, is of concern as this practice is replacing parents and has a negative impact on children.

Paragraph 186

The State party should identify, within the framework of a coherent family policy, priorities in terms of the assistance required by parents and other guardians in the context of their care for children, and should ensure provision of the necessary financial and human resources, in particular for single parents and child-headed households. In addition, attention should be given to concerns related to "bi-linear" parenting practices.

Paragraph 191

It is of concern that fathers are favoured by courts when determining which parent should have the care of children, that financial security is often the only criterion referred to by judges in such decisions, and that the best interests of the child are not a primary consideration.

Paragraph 192

Steps should be taken to guarantee that child custody decisions are made on the basis of the best interests of the child and take due account of a child's views while also ensuring respect for a

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child's right to maintain contact with parents.

- Guatemala, CRC, CRC/C/108 (2001) 47 at paras. 259 and 260.

Paragraph 259

The development of initiatives such as the Plan of Action for Social Development and Peacebuilding 1996-2000, which had among its priorities the strengthening of the family, schooling for parents and the Comprehensive Care Programme for Children under Six (PAIN), are positive measures in line with the Committee's previous recommendation. However, it is of concern that such programmes have had little impact in view of the number of children and parents who need this support.

Paragraph 260

In light of article 18 of the Convention, social assistance to families should be improved to help them with their child-rearing responsibilities, including through counselling and community-based programmes, as a means of reducing the number of children in institutional care. Assistance should be sought from among others, UNICEF.

- Monaco, CRC, CRC/C/108 (2001) 97 at paras. 517-520.

Paragraph 517

Concern is expressed that fathers and mothers do not benefit equally from the provision of financial assistance by the State in the context of assistance to families, and that the greater access of mothers to financial aid may lead to discrimination against either, or both, fathers and mothers and have a consequentially negative effect on the rights of their children.

Paragraph 518

The State party should establish an equal right of fathers and mothers to financial assistance related to the care of their children.

Paragraph 519

There is concern that parental responsibility is not assigned equally, under law, to fathers and mothers and that this may negatively affect the situation of children.

Paragraph 520

Domestic legislation should be amended to ensure that men and women have equal parenting

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rights.