

**PROTECTION OF THE FAMILY  
- PARENTAL RIGHTS AND RESPONSIBILITIES**

**IV. CONCLUDING OBSERVATIONS, CONTINUED**

**CERD**

- Saudi Arabia, CERD, A/58/18 (2003) 41 at para. 214.

214. The Committee, noting the information provided concerning the acquisition of nationality under the Nationality Regulations, is nevertheless concerned that a Saudi woman is unable to transmit her nationality to her child when she is married to a foreign national, and that a foreign man is unable to acquire Saudi nationality in the same manner as a foreign woman. The Committee requests the State party to consider the possibility of modifying these provisions in order to conform to article 5 (d) (iii) of the Convention.

- Bahrain, CERD, A/60/18 (2005) 22 at para. 87.

87. The Committee, noting the information provided regarding the acquisition of nationality, is concerned that a Bahraini woman is unable to transmit her nationality to her child when she is married to a foreign national, and that a foreign man is unable to acquire Bahraini nationality in the same manner as a foreign woman.

The Committee requests the State party to consider the possibility of modifying these provisions in order to conform to article 5 (d) (iii) of the Convention. In this connection, it draws the attention of the State party to general recommendation XXV and to general recommendation XXX, which requests States parties to ensure that particular groups of non-citizens are not discriminated against with regard to access to citizenship or naturalization.

**ICESCR**

- Jamaica, ICESCR, E/2002/22 (2001) 130 at paras. 931 and 943.

931. ...The Committee is...concerned about the existence of laws which are discriminatory on the basis of sex (mostly against women but at times against men), such as section 6, paragraph 1, of the 1947 Pensions Act providing for payments to married males, the 1942 Women (Employment of) Act prohibiting night work by women except in specified circumstances, and the 1958 Children (Adoption of) Act allowing for adoption of female children by males only under specially justified circumstances.

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943. ...The Committee...recommends that the State party consider amending the Acts

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mentioned above (para. 931) and other legal measures that are discriminatory to men as well as women.

- New Zealand, ICESCR, E/2004/22 (2003) 35 at para. 181.

181. The Committee welcomes the introduction of new legislation providing for a government-funded parental leave scheme, whereby 12 weeks' paid parental leave is granted to either parent. The Committee also notes the statement made by the State party that it intends to withdraw its reservation under article 10, paragraph 2, of the Covenant.

- Iceland, ICESCR, E/2004/22 (2003) 39 at para. 217.

217. The Committee notes with appreciation the new Act on Maternity/Paternity Leave and Parental Leave which reconciles family life and work, provides for time for parents to devote to their children, and promotes the sharing of parental responsibilities and gender equality in the labour market.

- Chile, ICESCR, E/2005/22 (2004) 67 at paras. 554 and 582.

554. The Committee is concerned about the scope of the planned law (on the reorganization of subsidies for industrial disablement and sick leave) which would involve a legislative restriction of the current law, permitting parents a subsidized leave from work to care for children under the age of 1 in the case of serious illness.

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582. The Committee recommends that the State party review its proposed legislation on the reduction in the parental medical leave benefit system, with a view to ensuring that it will not represent a retrogressive measure affecting the minimum standards of the right to health, as outlined in the Committee's general comment No. 14 (2000) on the right to the highest attainable standard of health (article 12 of the Covenant).

- China, ICESCR, E/2006/22 (2005) 25 at paras. 165 and 194.

165. The Committee is deeply concerned about reports of forced abortions and forced sterilizations imposed on women, including those belonging to ethnic minority groups, by local officials in the context of the one-child policy, and about the high maternal mortality rate as a result of unsafe abortions.

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194. The Committee urges the State party to undertake effective measures to ensure that abortions are carried out voluntarily and under adequate medical and sanitary conditions and to ensure that the existing legislation governing the one-child policy does not violate the rights enshrined in article 10 of the Covenant...

- China (Macao Special Administrative Region), ICESCR, E/2006/22 (2005) 38 at paras. 238 and 248.

238. The Committee is concerned about the differences in the criteria for entitlement to maternity leave for workers in the public and private sectors, and that the entitlement of male workers to five days of paternity leave is only applicable in the public sector.

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248. The Committee recommends that the Macao Special Administrative Region take effective measures to increase public awareness, especially in the private sector, about the importance of maternity and paternity leaves that reconcile professional and family life for men and women. The Committee further recommends that the Macao Special Administrative Region take immediate measures to ensure the right of private sector workers to maternity leave, without placing limitations on the number of births, and to ensure that male workers in the private sector are granted the right to five days of paternity leave, as in the public sector.

- Norway, ICESCR, E/2006/22 (2005) 48 at paras. 341 and 359.

341. The Committee expresses concern at the high number of children who are removed from their families and placed in institutions or foster homes in the State party.

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359. The Committee requests the State party to address the situation of children who are removed from their families and placed in institutions or foster homes and to take measures to identify and address the underlying causes. In this regard, the Committee recommends that the State party undertake periodic comprehensive reviews of children placed in institutions or foster homes and strengthen its efforts to provide parents with the necessary assistance and support to enable them to exercise their parental role and responsibilities in the upbringing and education of their children...

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- Fiji, CEDAW, A/57/38 part I (2002) 9 at paras. 54 and 55.

54. The Committee notes that women shoulder a heavy burden of dual responsibility at work and in the family, and that there has been an increase in the number of female heads of households. It is concerned that entrenched stereotypical attitudes to women in society and the idea of an exclusively male head of household encourages segregation in employment and a denial of the economic contribution of women.

55. The Committee recommends an accelerated and broad-based programme of human rights education and gender training which includes dissemination of information on the Convention, with a view to changing existing stereotypical attitudes. It also recommends changes in laws and administrative regulations to recognize women as heads of households and the concept of shared economic contribution and household responsibilities.

- Estonia, CEDAW, A/57/38 part I (2002) 13 at paras. 95, 96, 107 and 108.

95. The Committee is concerned about the resurgence and persistence of traditional stereotypes regarding the role of men and women in the family, and in society at large. The Committee is also concerned about the lack of targeted educational programmes, mass media campaigns and temporary special measures to eliminate these stereotypes.

96. 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 legislation be enacted and policies adopted to cover not only the prohibition of discrimination against women but also of the more subtle utilization of and support for traditional sex role stereotypes in the family, in employment, in politics and in society.

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107. The Committee notes with concern that the position of women in the labour market is characterized by discrimination and by a strong occupational segregation with a concomitant wage differential. The Committee is also concerned at the situation of young women who face additional difficulties in the labour market owing to the domestic and family responsibilities assigned to them, placing them in a vulnerable position and leading to a higher incidence in part-time or temporary work among them.

108. The Committee recommends that efforts be made to eliminate occupational segregation through the adoption of the new Employment Contracts Act under preparation, as well as through efforts in education, training and retraining. There should be additional wage increases in female-dominated sectors of public employment to decrease the wage

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differential in comparison with male-dominated sectors... It also recommends that effective measures allowing for the reconciliation between family and professional responsibilities be envisaged and that the sharing of domestic and family tasks between women and men be encouraged.

- Trinidad and Tobago, CEDAW, A/57/38 part I (2002) 19 at paras. 159 and 160.

159. The Committee is concerned that family planning programmes appear to be aimed only at women and there is limited emphasis on male responsibility in this regard.

160. The Committee recommends the introduction of programmes to encourage men to take part in family planning responsibilities.

- Uruguay, CEDAW, A/57/38 part I (2002) 23 at paras. 192, 193, 200 and 201.

192. The Committee expresses concern at the continuing existence of stereotypes relating to the role of women in the family and society, and at deep-rooted attitudes and conduct based on the assumed superiority of men in many public and private spheres. It is a matter of concern to the Committee that the State party attaches little importance to this problem and thus encourages the persistence of such stereotypes, which are an obstacle to the implementation of the Convention.

193. The Committee urges the State party to adopt measures to eliminate social stereotypes in Uruguay. It urges the State party to concentrate on increasing women's participation in all areas, particularly decision-making, and on prevailing on men to share family responsibilities. It urges the State party to strengthen its awareness-raising programmes, and to take action to change stereotyped attitudes and perceptions as to men's and women's roles and responsibilities.

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200. The Committee is concerned at the low participation of women in politics and government administration, particularly as regards decision-making.

201. The Committee urges the State party to take appropriate action and implement broad strategies, including temporary special measures under article 4, paragraph 1, of the Convention, with a view to promoting greater participation by women in public life, particularly decision-making and promoting changes in attitudes and perceptions, held by both women and men, as regards their respective roles in the household, the family, at work and in society as a whole. In particular, the Committee recommends that the State party take account of general recommendations 21 concerning equality in marriage and family

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relations, and 23 concerning women in public life, that it should strengthen and step up action to promote awareness of the importance of the role, activities and many contributions of women in the community and in the family, and that it should in general promote equality of men and women with respect to rights and opportunities.

- Iceland, CEDAW, A/57/38 part I (2002) 27 at paras. 241 and 242.

241. The Committee is...concerned that the long-standing high rate of part-time employment of women suggests that, despite the State party's efforts to facilitate the reconciliation of family life and work, women still bear a larger share of family responsibilities.

242. The Committee encourages the State party to continue its efforts to take measures to assist women and men in striking a balance between family and employment responsibilities, *inter alia*, through further awareness-raising and education initiatives for both women and men, including with respect to sharing tasks within the family and ensuring that part-time employment is not taken up exclusively by women.

- Portugal, CEDAW, A/57/38 part I (2002) 35 at para. 322.

322. The Committee commends the State party for recognizing stereotypical attitudes as a major source of women's continuing disadvantage and welcomes the different means to address such attitudes, including awareness-raising campaigns and emphasis on shared responsibility in the family.

- Saint Kitts and Nevis, CEDAW, A/57/38 part II (2002) 90 at paras. 103, 104, 109 and 110.

103. The Committee expresses concern about the persistence of cultural practices and strong stereotyped attitudes towards the roles and responsibilities of women and men, which affect all spheres of life and impede the full implementation of the Convention.

104. The Committee urges the State party to increase its efforts to create awareness in the society about the need to change stereotyped and discriminatory attitudes concerning the role of women and girls, including through specific programmes directed towards boys and men. In particular, the Committee recommends the extension to all communities of the Ministry of Social Development's pilot parenting programme for fathers, in order to promote the idea of shared parental responsibility.

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109. The Committee expresses concern about the lack of legal aid for women and the lengthy process which makes it difficult for women to take men to court in order to obtain child support. The Committee is also concerned that such a lengthy process allows men to serve a prison sentence instead of paying maintenance.

110. The Committee urges the State party to take adequate legislative measures to make it easier for women to obtain child support and access to legal aid.

- Ukraine, CEDAW, A/57/38 part II (2002) 114 at paras. 295 and 296.

295. The Committee is concerned about the persistence of traditional stereotypes regarding the role of men and women in the family and in society at large.

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.

- Armenia, CEDAW, A/57/38 part III (2002) 150 at paras. 54 and 55.

54. The Committee is particularly concerned that deeply rooted patriarchal attitudes in the family and society persist despite the high level of education that women have achieved.

55. The Committee recommends that the State party take urgent and wide-ranging measures, such as the revision of curricula and textbooks and the implementation of awareness-raising programmes, including specific programmes targeting men and boys, to change stereotypical and discriminatory attitudes and perceptions about the roles and responsibilities of women and girls and men and boys in the family and in society.

- Uganda, CEDAW, A/57/38 part III (2002) 164 at paras. 153 and 154.

153. While noting that Article 33 (6) of the Constitution “prohibits laws, customs or traditions which are against the dignity, welfare or interest of women”, the Committee notes with concern the continued existence of legislation, customary laws and practices on inheritance, land ownership, widow inheritance, polygamy, forced marriage, bride price,

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guardianship of children and the definition of adultery that discriminate against women and conflict with the Constitution and the Convention.

154. The Committee urges the State party, in line with Article 33 (6) of the 1995 Constitution, to amend these laws and prohibit such practices. The Committee requests the State party to work with the 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 and legal literacy.

- Guatemala, CEDAW, A/57/38 part III (2002) 171 at paras. 194 and 195.

194. The Committee...expresses concern about the limited autonomy that women have over decisions on the number and spacing of their children, and the limited sex education and knowledge of family planning. The Committee is also concerned about prevalent social attitudes that measure a man's masculinity by the number of children he fathers.

195. The Committee calls upon the State party to improve its family planning and reproductive health policy and programmes by, *inter alia*, making affordable contraceptive means widely available and accessible to both women and men, in particular in the rural areas. It encourages the State party to redouble its efforts to eliminate the view that the sole role of women is reproduction, as stated in its combined third and fourth periodic report.

- Barbados, CEDAW, A/57/38 part III (2002) 177 at paras. 233, 234, 243 and 244.

233. The Committee remains concerned about entrenched stereotypical attitudes and behaviour, which tend to reinforce women's inferior status in all spheres of life, and regrets that the State party has not undertaken sustained programmes to change these social and cultural attitudes and patterns of behaviour that lead to stereotyping.

234. The Committee calls upon the State party to strengthen measures aimed at changing stereotypical attitudes about the roles and responsibilities of women and men, including through sustained awareness-raising designed in collaboration with the media and women's non-governmental organizations and educational campaigns directed at both women and men. The Committee emphasizes that a policy of gender equality in compliance with the Convention will require the recognition that women can have various roles in society, not only the important role of mother and wife, exclusively responsible for children and the family, but also as an individual person and actor in the community and in the society in general.

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243. The Committee notes...the absence of statutory parental leave for fathers and the apparent lack of equal employment opportunity legislation.

244. The Committee... recommends the adoption of an equal employment opportunity law and a legislative provision on parental leave for fathers.

- Greece, CEDAW, A/57/38 part III (2002) 184 at paras. 285 and 286.

285. The Committee is concerned that fathers are not taking childcare leave and that this reinforces negative stereotypes regarding working matters.

286. The Committee requests that the State party introduce individualized paid paternal leave for childcare.

- Hungary, CEDAW, A/57/38 part III (2002) 189 at paras. 319, 320, 327 and 328.

319. 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.

320. The Committee urges the State party to design and implement comprehensive programmes in the educational system, including human rights education and gender training, which includes dissemination of information on the Convention, with a view to changing existing stereotypical attitudes, including advancing the notion of parenting as a social responsibility of both mothers and fathers. It recommends awareness-raising campaigns directed at both women and men as required by article 5 of the Convention. The Committee recommends that men be encouraged through measures, such as non-transferable parental leave, to make this transformation.

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327. ...The Committee is concerned about discrimination in hiring women of childbearing age, mothers with small children and older women.

328. ...The Committee recommends that measures allowing for reconciliation between family and professional responsibilities be strengthened and that the sharing of domestic and family tasks between women and men be promoted.

### ***See also:***

- Czech Republic, CEDAW, A/57/38 part III (2002) 157 at paras. 99 and 100.

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- Switzerland, CEDAW, A/58/38 part I (2003) 20 at paras. 114, 115 and 130-133.

114. 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 which are reflected in women's educational choices, their situation in the labour market and low participation in political and public life.

115. The Committee urges the State party to design and implement comprehensive programmes in the educational system, including human rights education and gender training, and to disseminate information on the Convention, with a view to changing existing stereotypical attitudes on women and men's roles, including advancing the notion of parenting as a social responsibility of both mothers and fathers. It recommends that awareness-raising campaigns be addressed to both women and men and that the media be encouraged to project a positive image of women and of the equal status and responsibilities of women and men in the private and public spheres.

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130. The Committee is concerned that, although women's rate of participation has been steadily rising and notwithstanding the constitutional mandate to establish gender equality in work and the constitutional provisions on the right to equal pay for work of equal value, as well as the Equality Act, women remain disadvantaged in the labour market. The Committee is particularly concerned at the pay differentiation between women and men and some criteria used to justify it, particularly as regards considerations of a social nature, such as family responsibilities. The Committee is further concerned by the high prevalence of women in part-time work, the higher rate of unemployment among women as compared with men, and the difficulties mainly faced by women in reconciling their personal and family lives with professional and public responsibilities.

131. The Committee urges the State party to ensure *de facto* equal opportunities for women and men in the labour market through, *inter alia*, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that efforts be made to eliminate occupational segregation, both horizontal and vertical, through, *inter alia*, education, training and retraining, and effective enforcement mechanisms. It also recommends that job evaluation systems based on gender-sensitive criteria be developed with the aim of closing the existing wage gap between women and men. The Committee recommends that measures allowing for the reconciliation of family and professional responsibilities be adopted and implemented and that equal sharing of domestic and family tasks between women and men be promoted.

132. The Committee expresses concern over the delay in introducing paid maternity leave in the State party and notes that several proposals to introduce paid maternity leave have been rejected by popular vote.

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133. The Committee calls upon the State party to ensure the speedy enactment of the draft legislation on maternity leave with pay that was adopted by the Federal Council and the National Council in November and December 2002... The Committee recommends the undertaking of awareness-raising campaigns for developing a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children. Such campaigns should also stress the role of men and pave the way for a debate on the issue of paternity and parental leave as important factors in the sharing of family responsibilities and guaranteeing equality for women in the labour market and in social life.

- El Salvador, CEDAW, A/58/38 part I (2003) 41 at paras. 267 and 268.

267. The Committee is concerned at the lack of priority given to women in employment policy, which could result in their increased vulnerability in the economic adjustment process taking place in the country, in particular, the insufficient measures taken to enable them to reconcile their family and professional responsibilities and the persistence of wage disparities for work of equal value.

268. The Committee recommends that the necessary measures should be taken to ensure compliance with the provisions of article 11 of the Convention and of the relevant International Labour Organization conventions ratified by El Salvador.

- Luxembourg, CEDAW, A/58/38 part I (2003) 47 at para. 298.

298. The Committee welcomes the fact that the number of men taking parental leave has increased, indicating a heightened awareness of shared parental responsibility.

- Costa Rica, CEDAW, A/58/38 part II (2003) 86 at paras. 68 and 69.

68. The Committee notes with satisfaction the comprehensive health-care programmes for women and the progress achieved, as well as the establishment of the Inter-Institutional Commission on Sexual and Reproductive Health, the 1994 Reproductive and Sexual Health and Rights Counselling Services and the new comprehensive health-care model. Nevertheless, the Committee expresses its concern at the limited dissemination of women's comprehensive health-care rights and the absence of a national sexual education and family planning information and/or education programme to permit the creation of awareness among women and men of their rights and responsibilities in relation to the reproductive

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process. It is also concerned that, despite the steps taken and the adoption of the Adolescent Mothers' Protection Act, there is continued increase in teenage pregnancies and apparent lack of awareness among men, teenage or adult, of their responsibility as fathers.

69. The Committee requests the State party to strengthen its health-care programmes, including those for sexual and reproductive health, and to launch as soon as possible a national programme to provide women and men with timely and reliable information on the available contraceptive methods and those capable of allowing them to exercise their right of free and informed choice of the number and spacing of the children they wish to have, as well as to reinforce the measures for preventing sexually transmitted diseases and HIV/AIDS, including the availability of condoms. It also requests the State party to continue strengthening support programmes for pregnant teenagers and mothers and sex education programmes aimed at preventing pregnancies among the teenage population.

- Brazil, CEDAW, A/58/38 part II (2003) 93 at para. 93.

93. The Committee commends the State party for a number of legal reforms introduced since the ratification of the Convention in 1984, including the law on paternity suits involving children born out of wedlock; the law on the right to family planning;...

- Morocco, CEDAW, A/58/38 part II (2003) 101 at paras. 162 and 163.

162. The Committee is concerned about the many remaining discriminatory provisions in the Personal Status Code, which sets different standards for women and men in issues related to marriage and family life; a different minimum age of marriage for women and men; restrictions for women in obtaining a divorce and the risk of repudiation. The law provides for a different age for guardianship of girls and boys and stipulates restrictions on women in becoming legal guardians of their children. A bill is still pending adoption by Parliament concerning a Moroccan woman's right to pass on her nationality to her children when she is married to a foreigner. The Committee is also concerned about the legal difficulties faced by single mothers.

163. The Committee urges the State party to continue, and to expedite, the process of legislative reform within the framework of the Royal Commission on the Personal Status Code and to amend discriminatory provisions affecting women's rights within the family in relation to divorce and repudiation, legal guardianship and the age for guardianship in order to bring them into harmony with the Convention. The Committee urges the State party to take measures to raise the minimum age of marriage for women and men to 18 years, in line with the Convention on the Elimination of All Forms of Discrimination against Women and

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the Convention on the Rights of the Child. The Committee urges the State party to expedite the adoption of the proposed bill on nationality and to withdraw its reservation concerning article 9, paragraph 2, of the Convention. The Committee urges the State party to ensure that laws with regard to the status of women in the family as well as single mothers affirm and incorporate the principle of gender equality and partnership between women and men and the full realization of women's human rights. The Committee encourages the State party to reform relevant existing laws in consultation with women's groups.

- Slovenia, CEDAW, A/58/38 part II (2003) 109 at paras. 199 and 213.

199. The Committee commends the State party for adopting new laws in support of the goal of gender equality, including the Act on Equal Opportunities for Women and Men, which, *inter alia*, introduces a legal basis for the elaboration of temporary special measures to promote *de facto* equality between women and men; the Employment Relationships Act, which provides for equal opportunities and equal treatment of women and men in employment; the Parental Care and Family Income Act, providing parental leave for fathers; and the special provision guaranteeing non-sexist use of language in legislation.

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213. The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, *inter alia*, temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that the State party design and implement special training and retraining programmes for unemployed women. It also recommends that effective measures allowing for the reconciliation of family and professional responsibilities be strengthened and that the sharing of domestic and family responsibilities between women and men be promoted...

- France, CEDAW, A/58/38 part II (2003) 116 at paras. 249, 269 and 270.

249. The Committee commends the State party for adopting Act No. 2002-305 concerning parental authority, which sets out to apply a concept of co-parenting based on the three principles of equality between parents, equality between children, and the child's right to her or his two parents.

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269. While noting initiatives to eliminate stereotypes, the Committee is concerned that stereotypical attitudes persist.

270. The Committee recommends that the State party intensify its efforts, including

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legislative measures to prevent the portrayal of negative and discriminatory images of women in the media, to change stereotypical images and discriminatory attitudes and perceptions about the roles and responsibilities of women and girls and men and boys in the family and in society.

- Ecuador, CEDAW, A/58/38 part II (2003) 122 at paras. 317, 318, 325 and 326.

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...

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325. Despite the existence of awareness-raising programmes, the Committee is concerned at the persistence of traditional stereotypes relating to the roles and responsibilities of women and men within the family, in the education system and in society in general.

326. The Committee recommends the development of policies and implementation of programmes for women and men aimed at eliminating stereotypes associated with traditional roles within the family and in the education system, employment, politics and society in general.

- Japan, CEDAW, A/58/38 part II (2003) 130 at paras. 352, 359, 360, 369 and 370.

352. The Committee notes with appreciation the law reform undertaken by the State party in several areas, including the revision of the Equal Employment Opportunity Law that prohibits discrimination against women from recruitment to retirement and obliges managers to give consideration to the prevention of sexual harassment in the workplace; the 2001 revision of the Child Care and Family Care Leave Law that prohibits disadvantageous treatment of employees because of their taking childcare leave...

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359. While appreciating the State party's recognition that the long-standing stereotyped perception of gender roles remains the major obstacle to achieving equality between women and men and noting its efforts based on regular opinion polls in this regard, the Committee remains concerned about the persistence of deeply rooted and rigid stereotypes in Japan regarding the role and responsibilities of women and men in the family and in society, which are reflected in women's situation in the labour market, educational choices and low participation in political and public life.

360. The Committee recommends that the State party design and implement comprehensive programmes in the educational system, including human rights education and gender equality training, and disseminate information on the Convention and the Government's commitment to gender equality, with a view to changing existing stereotypical attitudes on women's and men's roles. It recommends that the State party disaggregate its surveys and opinion polls, not only by sex but also by age and, on the basis of the results increase targeted efforts at advancing the notion of parenting as a social responsibility of both mothers and fathers. It recommends that awareness-raising campaigns be intensified and that the media be encouraged to project a positive image of women and of the equal status and responsibilities of women and men in the private and public spheres.

...

369. The Committee is concerned at the existing wage gap between women and men, stemming largely from the difference in type of work, horizontal and vertical employment segregation as expressed by the two-track employment management system, and the lack of understanding regarding the practice and the effects of indirect discrimination as expressed in governmental guidelines to the Equal Employment Opportunity Law. The Committee is further concerned by the high percentage of women in part-time work and by women who are "dispatch workers", whose salaries are lower than those working in a regular situation. The Committee is deeply concerned about the difficulties faced primarily by women in reconciling their personal and family lives with professional and public responsibilities.

370. The Committee urges the State party to amend its guidelines to the Equal Employment Opportunity Law and to increase its efforts towards accelerating the achievement of *de facto* equal opportunities for women and men in the labour market through, *inter alia*, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that efforts be made to eliminate occupational segregation, both horizontal and vertical, through, *inter alia*, education and training, effective enforcement mechanisms and systematic monitoring of progress. The Committee recommends that measures allowing for the reconciliation of family and professional responsibilities be intensified, that equal sharing of domestic and family tasks between women and men be promoted, and that changes to the stereotypical expectations of women's roles in the family and labour market be encouraged.

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***See also:***

- Norway, CEDAW, A/58/38 part I (2003) 61 para. 430.
  
- New Zealand, CEDAW, A/58/38 part II (2003) 138 at paras. 411 and 412.

411. While acknowledging the efforts undertaken by the State party to address discrimination faced by women in the labour market, the Committee is concerned that women remain disadvantaged in the labour market, that prerequisites and criteria [to] qualify for paid parental leave may add to women's difficulties in entering the labour market and that the level of benefits does not provide an incentive for men to take up parental leave. The Committee is concerned about the persistence of a gender pay gap, occupational segregation, the high number of women in part-time work and in temporary jobs, affecting their eligibility for paid maternity leave, and the low wages paid to women. The Committee is also concerned about the difficulties women face in reconciling their personal and family lives with their professional and public responsibilities.

412. The Committee recommends that the State party ensure equal opportunities for women and men in the public and private sectors, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. It also recommends that the State party design and implement targeted job-training programmes for different groups of unemployed women. The Committee further recommends that efforts be made to eliminate occupational segregation, through education and training, the application of the principle of equal pay for work of equal and comparable value, and the promotion of additional wage increases in female-dominated sectors of employment. The Committee recommends that the State party consider further amending the Parental Leave and Employment (Paid Parental Leave) Amendment Act with a view to ensuring that pregnancy under no circumstances creates an obstacle for women entering the labour market, and to removing the specific time limit which is required to qualify for paid parental leave, and to increasing the benefits level so that men are encouraged to take parental leave.

- Kuwait, CEDAW, A/59/38 part I (2004) 15 at paras. 66 and 67.

66. The Committee expresses concern at the continuing existence of *de jure* discrimination against women in various laws, including the Nationality Act, the Personal Status Act, the Civil Code and the Private Sector Employment Act. In particular, the Committee is concerned that the Nationality Act allows Kuwaiti women to transfer their nationality to their children only in specific circumstances, such as when the nationality of the father is unknown or if he is stateless or deceased, or after an irrevocable divorce. The Committee is also concerned that provisions in the Personal Status Act and the Civil Code establish



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different rights and responsibilities for women and men in issues related to marriage and family relations, including in regard to the minimum age of marriage for women and men; divorce; and guardianship of children.

67. The Committee calls upon the State party to undertake a comprehensive review of all existing laws, including the Nationality Act, and to amend or repeal discriminatory provisions so as to ensure compliance with the provisions of the Convention. The Committee urges the State party to raise the minimum age of marriage for women and men to 18 years, in line with the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

- Kyrgyzstan, CEDAW, A/59/38 part I (2004) 28 at paras. 155, 156, 167 and 168.

155. The Committee expresses concern about the situation of women in the labour market, including the concentration of women in traditional spheres of employment, in low-paying jobs and in the informal sectors; the wage differentials between women and men; women's rising unemployment rate; and the employment of women in unfavourable working conditions.

156. The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, *inter alia*, temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25...It also recommends that effective measures allowing for the reconciliation of family and job responsibilities be strengthened and that further measures be taken to promote the sharing of domestic and family responsibilities between women and men.

...

167. While noting the efforts of the State party to eliminate gender role stereotyping, especially in the media, the Committee is concerned about the persistence of discriminatory cultural practices and stereotypes relating to the roles and responsibilities of women and men in all areas of life, and the deep-rooted patriarchal attitudes, which undermine women's social status and are an obstacle to the full implementation of the Convention.

168. The Committee urges the State party to monitor carefully the persistence of discriminatory cultural practices and stereotypes and intensify its efforts to eliminate them. It urges the State party to encourage men to share family responsibilities, to direct its awareness-raising programmes to both women and men, and to take action to change stereotypical attitudes and perceptions as to men's and women's roles and responsibilities. It recommends that the State party encourage the media to promote a positive image of women and of the equal status and responsibilities of women and men in both the private and public spheres.

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- Nepal, CEDAW, A/59/38 part I (2004) 34 at paras. 198, 199, 206 and 207.

198. The Committee expresses concern that the Constitution, in contradiction to article 9 of the Convention, precludes Nepalese women from passing their nationality on to their children or to a spouse of foreign nationality.

199. The Committee urges the State party to repeal or amend article 9 of the Constitution, which permits discrimination against women in the area of citizenship.

...

206. The Committee is concerned at the persistence of discriminatory cultural practices and stereotypes relating to the roles and responsibilities of women and men in all areas of life, and by deep-rooted patriarchal attitudes and conduct based on the assumed superiority of men in the public and private spheres and the strong perception that women are weak and vulnerable, which undermine women's social status and are an obstacle to the implementation of the Convention. The Committee expresses its particular concern at the situation of widows who are often marginalized and vulnerable to violence and economic deprivation as a result of entrenched mindsets.

207. The Committee urges the State party to intensify its efforts to eliminate discriminatory cultural practices and stereotypes. It also urges the State party to encourage men to share family responsibilities and direct its awareness-raising programmes to men as well as women, and to take action to change stereotypical attitudes and perceptions as to men's and women's roles and responsibilities. It recommends that the media be encouraged to project a positive image of women and of the equal status and responsibilities of women and men in both the private and public spheres...

- Belarus, CEDAW, A/59/38 part I (2004) 55 at paras. 339 and 340.

339. The Committee is concerned about the persistence of stereotypes relating to the roles and responsibilities of women and men in society, which tend to place responsibility for child-rearing primarily on women. Such stereotypes undermine women's social status and are an obstacle to the full implementation of the Convention.

340. The Committee urges the State party to intensify its efforts to eliminate stereotypical attitudes and perceptions regarding men's and women's roles and responsibilities in all areas of society. It urges the State party to encourage men to share family responsibilities and direct its awareness-raising programmes to both women and men. It also recommends that the State party encourage the media to promote a positive image of women and of the equal status and responsibilities of women and men in both the private and public spheres.

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- Germany, CEDAW, A/59/38 part I (2004) 62 at paras. 388 and 389.

388. ...The Committee is...concerned that, notwithstanding the adoption of new regulations in the Child-raising Benefits Act, men seem to continue to resist taking parental leave.

389. ...The Committee recommends that the State party continue to monitor the impact of regulations on part-time work and on parental leave and increase incentives, as necessary, so as to counteract the possible adverse consequences of part-time work for women, especially in regard to their pension and retirement benefits, and to encourage fathers to make greater use of parental leave.

- Malta, CEDAW, A/59/38 part II (2004) 111 at paras. 94, 101 and 102.

94. The Committee commends the State party for its extensive social measures, particularly its strong support for the reconciliation of work and family responsibilities of women and men, *inter alia*, through State kindergartens that are free of charge for children between the ages of 3 and 5.

...

101. The Committee is concerned that the regulation requiring the Director of Social Security to determine the head of household may result in unintentional discrimination against women and may contradict civil law that gives parental authority to both parents.

102. The Committee calls upon the State party to revisit this regulation, including the criteria on the basis of which the Director of Social Security determines the head of household...

- Equatorial Guinea, CEDAW, A/59/38 part II (2004) 126 at paras. 191 and 192.

191. The Committee is concerned about the existence of the dual legal system of civil law and customary law, which results in continuing discrimination against women, particularly in the field of marriage and family relations. The Committee is also concerned about the lack of legislation regulating customary marriages and other aspects of family law that discriminate against women, including in respect of polygamy, inheritance and child custody, and that efforts to adopt legislation regulating customary marriages have so far not been successful. The Committee is further concerned that most women lack the necessary information and resources to gain access to the civil courts and are still subject to the jurisdiction of traditional courts that apply customary law.

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192. The Committee urges the State party to accelerate the process of law reform to remove inconsistencies between civil law and customary law, including by enacting legislation and ensuring that any conflict of law with regard to women's rights to equality and non-discrimination is resolved in full compliance with the provisions of the Convention and general recommendation 21, on equality in marriage and family relations. In this regard, the Committee urges the State party to put in effect measures to discourage polygamy and to ensure women's equal rights in inheritance and child custody. The Committee further urges the State party to put in place measures to ensure women's access to the civil courts, including raising awareness on available legal remedies and the provision of legal aid.

- Bangladesh, CEDAW, A/59/38 part II (2004) 134 at paras. 245 and 246.

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.

- Spain, CEDAW, A/59/38 part II (2004) 149 at paras. 332 and 333.

332. Notwithstanding the State party's efforts to widely disseminate information on the Convention, the Committee remains concerned about the persistence of patriarchal attitudes and deeply rooted stereotypes regarding the role and responsibilities of women and men in the family and in society, which are considered by the Committee to be a root cause of gender-based violence and women's disadvantaged situation in a number of areas, including in the labour market.

333. The Committee calls upon the State party to take additional measures to eliminate stereotypical attitudes about the roles and responsibilities of women and men, including through awareness-raising and educational campaigns directed at both women and men and at the media, and carefully monitor the impact of such measures. It calls upon the State party to redouble its efforts to disseminate information on the Convention, the Optional Protocol and the Government's commitment to gender equality. It recommends that the State party

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make targeted efforts at advancing the understanding of parenting as a social responsibility of both mothers and fathers. It recommends that the media be further encouraged to project a positive image of women and of the equal status and responsibilities of women and men in the private and public spheres...

- Samoa, CEDAW, A/60/38 part I (2005) 9 at paras. 54 and 55.

54. ...The Committee is...concerned about the extremely limited provision of paid maternity leave in the private sector and the lack of adequate childcare services.

55. The Committee...requests the State party to step up its efforts to address the impediments women face in entering the labour force and to implement measures to promote the reconciliation of family and work responsibilities between women and men...

- Lao People's Democratic Republic, CEDAW, A/60/38 part I (2005) 16 at paras. 92 and 93.

92. ...The Committee is...concerned that, while rural women carry out more than half of total agricultural production in every field, the additional workloads of housework and child-rearing also fall primarily on their shoulders...

93. ...The Committee...recommends that the State party take measures to ease the double burden of women, including by providing new technologies for women farmers and educating men regarding the sharing of family responsibilities...

- Algeria, CEDAW, A/60/38 part I (2005) 23 at paras. 143 and 144.

143. The Committee is concerned about the lack of progress in revising discriminatory legislation. In particular, it expresses concern that the revision of the Code of Algerian Nationality established by Order 70-86 of 15 December 1970 and of the 1984 Family Code has not been completed, thus allowing for the persistence of discriminatory provisions that deny women equal rights with men concerning the transmission of nationality, as well as on issues related to marriage and family life, including divorce and child custody. It also expresses concern that the proposed amendments to the Family Code do not include the abolition of polygamy and of women's legal guardianship.

144. The Committee urges the State party to place high priority on implementing legislative reforms and to step up the process of revising the Code of Algerian Nationality and the Family Code so as to promptly bring them into line with articles 9 and 16 of the Convention.

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To this end, the Committee calls upon the State party to establish a clear time frame for the review of those laws by the Council of Ministers and for their submission to the National People's Assembly and the Council of the Nation and to increase its efforts to sensitize public opinion regarding the importance of legal reform.

- Croatia, CEDAW, A/60/38 part I (2005) 30 at paras. 194 and 195.

194. The Committee expresses concern about the serious disadvantages women face in the labour market, as reflected in women's high unemployment rate, the persistence of strong vertical and horizontal segregation, wage differentials between women and men and the predominance of women in low-wage sectors. The Committee expresses its particular concern about the situation of women older than 40 years, as well as the discriminatory treatment of pregnant women in the labour market. The Committee is also concerned that insufficient attention is being given to policies supporting the sharing of work and family responsibilities between women and men.

195. The Committee urges the State party to ensure *de facto* equal opportunities for women and men in the labour market through, *inter alia*, effective implementation of labour legislation and the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures. It urges the State party to encourage women to use existing complaints mechanisms in cases of possible labour market discrimination. The Committee recommends that efforts be made to eliminate occupational segregation and age discrimination against women through education, training and retraining measures, and better use of enforcement mechanisms. It also recommends that the State party consider implementing wage increases in female-dominated public sector areas, such as the judiciary, education and health sectors. The Committee further recommends that measures allowing for the reconciliation of family and professional responsibilities be strengthened and promoted, including awareness-raising for equal sharing of domestic and family tasks between women and men.

- Gabon, CEDAW, A/60/38 part I (2005) 37 at paras. 231 and 232.

231. The Committee is concerned about the persistence of discriminatory legal provisions, particularly pertaining to marriage and family relations, in the Civil and Penal Codes, including in respect of minimum age of marriage, separation and divorce, custody of children, equal-inheritance rights of widows and equal choice of residence and profession. The Committee is also concerned that the Civil Code recognizes the option of polygamy. Although an inventory of discriminatory legislation was compiled in 1997 and a number of studies have been undertaken on the discriminatory impact of legislation, the Committee is

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concerned about the lack of progress in amending discriminatory laws, in particular the Civil and Penal Codes.

232. The Committee urges the State party to accelerate the process of legal reform to eliminate discriminatory provisions, especially in the Civil and Penal Codes to ensure their full compliance with articles 2 and 16 of the Convention and the Committee's general recommendation 21 on equality in marriage and family relations. The Committee urges the State party to establish a concrete programme and timetable for such a reform process and to activate fully the inter-ministerial committee established for the purpose of reviewing the discriminatory aspects of the various codes. The Committee also encourages the State party to step up its efforts to increase awareness about the importance of legal reform for achieving de jure and de facto equality for women in accordance with its obligations under the Convention.

- Italy, CEDAW, A/60/38 part I (2005) 51 at paras. 326 and 327.

326. ...While noting that Law 53/2000 recognizes the right of both parents to take leave from work to care for a child during early infancy, the Committee is concerned that a very small percentage of men take advantage of this opportunity.

327. ...The Committee...urges the State party to give women more access to full-time employment and to improve the availability of affordable childcare facilities, and encourage men, including through awareness-raising, to take equal responsibility for childcare.

- Turkey, CEDAW, A/60/38 part I (2005) 58 at paras. 373 and 374.

373. ...The Committee is...concerned that a barrier to women's participation in the labour market is that too few childcare facilities exist.

374. The Committee...urges the State party to improve the availability of affordable childcare facilities for pre-school-age children to facilitate women's entry and re-entry into the labour market.

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

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

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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...

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.

- Lebanon, CEDAW, A/60/38 part II (2005) 109 at paras. 105, 106, 109 and 110.

105. The Committee is strongly concerned about the pervasiveness of patriarchal attitudes and deep-rooted traditional and cultural stereotypes regarding the roles and responsibilities of women and men in the family, in the workplace and in society, thus constituting serious obstacles to women's enjoyment of their human rights and impeding the full implementation of the Convention.

106. 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 at modifying stereotypical attitudes and traditional norms about the responsibilities and roles of women and men in the family, the workplace and in society, as required under articles 2 (f) and 5 (a) of the Convention, and to strengthen societal support for equality between women and men.

...

109. The Committee notes with concern that, despite law reform in the field of employment, women remain disadvantaged in the labour market, which is characterized by strong occupational segregation and the persistence of a gender wage gap.

110. The Committee requests the State party to step up its efforts to eliminate occupational segregation and to ensure equal opportunities for women and men in the labour market...The Committee requests that effective measures be taken to support the reconciliation of family and professional responsibilities and to promote the sharing of domestic and family responsibilities between women and men.

- Gambia, CEDAW, A/60/38 part II (2005) 122 at paras. 205 and 206.

205. ...The Committee is...concerned that women lack access to information and services related to reproductive health and that, although contraceptive use increased from 6.7 per cent in 1990 to 13.4 per cent in 2001, it continues to remain low. The Committee regrets that women's access to family planning services is, in general, dependent on several social and



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cultural factors.

206. ...The Committee calls upon the State party to implement measures to guarantee effective access for women, including young women, to reproductive health-care information and services. It further recommends that programmes and policies be adopted to increase knowledge about, and access to, affordable contraceptive methods and to increase the understanding that family planning is the responsibility of both partners. It also encourages the State party to ensure that women have easy access to family planning services...

- Ireland, CEDAW, A/60/38 part II (2005) 151 at paras. 394 and 395.

394. While acknowledging the initiatives taken by the State party to foster women's participation in employment, including the Equal Opportunities Childcare Programme, 2000-2006, the Committee is concerned that women remain disadvantaged in the labour market...

395. The Committee recommends that further measures allowing for the reconciliation of family and professional responsibilities be adopted and implemented, including the provision of affordable childcare, and that the equal sharing of domestic and family tasks between women and men be promoted...

### **CRC**

- Mauritania, CRC, CRC/C/111 (2001) 8 at paras. 58, 59, 62 and 63.

58. The Committee notes with concern the high number of female-headed families, in particular in the capital, which are particularly vulnerable to poverty.

59. In light of article 18 of the Convention, the Committee recommends that the State party ensure assistance to female-headed families in the performance of their child-rearing responsibilities, in particular with regard to access to health and education, and strengthen its programme of microcredits.

...

62. The Committee expresses its concern at the lack of implementation of the legislation on maintenance, due mainly to widespread ignorance of the law or to psychological reasons, i.e. pride or shame.

63. In light of article 27 (4) of the Convention, the Committee recommends that the State party:

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(a) Make widely known, notably to women who are illiterate, the provisions of domestic legislation concerning maintenance allowance; and

(b) Ensure that professional groups dealing with this issue are adequately trained and that courts are stricter about the recovery of allowances from solvent parents who refuse to pay.

***See also:***

- Côte d'Ivoire, CRC, CRC/C/108 (2001) 59 at paras. 319 and 320.
- 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 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.

- Cameroon, CRC, CRC/C/111 (2001) 71 at paras. 361, 362, 385 and 386.

361. While domestic legislation includes provisions for the payment of a maintenance allowance in the case of divorce or judicial separation, the Committee is concerned at the lack of implementation of these provisions, due mainly to widespread ignorance of the law, and at the lack of legal provisions regarding maintenance for children born out of wedlock.

362. The Committee recommends that the State party:

(a) Make widely known, notably to women who are illiterate, the provisions of domestic

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legislation concerning the payment of a maintenance allowance;

(b) Ensure that professional groups dealing with this issue are adequately trained and that courts are stricter regarding the recovery of allowances from solvent parents who refuse to pay;

(c) Take measures to ensure as far as possible the maintenance of children born out of wedlock by their parents, particularly their fathers.

...

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.

### ***See also:***

- Gabon, CRC, CRC/C/114 (2002) 47 at paras. 211 and 212.
  
- Gambia, CRC, CRC/C/111 (2001) 89 at paras. 432 and 433.

432. The Committee notes that the Maintenance Act (Cap. 44:03, Laws of the Gambia) obliges parents to provide financial support to children and that the Department of Social Welfare has assisted the parents to obey this Act. While noting the socio-economic challenges within the State party, the Committee expresses concern that the amount allocated for the payment of maintenance for children is generally insufficient and is often decided on *ad hoc* bases.

433. The Committee recommends that the State party take effective measures to review its policies, guidelines and procedures for the administration and implementation of the

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Maintenance Act in order to ensure the adequate and effective recovery of maintenance for children.

- Paraguay, CRC, CRC/C/111 (2001) 103 at paras. 502 and 503.

502. The Committee is concerned at the increase in the breakdown of families, in particular owing to migration to urban areas. It further notes that children, particularly in poor families, are not sufficiently stimulated, which can have a negative impact on their harmonious development.

503. In light of article 18 of the Convention and in line with its previous recommendations (CRC/C/15/Add.75, paras. 39 and 43), the Committee recommends that the State party:

(a) Improve social assistance to families to help them with their child-rearing responsibilities, including through counselling and community-based programmes, with a focus on early stimulation; and

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

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

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;

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(d) Seek assistance from UNICEF in this regard.

- Greece, CRC, CRC/C/114 (2002) 25 at paras. 144 and 145.

144. The Committee is concerned that upon the separation of some Muslim parents, custody of children below a certain age is systematically awarded to mothers and custody of children above a certain age is systematically awarded to fathers, without due regard for the best interests and opinion of the child.

145. The Committee recommends that in the context of child custody decisions the State party ensure full respect for the Convention including, *inter alia*, the obligation to give due consideration to the best interests and views of the child.

- Gabon, CRC, CRC/C/114 (2002) 47 at paras. 209 and 210.

209. The Committee is concerned at the large number of single-parent families headed by women - many of them are not able to raise their children for financial reasons - and at the existence of polygamy which may, as acknowledged by the State party (para. 178 of its report), negatively affect the upbringing and development of the child.

210. The Committee recommends that the State party:

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

(b) Undertake an in-depth and comprehensive study on the impact of polygamy with a view to finding out whether polygamy has negative consequences on the upbringing and development of the child and, on the basis of the results of this study, develop measures to address any negative impacts on the realization of the rights of the child within the family.

- Mozambique, CRC, CRC/C/114 (2002) 65 at paras. 289-292.

289. The Committee remains concerned that:

(a) As noted by the State party in its initial report, “parents and other family members frequently do not fulfil their obligation to guide the minors under their responsibility” and that weaknesses in family structures have led to the greater vulnerability of children;

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(b) Children in rural areas are sometimes used to settle financial and other disputes, with families sending their children to work for periods of time to settle debts;

(c) As noted by the State party in its initial report, “children and women are victims of domestic violence”.

290. The Committee recommends that the State party:

(a) Take steps to ensure that parents and families understand and fulfil their obligations towards children and consider ways to provide families with additional support, including through community structures;

(b) Take action to address domestic violence against children and women in the family, including through improved monitoring, effective reporting, treatment and support of victims, prosecution of those responsible and the use of information campaigns;

(c) End the practice of using children to settle debts.

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.

- Chile, CRC, CRC/C/114 (2002) 90 at paras. 357 and 358.

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357. The Committee is concerned that the system of assistance to parents and legal guardians in the performance of their child-rearing responsibilities is still insufficient, in particular with respect to single-parent families, and that a significant number of children are put in institutions because of the bad economic situation affecting the family.

358. In light of article 18 of the Convention, the Committee recommends that the State party continue to improve social assistance to families to support them in their child-rearing responsibilities, including through counselling and community-based programmes, as a means of reducing the number of children in institutional care.

***See also:***

- Republic of Moldova, CRC, CRC/C/121 (2002) at paras. 400 and 401.
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
- Malawi, CRC, CRC/C/114 (2002) 104 at paras. 414-417.

414. The Committee is concerned that a large number of families are headed by single parents, mostly women, many of them facing financial and other kinds of difficulties which negatively affect the upbringing and development of the child. The Committee is concerned at the lack of involvement of fathers in the upbringing and development of children.

415. The Committee recommends that the State party:

- (a) Take all necessary measures to provide assistance to single-parent families in order to support them in bringing up their children, in light of article 18 (2) of the Convention;
  
- (b) Take the necessary measures for the promotion of higher levels of involvement of fathers in the upbringing and development of their children.

416. While domestic legislation includes provisions for maintenance allowance (Affiliation Act (cap. 26:02); Maintenance Orders Enforcement Act and the Divorce Act (cap. 25:04)), the Committee is concerned at the lack of implementation of these provisions mainly because of widespread ignorance of the law, limited enforcement of maintenance orders and the small amounts of the orders which cannot cover the basic needs of the child.

417. The Committee recommends that the State party:

- (a) Make widely known the provisions of domestic legislation concerning maintenance allowance, especially among mothers who are illiterate, and to support them if necessary in

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understanding legal actions;

(b) Ensure that professional groups dealing with this issue are adequately trained and courts more strictly implement the provisions regarding the recovery of allowances, particularly in case of solvent parents who refuse to pay; and

(c) Take the necessary measures to ensure, to the extent possible, that the maintenance ordered covers the basic needs of the child.

*See also:*

- Burkina Faso, CRC, CRC/C/121 (2002) 103 at paras. 459 and 460.

- Andorra, CRC, CRC/C/114 (2002) 134 at paras. 535-538.

535. The Committee notes with concern the negative impact on children of both parents working during the weekend. It further notes the increase of single-parent families.

536. The Committee recommends that the State party:

(a) Undertake studies on how parental weekend work affects children and on single-parent families in order to assess the extent, scope and nature of these phenomena;

(b) Develop appropriate measures to deal with these situations.

537. The Committee notes with concern that, according to information provided by the State party, only 39.64 per cent of children aged from 0 to 2 years have a place in kindergarten, while in a large percentage of families both parents work. It further notes that the State party has started to take measures to deal with this issue.

538. In light of article 18, paragraph 3, of the Convention, the Committee recommends that the State party:

(a) Take measures to establish more childcare services;

(b) Implement effectively the Regulations for Child-care in Private Homes of 2001, including by training the personnel and providing appropriate human and financial support;



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(c) Ensure that the childcare services provided promote early childhood development and meet the needs of working parents.

- Niger, CRC, CRC/C/118 (2002) 37 at paras. 161-164.

161. The Committee is concerned at the breakdown of family structures, notably in suburban areas, due to large families, the existence of polygamy, and lack of education, poverty and unemployment which negatively affect the upbringing and development of the child, particularly in the many larger families.

162. The Committee recommends that the State party take all necessary measures to reinforce the capacities of families, especially families in the most precarious situation, in order to support them in bringing up their children, in the light of article 18.2 of the Convention, and to emphasize the role of fathers in that regard. In addition, the Committee recommends that the State party raise awareness in society at large concerning forced marriage and undertake a study to assess the effect of polygamy on the upbringing and development of the child.

163. The Committee is concerned at the practice of repudiation of women, which can lead to the separation of the child from his/her mother, and at the custom applicable in divorce cases which holds that children are entrusted to their mothers before they are 7 years old and to their fathers when older, without the views of the child and his/her best interests being taken into account. In addition, the Committee is concerned that the recovery of maintenance is not ensured.

164. The Committee recommends that the State party take all necessary measures to stop these practices and reinforce its efforts to sensitize the population on the obvious negative impact and the contradiction of these practices with the best interests of the child and other relevant provisions of the Convention. In addition, the Committee recommends that the State party take all necessary measures to ensure the recovery of maintenance.

- 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

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strategy, very little preventive action, and that professional social workers are not trained enough to deal with dysfunctional families.

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. 338 and 339.

338. While welcoming a parliamentary initiative to increase the number of childcare facilities, the Committee notes with concern that according to information provided by the State party (CRC/C/78/Add.3, para. 481), the existing offer of childcare services is far from meeting the needs.

339. In light of article 18, paragraph 3, of the Convention, the Committee recommends that the State party:

(a) Take measures to establish more childcare services to meet the needs of working parents; and

(b) Ensure that the childcare services provided promote early childhood development, in light of the principles and provisions of the Convention.

- Saint Vincent and the Grenadines, CRC, CRC/C/118 (2002) 101 at paras. 441 and 442.

441. Noting the assistance provided to families, *inter alia*, by the Public Assistance Board under the Ministry of Social Development and through the Ministries of Education and Health, the Committee remains concerned that:

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- (a) A large proportion of Vicentian families are living in poverty;
- (b) The difficult domestic employment situation has obliged many parents, and sometimes both parents, to migrate, leaving children in the care of grandparents or under the responsibility of an older child;
- (c) Almost half of all families are headed by women single parents and their related poverty places children in these families at particular risk of violations of their rights;
- (d) Mothers are only able to claim child maintenance for a child aged over 5 if the claim process was initiated before the child reached the age of 5, and there are disparities between the child maintenance awards made to the children of unmarried mothers (domestic court) and married mothers (magistrates court).

442. 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 within the State party for parents;
- (b) Give particular attention to the situation of children in single parent families, especially families headed by mothers, and to grandparent and child-headed families;
- (c) Strengthen its efforts to secure child maintenance payments in adequate amounts, ensuring also that there are no disparities between those accorded to the children of married and unmarried mothers;
- (d) Implement the recommendations made in paragraphs 238 to 240 of the State party's report;
- (e) Consider ratifying the 1973 Hague Convention No. 23 on the Recognition and Enforcement of Decisions relating to Maintenance Obligations.

- The Netherlands (Antilles), CRC, CRC/C/118 (2002) 129 at paras. 561-564.

561. The Committee is concerned that as noted by the State party, "an increasing number of families on the Netherlands Antilles are finding it extremely difficult to fulfil their basic role of educating and raising their children" (CRC/C/6/Add.4, para. 98), and at the large number of single-parent families, mostly headed by women, and the inadequate assistance provided to them. The Committee is further concerned at the disparities in the availability

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and accessibility of day-care services between islands.

562. The Committee recommends that the State party:

(a) Take steps to ensure that parents and families understand and fulfil their obligations towards children and give consideration to means of providing families with additional support, including through the implementation of the 1997 government memorandum on the family;

(b) Establish an effective mechanism for the provision of adequate social welfare;

(c) Introduce a national policy on day-care services with a view to ensuring uniformity across all islands.

563. The Committee notes that while the Civil Code obliges parents to meet the costs of maintaining and educating their child, in practice it is difficult to recover this maintenance and often it is the mother who carries the full responsibility for the upbringing of the child.

564. The Committee recommends that the State party implement a more proactive and effective policy for collecting maintenance from solvent parents who refuse to pay.

- Seychelles, CRC, CRC/C/121 (2002) 41 at paras. 195 and 196.

195. The Committee notes with deep concern the spreading phenomenon of family disintegration in the State party, including the large number of single-parent families.

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

(a) Continue ongoing efforts at legal reform with regard to parental responsibilities;

(b) Continue to develop measures for the prevention of family disintegration and the strengthening of family development together with public agencies, civil society organizations and families themselves.

- Sudan, CRC, CRC/C/121 (2002) 53 at paras. 258 and 259.

258. The Committee is concerned that physical and psychological abuse occurs within the family, but is not adequately monitored, reported upon or addressed.

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259. The Committee recommends that the State party:

...

(c) Strengthen the education provided to young parents in the care they should give to their children and in the prevention of abuse and neglect;

...

- Ukraine, CRC, CRC/C/121 (2002) 70 at paras. 331-333, 336 and 337.

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;

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(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.

...

336. The Committee is concerned that State assistance to single parents is inadequate and that the system for recovering child maintenance is inefficient and allows for delays in payments, sometimes lasting several years.

337. The Committee recommends that the State party establish a mechanism that will implement and monitor more proactive, timely and effective policy for collecting maintenance from the parent responsible for paying it.

- Republic of Moldova, CRC, CRC/C/121 (2002) 89 at paras. 400, 401, 410 and 411.

410. The Committee welcomes the adoption of the Preliminary Poverty Reduction Strategy in April 2002 and other efforts to support families, but remains concerned at the deteriorating living standards affecting in particular families with children, the inadequate social security system and the large number of parents migrating abroad to find work.

411. The Committee recommends that the State party:

(a) Undertake all necessary measures to support parents and families, including single-parent families, in their child-rearing responsibilities as part of its full implementation of the National Strategy for Children and Families;

(b) Fully implement the Preliminary Poverty Reduction Strategy, *inter alia* with a view to providing an adequate level of food security and social protection for children at risk and to improving and making transparent the payments of allowances to families with children.

- Republic of Korea, CRC, CRC/124 (2003) 24 at paras. 124 and 125.

124. The Committee is concerned at the high number of divorced and single parents, primarily mothers, who do not receive the child maintenance payments to which they are legally entitled.

125. In the light of article 27 and the principle of the best interests of the child (art. 3), the Committee recommends that the State party take all effective measures to enforce child maintenance obligations based on a court order or agreements between parties in a manner that does not stigmatize the child or his or her custodial parent. For instance, the State party might consider establishing a national fund to ensure payment of overdue child maintenance

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obligations to the custodial parent while enforcement measures are enacted, or introducing a system in which child support payments are automatically deducted from the salaries of those employees with child maintenance obligations.

- Romania, CRC, CRC/124 (2003) 49 at paras. 234 and 235.

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.

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- 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 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. 420 and 421.

420. The Committee is concerned that the principle of the best interests of the child is not fully recognized and implemented in the relevant legislation and in decisions relevant to children. The Committee is especially concerned that the existing legislation, as referred to in the State party's report (para. 51), allows parents to send their children to prison for a period of up to six months, without the involvement of a court or similar body, which constitutes a violation of article 37, paragraph (d), of the Convention. However, the Committee welcomes the information that this rule is rarely applied in practice.

421. The Committee recommends that the State party ensure that the principle of the best interests of the child is reflected in all relevant legislation, policies, programmes and



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otherwise in the implementation of the Convention. The Committee particularly recommends that the State party abolish the rule of *correction paternelle*, which allows parents to place a child in prison.

- 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:

...

(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:

...

(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 mandate effectively.

- Eritrea, CRC, CRC/C/132 (2003) 8 at paras. 57 and 58.

57. The Committee notes with appreciation that the Constitution accords both parents equal rights and duties within the family, yet it is concerned that the Transitional Civil Code and customary laws do not generally recognize the principle enshrined in article 18 of the Convention "that both parents have common responsibilities for the upbringing and development of the child", particularly with regard to the custody of children in divorce.

58. The Committee recommends that the State party ensure that, when judicial proceedings

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or family councils decide to grant one parent custody of the child, the decision is taken on the basis of the best interest and with the participation of the child. The State party should also ensure that both parents are adequately informed of their rights and responsibilities, particularly in the case of divorce.

- Zambia, CRC, CRC/C/132 (2003) 32 at paras. 185, 186, 191 and 192.

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;

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

...

191. While domestic legislation includes provisions for maintenance allowance (Affiliation and Maintenance of Children Act, Penal Code and Juveniles Act), the Committee is concerned at the lack of implementation of these provisions, mainly because of widespread ignorance of the law and limited enforcement of maintenance orders, notably when the parent concerned lives abroad.

192. The Committee recommends that the State party:

(a) Make widely known the provisions of domestic legislation concerning maintenance allowance, especially among mothers who are illiterate, and support them, if necessary, in understanding legal actions;

(b) Ensure that professional groups dealing with this issue are adequately trained and that courts implement more strictly the provisions regarding the recovery of allowances, particularly in case of solvent parents who refuse to pay;

(c) Consider ratifying the Hague Convention on the Law Applicable to Maintenance Obligations of 1973.

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- Sri Lanka, CRC, CRC/C/132 (2003) 48 at paras. 257 and 258.

257. The Committee notes the new programme for children of migrant workers undertaken by the Bureau of Foreign Employment, yet it is concerned that families of migrant workers receive little or no assistance with their child-rearing responsibilities while they are working abroad.

258. The Committee recommends that the State party develop a comprehensive policy to support the families and caregivers of children of migrant workers in their child-rearing responsibilities and limit the institutionalization of children of migrant workers to measures of last resort, while promoting the placement of all children in need of alternative care with their extended families or other family types of care whenever possible.

- Solomon Islands, CRC, CRC/C/132 (2003) 58 at paras. 315, 316 and 318.

315. The Committee is concerned that:

(a) Increasing weakness in family structures due to growing poverty leads to greater vulnerability of children;

(b) Single mothers can only file a request for maintenance in the first three years after the birth of their children;

(c) The rights and responsibilities of unmarried fathers are very limited.

316. The Committee recommends that the State party:

(a) Take steps to ensure that parents and families understand and fulfil their obligations towards children and give consideration to means of providing families with adequate support, including through community structures;

(b) Amend or adopt legislation that does not discriminate against either parent or parents who are not married and provide equal protection to children born out of wedlock, including by abolishing time limits for filing maintenance requests and ensuring the inheritance rights of those children.

...

318. The Committee recommends that the State party:

...

(e) Ensure that both legal parents are required to give consent to adoption;

...

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- Libyan Arab Jamahiriya, CRC, CRC/C/132 (2003) 74 at paras. 372, 373, 376 and 377.

372. The Committee is concerned that the general principle of the best interests of the child contained in article 3 of the Convention is not explicitly incorporated in all legislation concerning children and is not always considered in practice. In particular, the Committee is not persuaded that a rigid custodial line of mother, maternal grandmother and father and the exclusion from custodial arrangements of foreign parents outside the State party necessarily give effect to this principle.

373. The Committee recommends that the State party refer to, and fully incorporate in legislation and practice, article 3 of the Convention, including in the area of custody of children.

...

376. With reference to the recommendations contained in its previous concluding observations on this matter, the Committee welcomes the information that the Higher Committee is considering the possibility of adopting a rule that would permit a Libyan mother to transfer her nationality to her children, irrespective of her husband's nationality.

377. The Committee recommends that the State party support the Higher Committee in this regard with a view to guaranteeing that children of Libyan mothers have the same right to Libyan nationality as children of Libyan fathers.

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

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.

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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.

- 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:

(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.

- Canada, CRC, CRC/C/133 (2003) 14 at paras. 78, 79, 82 and 83.

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78. The Committee notes with satisfaction that Canada is a party to the Hague Convention on the Civil Aspects of International Child Abduction of 1980 and notes the concern of the State party that parental abductions of children are a growing problem.

79. The Committee recommends that the State party apply the Hague Convention to all children abducted to Canada, encourage States that are not yet party to the Hague Convention to ratify or accede to this treaty and, if necessary, conclude bilateral agreements to deal adequately with international child abduction. It further recommends that maximum assistance be provided through diplomatic and consular channels in order to resolve cases of illicit transfer and non-return in the best interests of the children involved.

...

82. The Committee welcomes the efforts being made by the State party to discourage corporal punishment by promoting research on alternatives to corporal punishment of children, supporting studies on the incidence of abuse, promoting healthy parenting and improving understanding about child abuse and its consequences. However, the Committee is deeply concerned that the State party has not enacted legislation explicitly prohibiting all forms of corporal punishment and has taken no action to remove section 43 of the Criminal Code, which allows corporal punishment.

83. The Committee recommends that the State party adopt legislation to remove the existing authorization of the use of “reasonable force” in disciplining children and explicitly prohibit all forms of violence against children, however light, within the family, in schools and in other institutions where children may be placed.

- New Zealand, CRC, CRC/C/133 (2003) 27 at paras. 141 and 142.

141. The Committee is deeply concerned that despite a review of legislation, the State party has still not amended section 59 of the Crimes Act 1961, which allows parents to use reasonable force to discipline their children. While welcoming the Government’s public education campaign to promote positive, non-violent forms of discipline within the home, the Committee emphasizes that the Convention requires the protection of children from all forms of violence, which includes corporal punishment in the family and which should be accompanied by awareness-raising campaigns on the law and on children’s right to protection.

142. The Committee recommends that the State party:

- (a) Amend legislation to prohibit corporal punishment in the home;
- (b) Strengthen public education campaigns and activities aimed at promoting positive,

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non-violent forms of discipline and respect for children's right to human dignity and physical integrity, while raising awareness about the negative consequences of corporal punishment.

- Pakistan, CRC, CRC/C/133 (2003) 37 at paras. 212 and 213.

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:

...

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

- Madagascar, CRC, CRC/C/133 (2003) 56 at paras. 291 and 292.

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

- Brunei Darussalam, CRC, CRC/C/133 (2003) 73 at paras. 359 and 360.

359. The Committee is concerned that under the Brunei Nationality Act (cap. 15), citizenship is not automatically granted to children of Brunei women married to non-nationals, while it is where the father is Brunei.

360. The Committee recommends that the State party revise the Brunei Nationality Act in order to ensure that children who have a Brunei parent acquire Brunei citizenship in an equal manner, regardless of whether the Bruneian parent is the father or the mother.

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- Singapore, CRC, CRC/C/133 (2003) 84 at paras. 413, 414, 417 and 418.

413. The Committee is concerned that elements of the State party's immigration and citizenship laws do not fully conform to articles 2 and 7 of the Convention. In particular, the Committee is concerned that Singaporean citizenship is not acquired automatically by children of a Singaporean mother and a foreign father born overseas, and that in such cases the mother is obliged to apply for "citizenship by registration".

414. The Committee recommends that the State party review its citizenship and immigration laws and undertake the necessary reforms to ensure that they respect, as far as possible, the right of the child to nationality and identity, without discrimination.

...

417. The Committee welcomes the State party's efforts to provide counselling and assistance to families and children and to resolve difficulties between parents and children without resorting to the courts and in a manner consistent with the best interests of the child. Nevertheless, it is concerned that children in such circumstances are not afforded the full protection of the law because parents are able to file complaints that their children are "beyond parental control", which, according to the law, can lead to the placement of these children in institutions for juvenile delinquents. The Committee also shares the State party's concern that children are left at home alone.

418. The Committee recommends that the State party continue its efforts to provide support and counselling for families at risk, and amend its legislation to ensure the full protection of children in difficult circumstances while eliminating the possibility for parents to initiate court proceedings against their children because they are "beyond parental control". The Committee further recommends that the State party expand measures to support working parents and to prevent children from being left alone at home.

- Bangladesh, CRC, CRC/C/133 (2003) 93 at paras. 471 and 472.

471. In light of article 7 of the Convention, the Committee is concerned at the apparent discrimination in respect of nationality, and that a child's name and nationality are derived solely from her/his father and not her/his mother.

472. The Committee recommends that the State party amend its legislation so that citizenship can be passed on to children from either their father or their mother. It also encourages the State party to introduce proactive measures to prevent statelessness.



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- 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;
- (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;
- ...

- Indonesia, CRC, CRC/C/137 (2004) 8 at paras. 65 and 66.

65. The Committee is concerned that according to Islamic law applicable to Muslims in Indonesia, in divorce proceedings decisions relating to custody of children are based on the age of the children rather than on their best interests. The Committee is similarly concerned that children cannot legally have a father unless their biological parents are legally married.

66. The Committee recommends that the State party:

- (a) Review its legislation relating to custody of the child with a view to ensuring that all decisions are based on the principle of the best interest of the child, in line with articles 3 and 12 of the Convention;
- (b) Take all necessary measures to facilitate the establishment of the parentage of the child and to guarantee, as far as possible, his/her right to know both biological parents, and to be raised by them.

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- Guyana, CRC, CRC/C/137 (2004) 26 at paras. 148 and 149.

148. The Committee is concerned at the large number of female heads of households and the often limited degree to which fathers assume their parental responsibilities. The Committee is also concerned that a substantial number of parents emigrate to other countries, leaving children behind with relatives or in institutions.

149. The Committee recommends that the State party undertake measures with a view to strengthening the capacities of families, nuclear and extended, to take care of their children and pay particular attention to strengthening the role of fathers. In this regard, the Committee recommends that the State party collaborate with NGOs.

- Armenia, CRC, CRC/C/137 (2004) 36 at paras. 218 and 219.

218. While domestic legislation includes provisions on maintenance allowance, and stipulates that persistent refusal by parents to pay court-ordered maintenance payments for their children is a criminal offence, the Committee is concerned at the lack of implementation of these provisions, partly due to widespread ignorance of the law.

219. The Committee recommends that the State party:

- (a) Make widely known the provisions of domestic legislation concerning maintenance allowance and assist mothers, where necessary, in undertaking legal action;
- (b) Ensure that professional groups dealing with this issue are adequately trained and the courts enforce more strictly the recovery of maintenance from solvent parents who refuse to pay;
- (c) Take necessary measures to ensure that financial assistance is provided to children born out of wedlock and children of single-parent families in cases where maintenance cannot be obtained from solvent parents.

- Germany, CRC, CRC/C/137 (2004) 51 at paras. 285, 286, 289 and 290.

285. The Committee notes with appreciation the adoption of the third law to amend the federal law on child benefits (entered into force on 1 January 2001) which improves the possibility for both parents to take parental leave and the amendment of the law on parental custody which provides for shared parental custody (*Sorgerecht*) even when they are

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divorced, separated, or not married, but remains concerned that the judicial system is not yet prepared to fully implement this latter legislation.

286. The Committee recommends that the State party take all necessary measures for a full implementation of the new legislation relating to the law on parental custody, notably through adequate training for magistrates.

...

289. The Committee notes with satisfaction that Germany is a party to the Hague Convention on the Civil Aspects of International Child Abduction of 1980, but remains concerned that the abduction of children by either of their parents is a growing problem.

290. The Committee recommends that the State party fully and effectively apply the Hague Convention of 1980 to all children abducted into Germany (including those abducted from non-State parties to the aforesaid Convention) and encourage States which are not yet parties to this Convention to ratify or accede to it and, if necessary, conclude bilateral agreements to deal adequately with international child abduction. It further recommends that maximum assistance be provided through diplomatic and consular channels, in order to solve cases of illicit transfer of children abroad.

- 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. 424 and 425.

424. While noting the judgement of the Supreme Court that the mother was as much the

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child's natural guardian as the father (*Githa Hariharan v. Bank of India*, 18 February 1999), the Committee expresses its concern that under the law, the father still has the main responsibility with regard to the child.

425. In line with article 18 of the Convention, the Committee recommends that the State party take all necessary measures to ensure recognition and implementation of the principle that both parents have common responsibilities for the upbringing and development of their child.

- Papua New Guinea, CRC, CRC/C/137 (2004) 94 at paras. 502 and 503.

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

- Slovenia, CRC, CRC/C/137 (2004) 104 at paras. 563 and 564.

563. While welcoming the Act amending the Guarantee and Maintenance Fund of 2002, which removed the income restriction on exercising the right to compensation of maintenance, the Committee is concerned that the recovery of maintenance is not sufficiently protected in law and in practice and that the administrative and court proceedings of enforcing the right to maintenance are often lengthy.

564. The Committee urges the State party to take further measures to ensure a more effective implementation of legislation on the payment of maintenance, including by ensuring more expeditious court proceedings and strict enforcement of administrative and court orders.

- Panama, CRC, CRC/C/140 (2004) 23 at paras. 128 and 129.

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128. The Committee welcomes the activities of Family Committees and the support that the Institute for the Training and Use of Human Resources provides to families via scholarships, but is concerned about the insufficient social and economic policies, plans and programmes to support parents to fulfil their responsibilities. It is also deeply concerned at the many problems poor families and female-headed households face, which may result in neglect and abandonment of children, and the fact that many children lack the moral and economic support of their fathers.

129. The Committee urges the State party to develop and implement a comprehensive policy for the family to protect their children's rights which would include:

(a) Measures to strengthen the competence of parents and to provide them with the necessary material assistance and support in that regard, with particular attention to poor families and female-headed households;

(b) Measures to make fathers more aware of their parental responsibilities and to ensure that they provide the necessary financial child support;

(c) Measures to provide children who cannot be raised by their natural parents with an alternative family environment by organizing an effective system of good quality foster care, including kinship care;

(d) Measures to ensure that children in institutions are enjoying the rights enshrined in the Convention and that their situations are effectively monitored and regularly reviewed in order to make their stay in those institutions as short as possible;

(e) Provision of decentralized services accessible and affordable to families, e.g. at the local level, which give them support, *inter alia* on conflict mediation, for maintenance of the child, particularly in cases where the father does not or cannot provide for that maintenance; and

(f) Measures to facilitate family reunification of refugee children.

- Sao Tome and Principe, CRC, CRC/C/140 (2004) 54 at paras. 274-277.

274. The Committee is concerned that due to the fact that family ties are unstable and conjugal relations loose, many children live with single mothers or in an unstable family environment.

275. The Committee is further concerned by the lack of parental responsibilities, reflected

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in the high number of children abandoned by one or both parents, who depart for neighbouring countries.

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

(a) To support abandoned children socially and financially;

...

(c) To ensure that fathers, as well as mothers, meet their parental responsibilities, if necessary by acceding to or concluding international agreements securing the recovery of maintenance for the child when the parent is abroad, in line with article 27, paragraph 4, of the Convention.

277. The Committee also recommends that the State party pay particular attention to enhancing the role of the family in the promotion of children's rights, including by developing family counselling services in both urban and rural areas.

- Liberia, CRC, CRC/C/140 (2004) 67 at paras. 338 and 339.

338. The Committee welcomes the new legislative amendments with regard to marriage, inheritance and child custody. However, the Committee is concerned about the *de facto* gender discrimination in the sharing of parental responsibilities.

339. The Committee recommends that the State party, in collaboration with community and religious leaders, initiate laws, programmes and policies to prevent and combat the *de facto* discriminatory practices with regard to parental responsibilities and child custody.

- Myanmar, CRC, CRC/C/140 (2004) 81 at paras. 416 and 417.

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.

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- Dominica, CRC, CRC/C/140 (2004) 101 at paras. 460, 487 and 488.

460. The Committee notes with appreciation:

...

(c) The amendment to the Maintenance Act in 2001 to provide access by unwed fathers to their children and also increased weekly child maintenance by 50 per cent;

...

487. The Committee notes with concern the limited degree to which fathers assume their parental responsibility.

488. The Committee recommends that the State party undertake measures to strengthen the capacities of families to take care of their children, and in particular pay attention to strengthening the role of fathers.

- Democratic People's Republic of Korea, CRC, CRC/C/140 (2004) 111 at paras. 549-552.

549. The Committee notes with appreciation the commitment of the State party to early childcare based on the 1976 Law on Nursery and Upbringing of Children. However, it is concerned at the excessive degree of State involvement in childcare to the detriment of the parental involvement, hindering psychosocial and cognitive development of children. Of particular concern are the widespread practice of leaving children in nurseries from Mondays to Saturdays and the upbringing of twins and triplets being relinquished to the State. Furthermore, the Committee expresses concern over the lack of human and financial resources available for nurseries, which affects the quality of care.

550. In the light of article 18, paragraph 1 of the Convention, the Committee recommends that the State party place greater emphasis on its policies on the primary responsibilities of parents, and to encourage and provide parents with the necessary support to enable their greater involvement in the nursing and upbringing of their children, reducing the role of the State to a subsidiary and not a primary one.

551. The Committee notes the State party's commitment to early childhood development and the high enrolment rates in nurseries and kindergartens. However, it is concerned that the economic hardships facing the country have negatively affected the quality of services provided by childcare facilities, and that there is no comprehensive strategy to address this problem.

552. The Committee recommends the State party to promote day-care nurseries and kindergartens and to discourage the use of the 24-hour nursery and kindergarten system (often 5 days a week), to be used by parents only as a last resort. The Committee

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recommends the State party to develop a strategy to increase the financial and human resources available for childcare facilities and ensure a basic minimum standard of services for all institutions, in particular with regard to nutrition, heating, water, sanitation and hygiene.

- France, CRC, CRC/C/140 (2004) 124 at paras. 625 and 626.

625. The Committee, while noting that the primary responsibility of securing the necessary living conditions for the child lies with the parents, shares the concerns of the Committee on Economic, Social and Cultural Rights at the increasing levels of poverty (E/C.12/1/Add.72). The Committee is concerned that such a situation adversely affects the physical, mental, spiritual, moral and social development of children. The Committee is also concerned at the existence of restrictions in access to family allocations of certain groups of children.

626. The Committee encourages the State party to take measures to assist parents and others responsible for children by strengthening efforts to improve the standard of living of all children and providing material assistance and support programmes in accordance with article 27 of the Convention. Allocations to families should not be subject to the modalities of entry of the child onto the territory of France.

- 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.

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



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court decisions.

- Croatia, CRC, CRC/C/143 (2004) 36 at paras. 210 and 211.

210. While welcoming amendments to the legislation on maintenance, the Committee is concerned that recovery of maintenance is not sufficiently ensured in practice and that the related administrative and court proceedings are often too lengthy.

211. The Committee recommends that the State party take further measures to ensure that legislation on the payment of maintenance is fully implemented, consider alternative measures to court procedures in this regard and ensure more expeditious court proceedings and strict enforcement of court orders. The Committee also recommends that the State party reconsider establishing a fund to provide support to parents waiting for the decision regarding the maintenance of their child.

- Kyrgyzstan, CRC, CRC/C/143 (2004) 50 at paras. 280 and 281.

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;

(d) Establish procedures for the investigation of complaints from children in cases of physical and emotional abuse.

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- Equatorial Guinea, CRC, CRC/C/143 (2004) 64 at paras. 351 and 352.

351. The Committee is concerned that some customary laws automatically grant parental authority to the father in the event of parental separation or divorce.

352. The Committee recommends that the State party ensure that when judicial proceedings or family councils decide to grant one parent custody of the child, the decision be taken based on the principle of the best interests of the child and with the child expressing his/her views. The State party should also ensure that both parents have common responsibilities for the upbringing and development of the child and receive adequate legal and other assistance in this regard, and that they are adequately informed of their rights and responsibilities, particularly in the case of separation or divorce.

- Angola, CRC, CRC/C/143 (2004) 78 at paras. 415 and 416.

415. While the Family Code obliges parents to provide for the maintenance of their children, the Committee is concerned that in practice it is difficult to recover this maintenance and often it is the parent who has custody who carries the full financial costs of bringing up the child.

416. The Committee recommends that the State party strengthen measures to ensure that both parents contribute to the maintenance of their children.

- Antigua and Barbuda, CRC, CRC/C/143 (2004) 93 at paras. 485, 486 and 489-492.

485. Given the information that some 50 per cent of all households in the State party are headed by women, the Committee expresses its concern that the establishment of legal paternity, where the biological father does not want to legally recognize the child, is time consuming and expensive, which constitutes an impediment to the right of the child to an identity and/or to know both parents.

486. In the light of article 7 of the Convention, the Committee recommends that the State party facilitate the establishment of legal paternity for children born out of wedlock by creating accessible and expeditious procedures and by providing mothers with necessary legal and other assistance in this regard.

...

489. The Committee welcomes the Magistrates Code of Procedure (Amendment) Act of 1993 which revised the laws to ensure better provision of child maintenance by absent fathers. However, it remains concerned that the domestic laws of the State party only

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provide for obligations of fathers towards their children and do not fully reflect article 18 of the Convention, which stipulates that both parents have common responsibilities for the upbringing and development of the child.

490. The Committee recommends that the State party:

(a) Give consideration to ways of providing particular support to children in single-parent families, including through community structures and social security benefits;

(b) Amend or adopt legislation so that both parents have equal responsibilities in the fulfilment of their obligations towards their children;

(c) Take measures to ensure as far as possible the maintenance of children born out of wedlock by their parents, in particular their fathers, and ensure that maintenance is provided to children over 16 who are still continuing their education;

(d) Engage in serious efforts to reform the Family Code; and

(e) Consider ratifying the Hague Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations.

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.

- Albania, CRC, CRC/C/146 (2005) 19 at paras. 119, 120, 133 and 134.

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;

(c) Strengthen efforts in the area of deinstitutionalization ensuring that parallel structures are in place to provide adequate follow-up and reintegration support and services for children who leave institutional care;

...

133. The Committee notes the efforts that the State party is making to improve the living standards of families in poverty and of children in institutional care, orphans or other children with special needs. However, the Committee is concerned that a large number of children live in poverty, or in extreme poverty, and that many children do not receive child support maintenance following divorce of their parents, or as the case may be, the amount is largely insufficient.

134. The Committee encourages the State party to pursue measures to assist parents and others responsible for children by strengthening efforts to improve the standard of living of all children and providing material assistance and support programmes in accordance with article 27 of the Convention. Economic growth should be used to improve the living conditions of families. In addition, the State party is encouraged to consider ratifying the Hague Conventions No. 23 on the Recognition and Enforcement of Decisions relating to Maintenance Obligations and No. 24 on the Law Applicable to Maintenance Obligations.

- Luxembourg, CRC, CRC/C/146 (2005) 36 at paras. 190 and 191.

190. The Committee is concerned about the fact that parents automatically lose parental authority over their children when they are placed in foster care or in institutions by the courts, apparently without determining whether such an automatic measure is in the best interests of the child.

191. The Committee recommends that the State party take all possible measures, including revision of the existing legislation, in order to adequately protect parental rights and parent-child relationship and that the transfer of parental authority be used only in exceptional circumstances and in the best interests of the child.

- Belize, CRC, CRC/C/146 (2005) 59 at paras. 334-337.

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334. While noting the State party's efforts to support parents and to develop their parental skills, *inter alia*, through the Community and Parenting Empowerment Project (COMPAR), the Committee expresses serious concern about the provisions of the Certified Institution (Children's Reformation) Act on "uncontrollable behaviour" according to which parents are able to seek institutional care, primarily within the Youth Hostel, for a child beyond parental control.

335. The Committee urges the State party to provide parents and children with adequate knowledge, skills and support services and to review its legislation, practices and services with a view to eliminating the concept and expression of "uncontrollable behaviour" of children and to gradually preparing for "deinstitutionalization".

336. The Committee is concerned that recovery of maintenance is not sufficiently ensured in practice. It is concerned at the actual implementation and, in some cases, the absence of bilateral agreements for reciprocal enforcement of maintenance orders. The Committee also notes with concern that children of unmarried parents do not have equal right to maintenance as those of married parents.

337. In the light of article 27, paragraph 4, of the Convention, the Committee recommends that the State party take further measures to ensure the full implementation of legislation on the payment of maintenance as well as to ensure equal right to the recovery of maintenance for all children, irrespective of their parent's marital status. The Committee also recommends that the State party effectively implement and conclude bilateral agreements for reciprocal enforcement of maintenance orders and reconsider establishing a fund to provide support to parents waiting for the decision regarding the maintenance of their child.

- Bahamas, CRC, CRC/C/146 (2005) 77 at paras. 407, 408, 411 and 412.

407. The Committee is concerned that the so called "children with uncontrollable behaviour" can be placed in an institution at the parent's or parents' request.

408. The Committee urges the State party to provide parents and children with adequate knowledge, skills and support services and to review its legislation, practices and services with a view to eliminating the concept and expression of uncontrollable behaviour of children and to gradually prepare for e-institutionalization

...

411. The Committee welcomes the efforts made by the State party to ensure payment of child maintenance, usually by fathers, but is concerned at the rather large percentage of fathers who are defaulting on child maintenance payments.

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412. The Committee recommends that the State party carry out its plans to further strengthen the legal instruments for the enforcement of child maintenance orders, and continue and strengthen its international/bilateral cooperation with regard to the recovery of maintenance abroad.

- Islamic Republic of Iran, CRC, CRC/C/146 (2005) 88 at paras. 459, 460, 462 and 463.

459. The Committee is deeply concerned at the persisting discrimination against girls and women, in particular in their role as parents, reflected in various legal provisions and practices (e.g. the requirement that a child's father or paternal grandfather only may give his permission for the issuance of a passport for a child under 18 years. Consequently, in a case in which the parents are separated and the mother of the child resides in another country, the child may only leave Iran to visit his/her mother if the father permits the child to do so). The Committee is equally concerned at discrimination on the grounds of religion and birth. As to the latter, it is concerned that insufficient information has been provided on children born out of wedlock, in particular with respect to the discrimination against and stigmatization of these children, who are particularly vulnerable.

460. The Committee recommends that the State party promptly review all its legislation to ensure that it is non-discriminatory and gender-neutral and that it is enforced. Moreover, the State party should take effective measures, including enacting or rescinding, as appropriate, civil and criminal legislation to prevent and eliminate discrimination on the grounds of sex, religion and other grounds, in compliance with article 2 of the Convention.

...

462. The Committee regrets that in all actions or decision-making relating to children the general principle of the best interests of the child, as provided for under article 3 of the Convention, continues not to be a primary consideration, including in matters relating to family law. In particular, the Committee regrets that article 1169 of the Civil Law relating to the custody of children after divorce prevents the court from taking the best interests of the child into account. In the Committee's view, custody determined solely on the basis of a child's age is both arbitrary and discriminatory against the mother.

463. The Committee reiterates its previous recommendation that the State party review its legislation and administrative measures to ensure that article 3 is reflected therein and implemented in all actions concerning children.

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

557. The Committee is concerned that many children live with single mothers or in a

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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.

- Saint Lucia, CRC, CRC/C/150 (2005) 10 at paras. 61-68.

61. While the Committee is encouraged that the State party recognizes the principles that both parents have common responsibilities for the upbringing and development of the child, it remains concerned at the lack of information regarding family counselling services, parental education programmes, or other measures which ensure the respect of articles 5 and 18 of the Convention.

62. The Committee recommends that the State party review its established social services providing family counselling and parenting education, as well as provide relevant information on awareness-raising campaigns on the rights of the child within family life and discuss its measures implemented to ensure full compliance with the provisions of the Convention.

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.

65. While the Committee notes that the State party recognizes the partiality of the Civil Code of Saint Lucia of 1957, it remains concerned by the father's sole right to custody of the child in cases of separation without providing for or reflecting child's rights perspectives and views in final decisions.

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66. The Committee strongly recommends that the State party review the Civil Code of Saint Lucia of 1957 and ensure adequate protection of the rights of a separated parent and/or child. The Committee recommends that the child's views as well as best interests are taken into account in the final decisions of custody in cases of parental separation.

67. The Committee is concerned that the State party does not uphold the principle of non-discrimination in the recovery of maintenance for the child.

68. The Committee recommends that the State party: review its legislation on the recovery of maintenance for the child in order to comply with the principles of the Convention and undertake measures in order to secure the recovery of maintenance from abroad.

- Philippines, CRC, CRC/C/150 (2005) 24 at paras. 147-150.

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.

149. While noting the high number of Philippine children with a parent or both parents working overseas, the increasing number of Philippine children born abroad during overseas migration and the cases where paternity has not been established, the Committee is concerned that the State party has not sufficiently ensured the recovery of maintenance in practice. The Committee is concerned about the insufficient implementation of domestic laws, for example the relevant provisions of the Family Code and the Special Protection of Children against Child Abuse, Exploitation and Discrimination Act, and the enforcement of court orders in this respect. In addition, the Committee is concerned at the actual implementation of, and in some cases, the absence of bilateral agreements for reciprocal enforcement of maintenance orders.



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150. The Committee recommends that the State party secure in practice the recovery of maintenance for the child. As regards parent(s) working abroad, the Committee encourages the State party to conclude bilateral agreements for reciprocal enforcement of maintenance orders and consider establishing a fund to secure the payment of maintenance in those cases where the recovery of maintenance fails.

- Nepal, CRC, CRC/C/150 (2005) 66 at paras. 330 and 331.

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. Furthermore, the Committee is concerned that these residential care facilities do not meet the standards set by the State party, and that many of them are not registered. The Committee is also concerned that adequate and effective monitoring of the quality of these facilities is lacking.

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;

(c) To ensure that residential care facilities meet quality standards in conformity with the Convention, that they are registered and regularly monitored and that the placement of children in these facilities is regularly reviewed in accordance with article 25 of the Convention, to ensure that such placement is only used as the last resource and for the shortest time possible.

- Ecuador, CRC, CRC/C/150 (2005) 91 at paras. 425-430.

425. The Committee is concerned at the large number of female-headed households and

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often limited degree to which fathers assume their parental responsibilities, including on issues related to the recognition and maintenance of the child.

426. The Committee recommends that the State party undertake measures to strengthen the capacity of families and to pay particular attention to the role of fathers, including the recognition and maintenance of the child.

427. The Committee is concerned that increasing emigration by Ecuadorians in recent years has had a negative impact on the exercising of parental responsibilities in the upbringing and development of the child.

428. The Committee recommends that the State party undertake all necessary measures to ensure that overseas Ecuadorian workers, equally men and women, are able to meet their parental responsibilities, including through strengthening of bilateral agreements with the countries of destination and the promotion of family reunification and stable family environments for the upbringing of children in accordance with articles 18 and 10 of the Convention. The Committee also encourages the State party to strengthen the provision of child-sensitive family counselling services for overseas Ecuadorian workers and their children.

429. The Committee notes with concern the increasing number of children deprived of their natural family environment due to, *inter alia*, poverty, unemployment and the increasing number of parents migrating to other countries in search of better opportunities, thereby leaving their children behind without proper care and in the custody of relatives or institutions.

430. The Committee recommends that the State party undertake measures to strengthen the family through the provision of adequate financial resources and to the reinforcement of community-based structures for children deprived of their family environment and into line with article 25 of the Convention, conduct periodic reviews of the placement of children, and ensure institutionalization is a last resort.

- Mongolia, CRC, CRC/C/150 (2005) 113 at paras. 546-549.

546. The Committee is concerned at the increasing number of families headed by a single parent and the socio-economic difficulties faced by them, and the often limited degree to which fathers generally assume their parental responsibilities.

547. The Committee recommends that the State party take all necessary measures to provide parents and families with the necessary financial and other support to the extent possible,

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paying attention to single-parent families and families living in particularly difficult circumstances. With regard to the principle that both parents have responsibilities for the upbringing and development of the child, the Committee endorses the recommendation adopted by the Committee on the Elimination of Discrimination against Women in 2001 (A/56/38, paras. 269-270) urging the State party to develop laws, policies and educational programmes that support and promote the idea of joint parental responsibility.

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;
- (b) Ensure that the placement of children in institutional care is always assessed by a competent, multidisciplinary group of authorities and that the placement is done for the shortest period of time and subject to judicial review and that it is further reviewed in accordance with article 25 of the Convention;
- (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.

- Yemen, CRC, CRC/C/150 (2005) 161 at paras. 776 and 777.

776. The Committee is concerned that existing laws and practice do not reflect article 18 of the Convention, according to which both parents have equal responsibility for the upbringing of their children, e.g. for children born out of wedlock, and that the best interests of the child is not a primary consideration in decisions regarding custody, guardianship and affiliation.

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777. The Committee urges that the State party expedite the amendments to the law now under consideration which, according to the information of the delegation, will bring the law in line with the provisions of the Convention. The Committee further recommends that the State party take the measures necessary for the full implementation of the amended law in practice.