

## **CHILDREN'S RIGHTS - GENERAL**

### **IV. CONCLUDING OBSERVATIONS**

#### **CERD**

- Norway, CERD, A/52/18 (1997) 77 at para. 610.

Reports of the unjustified deportation of foreign nationals, including in some cases asylum seekers and unaccompanied children, are of concern.

- Italy, CERD, A/54/18 (1999) 19 at para. 126.

Concern is expressed at the situation of many Roma, including children, who are ineligible for public housing and live in camps outside major cities. In addition to a frequent lack of basic facilities, the housing of Roma in such camps leads not only to physical segregation of the Roma community from society, but to political, economic and cultural isolation as well.

- Colombia, CERD, A/54/18 (1999) 44 at para. 471.

Grave concern is expressed at reports of "social cleansing" in urban centres involving the murder of Afro-Colombian prostitutes and street children, some of whom appear to have been targeted on the basis of their race.

- Japan, CERD, A/56/18 (2001) 34 at para. 172.

Concern is expressed about reports of violent actions against Koreans, mainly children, students and about inadequate reaction of the authorities in this regard. It is recommended that the Government take more resolute measures to prevent and counter such acts.

#### **ICCPR**

- Japan, ICCPR, A/49/40 vol. I (1994) 23 at paras. 108 and 114.

##### *Paragraph 108*

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

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consistent with article 26 of the Covenant.

### *Paragraph 114*

The legislation concerning children born out of wedlock should be amended and the discriminatory provisions contained therein should be removed to bring it into line with the provisions of articles 2, 24 and 26 of the Covenant. All discriminatory laws and practices still existing in Japan should be abolished in conformity with articles 2, 3 and 26 of the Covenant. The Government of Japan should make an effort to influence public opinion in this respect.

- Romania, ICCPR, A/49/40 vol. I (1994) 28 at para. 147.

Positive measures should be taken to strengthen the situation of women and children, particularly with respect to participation in public life, equal opportunities to employment and remuneration and equal rights and responsibilities in the family. Measures should be taken to reduce infant mortality.

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

The authorities should actively pursue programmes for the protection of vulnerable children, particularly street children.

- Argentina, ICCPR, A/50/40 vol. I (1995) 35 at para. 153.

Amnesties and pardons have impeded investigations into allegations of crimes committed by the armed forces and agents of national security services, and have been applied even in cases where there exists significant evidence of such gross human rights violations as unlawful disappearances and detention of persons, including children. Pardons and general amnesties may promote an atmosphere of impunity for perpetrators of human rights violations belonging to the security forces. Respect for human rights may be weakened by impunity for perpetrators of human rights violations.

- United States of America, ICCPR, A/50/40 vol. I (1995) 52 at paras. 286 and 300.

### *Paragraph 286*

It is of concern that, in some states, non-therapeutic research may be conducted on minors or mentally-ill patients on the basis of surrogate consent in violation of the provisions in article 7 of the Covenant.

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### *Paragraph 300*

Further measures should be taken to amend any federal or state regulations which allow, in some states, non-therapeutic research to be conducted on minors or mentally-ill patients on the basis of surrogate consent.

- Russian Federation, ICCPR, A/50/40 vol. I (1995) 65 at para. 383.

The reported growing number of homeless and abandoned children in need of measures of protection is of concern.

- United Kingdom of Great Britain and Northern Ireland, ICCPR, A/50/40 vol. I (1995) 72 at para. 419.

Despite the recent improvements in prison conditions in the United Kingdom, the high number of suicides of prisoners, especially among juveniles, is disturbing.

- Sri Lanka, ICCPR, A/50/40 vol. I (1995) 75 at para. 473.

Measures should be taken to ensure the protection of the child. In this regard, particular attention is drawn to the Personal Status Act, which permits the marriage of a girl at the age of 12, and its incompatibility with the provisions of the Covenant.

- United Kingdom of Great Britain and Northern Ireland (Hong Kong), ICCPR, A/51/40 vol. I (1996) 13 at para. 63.

It is of concern that many Vietnamese asylum seekers are subject to long-term detention and that many are held under deplorable living conditions that raise serious questions under articles 9 and 10 of the Covenant. The situation of children living in camps who are deprived of the enjoyment of rights under the Covenant in practice, given their parents' status as illegal immigrants, is alarming. The conditions under which deportations and removals of non-refugees of Vietnamese origin were carried out are also of concern.

- Guatemala, ICCPR, A/51/40 vol. I (1996) 33 at paras. 236 and 248.

### *Paragraph 236*

The situation of street children in Guatemala, who are subjected to serious violations of their human

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rights under the Covenant, particularly their right to life and not to be subjected to torture and ill-treatment, is deplored. The intensity of abuse against street children by persons of authority, including the public and private police is of concern.

### *Paragraph 248*

The appropriate stringent measures should be taken to ensure the fullest possible implementation of article 24 of the Covenant, including adequate protection of street children. Stern measures must be taken to punish those found guilty of committing any kind of violence against minors, especially against those who endure hard living conditions.

- Georgia, ICCPR, A/52/40 vol. I (1997) 40 at para. 249.

The increase in the number of children affected by poverty and social dislocation, and the concomitant increase in the number of street children, delinquents and drug addicts are of concern.

- Colombia, ICCPR, A/52/40 vol. I (1997) 44 at para. 279.

So-called "social-cleansing" operations, targeting street children, homosexuals, prostitutes and petty delinquents, which continue to be carried out, are deplored. Appropriate and effective action should be taken to ensure the full protection of the rights of these groups, especially of their right to life.

- France, ICCPR, A/52/40 vol. I (1997) 62 at para. 412.

The minimum age of marriage for girls should be raised. The State party should also amend its Civil Code to allow a mother to make the declaration of birth of her child. Furthermore, all children born out of wedlock should be given the same succession rights as children born in wedlock.

- India, ICCPR, A/52/40 vol. I (1997) 67 at para. 448.

The plight of street children and the reported high level of violence against children within society are matters of concern. The reports of child mutilation are of particular concern. Urgent measures should therefore be taken to address the problem of violence against children and specific mechanisms should be set up for the protection of children.

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- Iraq, ICCPR, A/53/40 vol. I (1998) 18 at para. 93.

The sanctions and blockades which have caused suffering and death in Iraq, especially to children are noted. The Government of Iraq is reminded that, whatever the difficulties, the State party remains responsible for implementing its obligations under the Covenant.

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

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

- Iceland, ICCPR, A/54/40 vol. I (1999) 24 at para. 64.

The persistence of discrimination in law and practice against children born out of wedlock is incompatible with articles 24 and 26 of the Covenant. Attention should be paid to the prompt rectification of this situation with regard to all rights to which children are entitled.

### *See also:*

- Libyan Arab Jamahiriya, ICCPR, A/54/40 vol. I (1999) 32 at para. 138.

- Armenia, ICCPR, A/54/40 vol. I (1999) 29 at para. 113.

The phenomenon of street children must be urgently addressed under Article 24 of the Covenant.

- Canada, ICCPR, A/54/40 vol. I (1999) 48 at paras. 240 and 242.

### *Paragraph 240*

In order to ensure compliance with article 24, social assistance directed towards children must not be implemented differently in some provinces or regions of the state.

### *Paragraph 242*

Many women have been disproportionately affected by poverty. In particular, the very high poverty

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rate among single mothers leaves their children without the protection to which they are entitled under the Covenant. A thorough assessment of the impact of recent changes in social programmes on women, which may have exacerbated these inequalities and harmed women and other disadvantaged groups, should be conducted and action should be undertaken to redress any discriminatory effects of changes to social programmes.

- Romania, ICCPR, A/54/40 vol. I (1999) 68 at para. 364.

All necessary measures should be taken to comply with article 24 of the Covenant, to protect and rehabilitate street children and abandoned children, to guarantee them a name, and to ensure that all births are duly registered.

- Congo, ICCPR, A/55/40 vol. I (2000) 43 at para. 290.

The state party should redouble its efforts to take care of children at risk, assist them, ensure them adequate development, and adopt measures to afford them the protection required by their status as minors, in accordance with article 24 of the Covenant.

- Venezuela, ICCPR, A/56/40 vol. I (2001) 49 at para. 77(24).

The continually worsening situation of street children is deplored. Those children are at high risk of sexual violence and are vulnerable to sexual trafficking. The State party should take effective measures for the protection and rehabilitation of street children, pursuant to article 24 of the Covenant, including measures to end sexual exploitation and child pornography.

- Syrian Arab Republic, ICCPR, A/56/40 vol. I (2001) 70 at para. 81(20).

The minimum marriageable age is 17 years for girls and 18 for boys. The fact that the minimum age can be reduced by a judge to 15 years for boys and 13 for girls with the father's consent poses a problem with regard to the State party's obligation, under article 24, paragraph 1, to protect minors. Marriage at such a young age hardly seems compatible with article 23 of the Covenant, whereby no marriage shall be entered into without the free and full consent of the intending spouses. Legislation should be amended to bring it into line with the provisions of articles 3, 23 and 24 of the Covenant.

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- The Netherlands, ICCPR, A/56/40 vol. I (2001) 76 at paras. 82(6) and 82(7).

### *Paragraph 82(6)*

Grave concern is expressed at reports that newborn handicapped infants have had their lives ended by medical personnel. The State party should scrupulously investigate any such allegations of violations of the right to life (article 6 of the Covenant), which fall outside the law on euthanasia.

### *Paragraph 82(7)*

While it is acknowledged that the State party's Medical Research (Human Subjects) Act 1999 attempts to find a generally acceptable standard and to establish a permanent control system through the Central Committee for Medical Research Involving Human Subjects and the corresponding local committees accredited by the Central Committee, aspects of this law are considered to be problematic (article 7 of the Covenant). The general criterion whereby proportionality is assessed by balancing the risks of the research to the subject against the probable value of the research is of concern. This rather subjective criterion must be qualified by a limitation beyond which the risks are so great to the individual that no measure of expected benefit can outweigh them. It is also of concern that minors and other persons unable to give genuine consent may be subject to medical research under certain circumstances. The State party should reconsider its Medical Research (Human Subjects) Act in light of these concerns in order to ensure that even high potential value of scientific research is not used to justify severe risks to the subjects of research. The State party should further remove minors and other persons unable to give genuine consent from any medical experiments which do not directly benefit these individuals (non-therapeutic medical research).

- Monaco, ICCPR, A/56/40 vol. I (2001) 89 at para. 84(11).

Concern is expressed about the legal status of children born out of wedlock (article 24). The State party should adopt appropriate legislation to ensure that children born out of wedlock enjoy the same rights as other children.

- Guatemala, ICCPR, A/56/40 vol. I (2001) 93 at paras. 85(26) and 85(27).

### *Paragraph 85(26)*

The situation of street children, which appears to be getting worse, is deplored. These children run the greatest risk of sexual violence and are vulnerable to sexual trafficking. The State party should take effective measures both to protect and rehabilitate street children, pursuant to article 24 of the Covenant, including measures to put an end to sexual exploitation and child pornography, and to punish those found guilty of any kind of violence against minors.

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### *Paragraph 85(27)*

Concern is expressed about the situation of children in the State party and, in particular, about the postponement of the entry into force of the Juvenile Code, which was adopted and promulgated, but then had its entry into force deferred. The State party should promulgate a Juvenile Code that guarantees minors the enjoyment of all their rights pursuant to article 24 of the Covenant.

### **ICESCR**

- Ecuador, ICESCR, E/1991/23 (1990) 33 at para. 158.

Concern is expressed about the situation of abandoned children in the State party and about the need for more to be done to ensure the right to an adequate standard of living.

- Kenya, ICESCR, E/1994/23 (1993) 24 at para. 81.

Profound concern is expressed over the fate of the great number of street (parking) children. The public funds earmarked for destitute children appear to be pitifully inadequate. The apparent fact that child prostitution is common in many parts of Kenya and that the Government has not ensured children the special protection to which the Covenant entitles them is a cause of distress.

- Viet Nam, ICESCR, E/1994/23 (1993) 34 at para. 140.

With regard to education, it is noted that, despite the progress made, there is still no programme to guarantee free primary education. It is also noted that there are high rates of absenteeism from school and a growing number of street children involved in unlawful activities, such as prostitution, drug abuse and illicit trafficking in drugs.

- Mexico, ICESCR, E/1994/23 (1993) 47 at para. 232.

Of concern is the situation of many children, namely, abandoned children, street children or children in extremely difficult circumstances, who are unable to enjoy the economic, social and cultural rights set out in the Covenant and who are particularly vulnerable to criminality, drug addiction and sexual exploitation. A very large percentage of children (34 percent), concentrated in particular in areas with a large Indian population, appear to have left school without even having been able to complete their primary education and are therefore in a situation that is extremely conducive to various forms of exploitation.



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- Romania, ICESCR, E/1995/22 (1994) 26 at para. 98.

The government should pay particular attention to the problem of street and abandoned children, and further efforts should be made to facilitate their access to all forms of primary and secondary education.

- Colombia, ICESCR, E/1996/22 (1995) 41 at para. 184.

Concern is expressed that the Government's action is not sufficiently energetic to eradicate the odious practice of so-called "social cleansing", by which some criminal groups threaten and kill persons whom they consider disposable, including children.

- Ukraine, ICESCR, E/1996/22 (1995) 50 at para. 275.

The Government should continue to make full use of international assistance in the collection and analysis of data in general, including data regarding the most vulnerable groups of persons, and in addressing their needs. Such categories of persons include pensioners, the unemployed, children with disabilities and children assigned to homes or institutions, members of repatriated minority groups and victims of the Chernobyl accident.

- Paraguay, ICESCR, E/1997/22 (1996) 22 at para. 77.

The large number of child workers and street children in Paraguay is of concern. Attention is drawn to the inadequacy of the measures taken by the Government to combat this phenomenon, which is a serious violation of the fundamental rights of the child.

- Belarus, ICESCR, E/1997/22 (1996) 51 at para. 282.

It is of concern that some 600,000 children still live in the zone affected by the accident at the Chernobyl nuclear power station.

- Zimbabwe, ICESCR, E/1998/22 (1997) 24 at para. 73.

Despite the Government's stated policy of *de jure* equality of men and women, the situation of women in the State party, particularly in rural districts, is viewed as very unsatisfactory. Concern is expressed about *de facto* discrimination against women, attributable to traditional practices such as

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arranged marriages of children and forced marriages of widows with a late husband's brother. Such practices are incompatible with article 3 of the Covenant.

- Peru, ICESCR, E/1998/22 (1997) 33 at para. 153.

The large number of child workers and street children in the State party and the inadequacy of the measures taken by the Government to combat this phenomenon is of concern.

- Dominican Republic, ICESCR, E/1998/22 (1997) 43 at paras. 233 and 238.

### *Paragraph 233*

The State party is urged to take all necessary measures to ensure that Haitian illegal immigrants enjoy their economic, social and cultural rights fully and without discrimination. The regularization of the situation of these illegal residents, through the delivery of residence permits or naturalization, is necessary. Furthermore, the principle of *jus soli* under article 11 of the Constitution should be applied to the children of Haitian residents without delay.

### *Paragraph 238*

The situation of children should be closely monitored by the authorities, and all necessary means should be deployed to ensure that all children fully enjoy their rights under the Covenant, special attention being given to abandoned children, street children, exploited children, working children and teenage mothers. The necessary measures should be taken to combat violence against women and children in the family.

- Uruguay, ICESCR, E/1998/22 (1997) 67 at paras. 371 and 377.

### *Paragraph 371*

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

### *Paragraph 377*

The necessary legislative and economic measures should be adopted to protect the rights of persons with disabilities and street children. Particular importance should be given to information programmes in respect of physical and mental health care. Furthermore, all discriminatory provisions in the Civil Code or family law in respect of children born out of wedlock should be repealed.

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- Luxembourg, ICESCR, E/1998/22 (1997) 69 at paras. 394 and 403.

### *Paragraph 394*

It is noted with concern that the Civil Code, which maintains a clear distinction between “legitimate” and “natural” children, discriminates against children born out of wedlock.

### *Paragraph 403*

Any existing distinction in the Civil Code regarding children born out of wedlock should be eliminated.

- Sri Lanka, ICESCR, E/1999/22 (1998) 22 at paras. 74, 77 and 88.

### *Paragraph 74*

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

### *Paragraph 77*

The plight of hundreds of thousands of Sri Lankan women working abroad as domestic helpers, many of them underpaid and treated as virtual slaves, is of concern. It is regretted that the Government has not made a serious effort to assess the negative impact of this phenomenon on children, who are left in vulnerable and difficult circumstances without their mothers, and has not taken appropriate remedial measures.

### *Paragraph 88*

All laws that discriminate against children born out of wedlock should be repealed.

- Nigeria, ICESCR, E/1999/22 (1998) 27 at paras. 117, 118 and 134.

### *Paragraph 117*

Deep concern is expressed about the rising number of women and young girls who are forced to sleep in the streets where they are vulnerable to rape and other forms of violence.

### *Paragraph 118*

Children are not better off. Many children resort to prostitution to feed themselves. The rate of school drop-outs at the primary school age is over 20 per cent. Twelve million children are estimated to hold one job or another. For those who go to school, up to 80 or more are crammed into dilapidated classrooms originally meant to take a maximum of only 40. They are the first to suffer the results of broken marriages. Nigerian law does not provide equal treatment to children born in wedlock and

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those born out of wedlock. Most alarming is the widespread problem of children suffering from malnutrition. Almost 30 per cent of Nigerian children suffer from malnutrition and its damaging consequences. According to UNICEF, all available evidence shows that hunger and malnutrition are widely prevalent in Nigeria.

### *Paragraph 134*

Legislation should be enacted and the protection of children against the many negative consequences ensuing from child labour, dropping out of school, malnutrition, and discrimination against children born out of wedlock should be ensured by all appropriate means.

- Iceland, ICESCR, E/2000/22 (1999) 26 at para. 80.

The fact that juvenile violence against children is on the increase is of concern. A possible link exists between the increase in juvenile violence in general and the increasing use of alcohol and drugs by schoolchildren and juveniles.

- Argentina, ICESCR, E/2000/22 (1999) 49 at paras. 274 and 288.

### *Paragraph 274*

The State party has had in place for 10 years a programme that has been trying to address the problem of street children, particularly in Buenos Aires. It is of concern, however, that the root problems have not been successfully addressed, given that the number of children on the streets has continued to increase.

### *Paragraph 288*

The State party should adopt measures to combat the problem of street children and to attack the root causes of this situation.

- Cameroon, ICESCR, E/2000/22 (1999) 56 at para. 335.

The increasing incidence of poverty and unemployment in the State party, especially among the most vulnerable groups, such as minority groups and the elderly, and among the rural population is of concern. Alarm is expressed at reports indicating that 55 per cent of the population were living below the poverty line in 1998 of which 40 per cent lived in rural areas compared with 15 per cent in urban areas. The inadequacy of social security with regard to child maintenance for single parents and low-income families is of concern.

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- Georgia, ICESCR, E/2001/22 (2000) 30 at paras. 90 and 102.

### *Paragraph 90*

It is noted with concern that the number of children begging in the streets is on the increase and that many of them are drawn by adults into various types of criminal activity.

### *Paragraph 102*

The State party is urged to treat with more concern the growing number of children begging on the street and to take the appropriate measures to solve the problem.

- Italy, ICESCR, E/2001/22 (2000) 34 at para. 116.

It is noted with concern that a large number of the Roma population live in camps lacking basic sanitary facilities on the outskirts of major Italian cities. Life in the camps has had a major negative impact on the Roma children, many of whom abandon primary and secondary schooling in order to look after their younger siblings or to go out begging in the streets in order to help increase their family income.

- Egypt, ICESCR, E/2001/22 (2000) 38 at para. 152.

The Committee is of the view that the persistence of traditional practices and attitudes, deeply entrenched in Egyptian society, with regard to women and children hamper the ability of the Government to protect and promote their economic, social and cultural rights.

- Sudan, ICESCR, E/2001/22 (2000) 57 at para. 297.

The Committee welcomes the establishment of the Sudan National Committee for the Eradication of Harmful Practices, as well as the State party's various measures to improve the status of women, to alleviate or remove some of the obstacles to their freedom to travel, the Government's active campaign against female genital mutilation and against early marriage, the encouragement of child spacing, safe motherhood, women's and children's rights and reproductive health, and measures to increase the number of women working in government service.

- Morocco, ICESCR, E/2001/22 (2000) 82 at paras. 534 and 559.

### *Paragraph 534*

Persistent discrimination against children born out of wedlock is noted with concern. These children

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are frequently abandoned by their parents, and their lack of legal protection with regard to personal status and family law is noted with concern.

### *Paragraph 559*

It is strongly recommended that the State party address the problem of street children and children born out of wedlock who are abandoned by their parents.

- Senegal, ICESCR, E/2002/22 (2001) 61 at paras. 353 and 374.

### *Paragraph 353*

There is concern about the increasing number of street children, especially in Dakar, the high incidence of child labour, especially in rural areas, and the exploitation of children engaged in agriculture, domestic work, informal trading and other services. The low remuneration that children receive, which is well below the minimum wage, is also of concern.

### *Paragraph 374*

The problem of street children should be addressed and these children should be reintegrated into mainstream society.

## **CEDAW**

- Slovenia, CEDAW, A/52/38/Rev.1 part I (1997) 15 at paras. 104 and 114.

### *Paragraph 104*

Concern is expressed over the fact that less than 30 per cent of children under three years of age and slightly more than half of all children between three and six years of age were in formal day care, and that the remaining children, while cared for by family members and other private individuals, might miss out on educational and social opportunities offered in formal day-care institutions.

### *Paragraph 114*

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

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

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

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- Zimbabwe, CEDAW, A/53/38/Rev.1 part I (1998) 13 at para. 148.

The refusal of some health-care providers to give family planning services to sexually active adolescents, despite there being no legal restrictions in this regard, is of concern.

- China, CEDAW, A/54/38/Rev.1 part I (1999) 26 at para. 301.

The Government should explicitly address the linkages between economic security in old age and its family planning policies. It should take all appropriate measures to modify and eliminate son preference, *inter alia*, by expanding educational and employment opportunities for women in rural areas. The Government should enforce laws against sex-selective abortion, female infanticide and abandonment of children and remove all legal disabilities from "out-of-plan" and unregistered children.

- Colombia, CEDAW, A/54/38/Rev.1 part I (1999) 33 at paras. 379 and 380.

### *Paragraph 379*

Of extreme concern is the situation with respect to the human rights and physical integrity of street children, in particular girls.

### *Paragraph 380*

The needs of street children, especially girls, should be integrated systematically into all poverty-eradication, social-development and anti-violence plans and programmes.

- Nepal, CEDAW, A/54/38/Rev.1 part II (1999) 57 at para. 153.

It is a concern that traditional customs and practices detrimental to women and girls, such as child marriage, dowry, polygamy, *deuki* (a tradition of dedicating girls to a god or goddess, who become "temple prostitutes", which persists, despite the prohibition of the practice by the Children's Act) *badi* (the ethnic practice of forcing young girls to become prostitutes) and discriminatory practices that derive from the caste system are still prevalent.

- Iraq, CEDAW, A/55/38 part II (2000) 66 at paras. 201 and 202.

### *Paragraph 201*

The fact that sanctions have had a negative impact on children in areas such as health care, nutrition, employment and other basic social services, is recognized. Nevertheless, concern is expressed at the

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failure of the Government to put in place specific and targeted measures to address these problems.

### *Paragraph 202*

The Government should assess the differential impact of sanctions on children, and should put in place measures aimed at countering such a negative impact.

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

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

### **CAT**

- Venezuela, CAT, A/54/44 (1999) 16 at para. 133.

The Act intended to combat violence against women and the family has entered into force; and the Organizational Act for the Protection of Children and Adolescents has been approved, and will enter into force next year. Both laws are intended to improve the protection of two particularly vulnerable sectors who frequently fall victim to discrimination, abuse or cruel, inhuman or degrading treatment.

### **CRC**

- Bolivia, CRC, CRC/C/16 (1993) 13 at para. 36.

The disparities in the status and treatment of children in Bolivia conforming to distinctions based on race, sex, language and ethnic or social origin are of concern. Vulnerable groups of children, including girl children, indigenous children and children living in poverty, are particularly disadvantaged in their access to adequate health and educational facilities and are the primary victims of such abuses as sale and trafficking, child labour and sexual and other forms of exploitation. The diminished level of protection for girl children inherent in the lower minimum age for marriage is discriminatory and, as a result, deprives this group of children of the benefit of other protections afforded by the Convention.

- Sweden, CRC, CRC/C/16 (1993) 16 at para. 56.

With respect to the definition of the child, the State party should consider an approach which is more



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coherent and more closely reflects the general principles and the provisions of the Convention. Steps might be taken to close the gap in the law which at present allows for the possibility of conscripting children under the age of 18 into the armed forces.

- Viet Nam, CRC, CRC/C/16 (1993) 18 at paras. 63 and 65.

### *Paragraph 63*

The transition from a centrally planned to a market oriented economy in Viet Nam produces new, or aggravates old, social problems which have a negative impact on the situation of children. Old traditions in remote parts of the country also create difficulties for the application of the provisions of the Convention.

### *Paragraph 65*

It is particularly important for the Government of Viet Nam to take all necessary steps, both nationally and also using international assistance and cooperation, to minimize the negative impact that the economic reforms may have on the most vulnerable group, i.e. children of the Vietnamese society. Particular attention should be paid to the protection of children belonging to different minority groups, children living in rural areas and children in urban areas who live and/or work on the street. In the latter case, there seems to be a need to further study the root causes of this phenomenon and to develop appropriate strategies to resolve this problem.

- Russian Federation, CRC, CRC/C/16 (1993) 21 at paras. 77, 84 and 85.

### *Paragraph 77*

Concern is expressed over the fact that society is not sufficiently sensitive to the needs and situation of children from particularly vulnerable and disadvantaged groups, such as the disabled.

### *Paragraph 84*

It is noted that, in a period of structural adjustment, it is particularly important to monitor regularly the effects of economic change on children. The appropriateness of identifying and using indicators to follow the Government's progress in the implementation of legislative and other measures for the rights of the child is also emphasized.

### *Paragraph 85*

The establishment of a National State Committee or any similar structure whose purpose it is to coordinate and monitor the implementation of the Convention should be considered. Support should be given to local and other non-governmental organizations for the mobilization of work on the rights of the child. The active participation of non-governmental organizations, children and youth groups in changing and influencing attitudes for the better implementation of the rights of the child is also

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recommended.

- Indonesia (preliminary), CRC, CRC/C/20 (1993) 13 at para. 48.

The insufficient attention given to the implementation of the general principles of the Convention, particularly its articles 2, 3 and 12 is of concern. The Committee wishes to emphasize that the implementation of these principles is not to be made dependent on budgetary resources.

- Peru, CRC, CRC/C/20 (1993) 16 at paras. 60 and 73.

### *Paragraph 60*

Economic factors, including a high level of external debt, have adversely affected the situation of children.

### *Paragraph 73*

All the necessary steps should be taken to minimize the negative impact of the structural adjustment policies on the situation of children. The authorities should undertake all appropriate measures to the maximum extent of their available resources to ensure that sufficient resources are allocated to children. In that regard, particular attention should be paid to the protection of children living in areas affected by internal violence, displaced children, disabled children, children living in poverty and children living in institutions. International assistance will also be needed to address more effectively the challenge of improving the situation of these children.

- El Salvador, CRC, CRC/C/20 (1993) 19 at para. 84.

Concern is expressed over the concept of children in "irregular situations" in Salvadorian law. Clarification is needed with regard to the criteria used to define this concept, as well as the possible applicability of penal law to such children.

- Costa Rica, CRC, CRC/C/20 (1993) 25 at paras. 128, 129 and 134.

### *Paragraph 128*

Concern is expressed over the fact that legislation relevant to the application of the Convention is not only dispersed, but sometimes contradictory. Similarly, there are many programmes focussed on specific areas of the Convention which are not yet coordinated. This inadequate legal harmonization and policy coordination has resulted in a limited capacity to enforce existing measures.

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### *Paragraph 129*

The impact of economic adjustment policies is of concern. With the cuts in allocations in the social sector, the basic welfare of the children who are most vulnerable, such as abandoned children, children living in extreme poverty and children of disadvantaged groups, may not be adequately protected. As a consequence, many of Costa Rica's past achievements in the areas of health, education, welfare and social stability would appear to be seriously threatened.

### *Paragraph 134*

The Government should undertake a thorough review of the impact of economic adjustment policies with a view to identifying ways to ensure adequate protection for children, in particular the disadvantaged and vulnerable ones, in the light of articles 2, 3 and 4 of the Convention. Necessary support should be given to strengthening the family environment for such children.

- Mexico, CRC, CRC/C/24 (1994) 12 at paras. 32, 34, 40 and 41.

### *Paragraph 32*

The fact that laws and regulations relevant to the enforcement of the rights of the child are not always compatible with the provisions of the Convention is of concern. It is regrettable that there is no provision in the national legislation relating to the best interests of the child or the prohibition of discrimination against children. Mere reference in the report to the Convention as being the "Supreme Law of the Land", pursuant to article 133 of the Constitution, should not preclude the Government from taking the necessary steps to fully harmonize national legislation with the provisions of the Convention, namely in the light of article 4 of the Convention. Similarly, the National Programme of Action adopted in 1990 and its enforcement machinery, based on the targets identified by the World Summit for Children, do not fully take into account the particularities of the Convention. Furthermore, similar to the National Programme of Action adopted in 1990 and its enforcement machinery based on the targets identified by the World Summit for Children, a monitoring mechanism should be established to follow the implementation of the Convention.

### *Paragraph 34*

The unequal distribution of the national wealth in the country and the disparities and discrepancies in the enforcement of the rights provided for under the Convention between the different regions of the country, to the detriment of rural children and children belonging to minorities or indigenous communities, is of concern.

### *Paragraph 40*

All necessary steps must be taken, in all areas, to ensure the respect and actual implementation of the provisions contained in national legislation relating to the rights of the child. Furthermore, the State party should take the necessary steps to fully harmonize federal and state legislation with the provisions of the Convention. Principles relating to the best interests of the child and the prohibition

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of discrimination in relation to children should be incorporated into domestic law, and it should be possible to invoke them before the courts. The relevant mechanisms should also be set up, parallel to those deriving from the National Programme of Action, to monitor the implementation of the Convention at the federal, state and local levels. Coordination between the various levels of the administration as well as cooperation with non-governmental organizations involved in the implementation of the Convention and the monitoring thereof should be strengthened.

### *Paragraph 41*

The best interests of the child must be a guiding principle in the application of the Convention and the authorities should undertake all appropriate measures to the maximum extent of their available resources to ensure that sufficient resources are allocated to children, particularly children living and/or working in the streets, children belonging to minority groups or indigenous communities and other vulnerable children.

- Namibia, CRC, CRC/C/24 (1994) 15 at paras. 56-58.

### *Paragraph 56*

Consideration should be given to the possibility of the State party becoming a party to all the major international human rights instruments, and assistance may be requested from the United Nations Centre for Human Rights in this regard.

### *Paragraph 57*

The State party should fully integrate the Convention on the Rights of the Child into the national legal framework and into national plans of action for the implementation of the rights of the child. Moreover, the early adoption of a new Children's Act, which will take fully into account the principles and provisions of the Convention on the Rights of the Child and observations made by the Committee during its dialogue with the State party, is recommended.

### *Paragraph 58*

The State party should evaluate the work of the present Ombudsman's Office in protecting the rights of the child with a view to determining whether any further measures would be required to support the Office in its endeavours to contribute to the implementation of the rights of the child.

- Colombia, CRC, CRC/C/24 (1994) 18 at paras. 72 and 82.

### *Paragraph 72*

The significant gap between the laws adopted to promote and protect the rights of the child and the practical application of those laws to the actual situation of a great number of children in Colombia is of concern. The lack of sufficient coordination of the various efforts to implement the Convention

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and discriminatory and adverse social attitudes, particularly among law enforcement officials, towards vulnerable groups of children, are also of concern.

### *Paragraph 82*

To assess the implementation of the Convention and to narrow the gap between the law and its practice, a mechanism should be established to monitor the actual situation of children, particularly those from vulnerable groups. Given the seriousness of the problem, closer cooperation should be sought with international agencies, which may be able to provide assistance and expertise and to embark upon major reform in the problem areas identified by the Committee. A new attitude and approach should be developed, particularly as regards the police and the military, in order to enhance respect for all children, regardless of their social, economic or other background, and to reaffirm their value. In this connection, information and training programmes should be strengthened at the level of the community and the family. Further measures should be envisaged to strengthen cooperation with NGOs that aim for greater social mobilization on behalf of the rights of the child.

- Romania, CRC, CRC/C/24 (1994) 21 at paras. 89, 94 and 95.

### *Paragraph 89*

The difficult economic situation prevailing in the country and its effect on children is worrisome. In this connection, the Committee is particularly concerned as to whether there are adequate measures to protect children from being the victims of economic reform, in the light of articles 3 and 4 of the Convention. The rights and basic needs of all children in the country should be taken into account also during the process of decentralization and privatization.

### *Paragraph 94*

The Government should regularly monitor the impact of the structural adjustment programmes on children and take adequate measures for their protection.

### *Paragraph 95*

A more coherent approach should be taken by the Government in implementing the Convention, particularly in assuring better coordination between the various mechanisms and institutions already in place to deal with promotion and protection of the rights of children.

### *See also:*

- Russian Federation, CRC, CRC/C/16 (1993) 21 at para. 76.

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- Belarus, CRC, CRC/C/24 (1994) 24 at paras. 112 and 117.

### *Paragraph 112*

Concern is expressed over whether the most disadvantaged groups of children in the society have been identified and programmes targeted accordingly to ensure that adequate safety nets are in place to prevent a deterioration of the rights they are entitled to under the Convention. The situation of rural children is also a matter of general concern.

### *Paragraph 117*

A considerably stronger involvement of non-governmental organizations in the work of protecting and promoting the rights of the child is something that the Committee wishes to see.

- Pakistan, CRC, CRC/C/29 (1994) 10 at para. 38.

It is of concern that in view of the division of the responsibilities between the federal and provincial levels, insufficient attention seems to have been paid to the provisions of article 4 of the Convention. It is noted that international agencies have questioned the present balance of resource allocations in the State party between the social and other sectors, including defence.

- Burkina Faso, CRC, CRC/C/29 (1994) 15 at para. 66.

The negative effects of poverty and structural adjustments on the situation of children are of concern, as illustrated by the high rate of infant mortality, malnutrition, and the low level of health services and school attendance.

- France, CRC, CRC/C/29 (1994) 17 at paras. 91, 98 and 101.

### *Paragraph 91*

Sufficient safeguards need to be taken against the possible negative social impact of decentralization, in order to avoid the risk of aggravated disparities between the regions with respect to the standard of living, and to minimize the possible adverse effects on the enjoyment of economic and social rights by children, especially those belonging to the most vulnerable groups.

### *Paragraph 98*

In the period of economic recession, the enjoyment of the individual rights of children should be carefully monitored. The necessary measures should be taken to ensure the full realization of the economic and social rights of children belonging to the poorest and most vulnerable sectors of society, including those living in suburbs, the children of migrant workers and socially marginalized

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children.

### *Paragraph 101*

Further consideration should be given to ways of encouraging children to express their views and those views should be given due weight in the decision-making processes affecting their lives, in particular within school and the local community.

- Jordan, CRC, CRC/C/29 (1994) 21 at para. 130.

In line with article 4 of the Jordanian Education Act and article 29 of the Convention, emphasis should be given in school education to the important values of peace, tolerance and respect of human rights. The active participation of children should be encouraged. Similarly, efforts should be undertaken to develop new channels, including membership of associations, through which children may make their views known and have them taken into account.

- Chile, CRC, CRC/C/29 (1994) 25 at para. 150.

An overall national mechanism should be set up with the mandate to assure continuing supervision and evaluation throughout the country of the implementation of the Convention, which is particularly important within the context of the realization by the Government of the decentralization programme.

- Norway, CRC, CRC/C/29 (1994) 27 at para. 167.

In case the Government should decide to amend its Constitution to include therein a special provision on the incorporation of certain human rights treaties, the incorporation of a reference to the Convention on the Rights of the Child is encouraged.

- Honduras, CRC, CRC/C/34 (1994) 11 at para. 49.

The Government should consider the possibility of organizing a meeting to discuss the matter of the availability of resources for the implementation of the rights recognized in the Convention, including within the framework of international cooperation. Participants in such a meeting could include members of the Committee, the donor community, the World Bank, IMF, UNICEF, other intergovernmental organizations and non-governmental organizations.

- Philippines, CRC, CRC/C/38 (1995) 12 at paras. 58, 64 and 68.

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### *Paragraph 58*

The unequal distribution of the national wealth in the country and the disparities in the enjoyment of children's rights, to the detriment of poor urban children, children living in rural areas and children belonging to minorities (or "cultural" communities) are of concern.

### *Paragraph 64*

The large and growing number of children who, due to rural exodus, extreme poverty, abandonment, and situations of violence within the family, are forced to live and/or work in the streets, are deprived of their fundamental rights and exposed to various forms of exploitation, is a matter of deep concern.

### *Paragraph 68*

Qualitative and quantitative data and indicators for evaluating the progress and efficiency of programmes aiming at the full enjoyment of children's rights should be developed. Publicity should also be given to monitoring reports on the implementation of the rights of the child.

- Colombia, CRC, CRC/C/38 (1995) 16 at para. 85, 88, 93, 98 and 99.

### *Paragraph 85*

The lack of sufficient coordination between the various entities involved in human rights and children's rights, as well as the lack of comprehensive consideration of different sectoral policies aiming at the promotion and protection of the rights of the child are of concern.

### *Paragraph 88*

The discriminatory and adverse social attitudes, particularly among law enforcement officials, towards vulnerable groups of children are of concern. The life-threatening situation faced by an alarming number of children, particularly those who, in order to survive, are working and/or living on the streets is of grave concern. Many of those children are victims of "social cleansing" campaigns and are subject to arbitrary arrest and torture and other inhuman or degrading treatment by authorities. They are also subject to coercion, disappearance, trafficking and murder by criminal groups.

### *Paragraph 93*

Firm measures should be taken to ensure the right to survival for all children, including those who live in a situation of poverty, who have been abandoned, or who are forced to live and/or work in the streets in order to survive. Such measures should aim at the effective protection of children against the occurrence of violence, disappearance, assassination or alleged organ trafficking. Thorough and systematic investigations should be carried out and severe penalties applied to those found responsible for such violations of children's rights. Violations of human rights and children's rights should always be examined by civilian courts under civilian law, not by military courts. The outcome of investigations and cases of convictions should be widely publicized in order to deter future offences.



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and thus combat the perception of impunity.

### *Paragraph 98*

A new attitude and approach should be developed, particularly as regards the police and the military, in order to enhance respect for all children, regardless of their social, economic or other background, and to reaffirm the value of their fundamental rights. In this connection, information and training programmes should be strengthened, including at the level of the community and the family, and the rights of the child should be included in the framework of the training curriculum of the professional groups concerned.

### *Paragraph 99*

Further measures should be envisaged to strengthen cooperation with NGOs aiming at greater social mobilization on behalf of the rights of the child.

- Poland, CRC, CRC/C/38 (1995) 20 at para. 127.

In the context of economic transition, consideration should be given to the adoption of a National Plan of Action in the field of the rights of the child and to the development of specific programmes aiming at protecting children and at ensuring that safety nets are established to prevent a deterioration of their rights.

- Jamaica, CRC, CRC/C/38 (1995) 25 at para. 158.

All appropriate efforts should be undertaken to ensure, to the maximum extent of available resources and within the framework of international cooperation, that sufficient resources are allocated to children. Due attention should be given to the needs of particularly vulnerable and poverty-stricken children so as to provide adequate safety nets for them and their families, in order to avoid a further deterioration of their rights.

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/38 (1995) 35 at para. 223.

The situation of Gypsy and Traveller children is a matter of concern, especially with regard to their access to basic services and the provision of caravan sites.

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

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### *Paragraph 43*

Concern is expressed over the continuing difficulties encountered in ensuring the birth registration of children, particularly at the rural level. The registry of all children is necessary, in particular, to ensure their recognition as persons before the law and the fuller enjoyment of their rights and, in general, to facilitate the effective monitoring of the situation of children with a view to assisting in the development of suitably appropriate and targeted programmes.

### *Paragraph 62*

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

- Canada, CRC, CRC/C/43 (1995) 16 at paras. 80 and 84.

### *Paragraph 80*

The emerging problem of child poverty, especially among vulnerable groups, is of concern. Also worrisome is the increasing number of children who are brought up by single parent families, or in other problematic environments. The need for special programmes and services to provide the necessary care, especially in terms of education, housing and nutrition, for such children is emphasized.

### *Paragraph 84*

The increasing incidence of suicide among young people is cause for concern.

- Belgium, CRC, CRC/C/43 (1995) 20 at para. 111.

In light of article 12 of the Convention, further consideration should be given to ways of encouraging the expression of views by children. Those views should be given due weight in the decision-making processes affecting their lives, in particular in family life, at school and at local levels as well as within the judicial system, including in situations where the child participates in proceedings as a witness.

- Sri Lanka, CRC, CRC/C/43 (1995) 26 at paras. 141 and 143.

### *Paragraph 141*

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That only a small part of the national budget is dedicated to the protection of the child and that a high proportion goes to military expenditures is regrettable.

### *Paragraph 143*

The lack of efficient and integrated mechanisms to monitor the situation of children is a matter of concern, particularly since the constitutional change gives increasing political power to the provinces. In this regard a lack of reliable quantitative and qualitative data, a shortage of means to implement programmes, and a lack of indicators and mechanisms to evaluate the progress and impact of policies adopted, are noted.

- Italy, CRC, CRC/C/46 (1995) 7 at para. 37.

Closer and more active cooperation with non-governmental organizations working for the rights of the child should be ensured. This measure could contribute to promoting an ongoing dialogue with civil society and to public scrutiny of governmental action in the field of the promotion and protection of children's rights.

- Ukraine, CRC, CRC/C/46 (1995) 11 at paras. 67, 68 and 72.

### *Paragraph 67*

Further consideration should be given to the establishment of an ombudsperson for children, or of any equivalent permanent and independent complaint and monitoring mechanism.

### *Paragraph 68*

Measures should be taken to prevent a rise in discriminatory attitudes or prejudices towards children belonging to minority groups, children living in rural areas, Roma children and children afflicted with HIV/AIDS.

### *Paragraph 72*

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

### *See also:*

- Republic of Korea, CRC, CRC/C/50 (1996) 26 at para. 172.
- Fiji, CRC, CRC/C/79 (1998) 18 at para. 129.

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- Senegal, CRC, CRC/C/46 (1995) 21 at paras. 129 and 137.

### *Paragraph 129*

Serious concern is expressed at the difficult living conditions faced by a great number of talibés, who are deprived of the enjoyment of their fundamental rights under the law.

### *Paragraph 137*

With respect to the implementation of article 4 of the Convention, particular attention should be paid to the need to ensure budget allocations, to the maximum extent of available resources, to implement economic, social and cultural rights in the light of the principles of non-discrimination and the best interest of the child. Efforts should be pursued to reduce the negative impact on children of policies of structural adjustment.

- Yemen, CRC, CRC/C/50 (1996) 9 at paras. 31, 32, 34, 36, 38, 41, 43 and 45.

### *Paragraph 31*

Insufficient steps have been taken to bring existing legislation into full conformity with the Convention, including the general principles of the Convention, in particular the principles of non-discrimination (art. 2), the best interests of the child (art. 3) and respect for the views of the child (art. 12).

### *Paragraph 32*

Concern is expressed about the lack of conformity of legislative provisions with respect to the legal definition of the child, as is the case of the minimum age for marriage and the age of criminal responsibility, which are set at too low an age level.

### *Paragraph 34*

Insufficient measures have been taken and programmes developed for the protection of the rights of the most vulnerable children, in particular girls, children living in rural areas, child victims of abuse, children affected by armed conflicts, disabled children, "akhdam" children and children who are forced to live and/or work in the streets, including child beggars.

### *Paragraph 36*

It is regretted that insufficient steps have been taken to create awareness of the Convention and to disseminate information on the rights of the child to children and adults alike. The lack of training activities for professional groups working with and for children, including teachers, social workers, health personnel, judges and law enforcement officials is also regretted.

### *Paragraph 38*

Insufficient measures have been taken to ensure the implementation of economic, social and cultural

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rights to the maximum extent of available resources, in particular in relation to the most vulnerable groups.

### *Paragraph 41*

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

### *Paragraph 43*

A permanent and multidisciplinary mechanism for the coordination and monitoring of the implementation of the Convention should be established, both at the national and local levels, in urban as well as rural areas, to allow for the definition of a comprehensive policy on children. Closer cooperation with non-governmental organizations should be promoted.

### *Paragraph 45*

The State party should undertake all appropriate measures, to the maximum extent of the available resources, to ensure budgetary allocations to services for children, particularly in the areas of education and health, and priority attention should be paid to the protection of the rights of children belonging to the most disadvantaged groups, including girls, children living in rural areas, children affected by armed conflicts, disabled children, "akhdam" children and children who are forced to live and/or work in the streets.

- Mongolia, CRC, CRC/C/50 (1996) 13 at paras. 56, 57, 72 and 78.

### *Paragraph 56*

The difficulties facing Mongolia in the present period of political transition, social change and deep economic crisis are noted. The situation of many children has worsened as a consequence of growing poverty and increasing unemployment. The geographical and climatological particularities of the State party can, to some extent, affect the daily life of children.

### *Paragraph 57*

The impact on children of the difficult economic situation prevailing in the country is worrisome. Concern is expressed as to whether appropriate measures have been undertaken to protect children, particularly those belonging to the most vulnerable groups, in the light of articles 3 and 4 of the Convention.

### *Paragraph 72*

In the framework of its legal reform, the Government should fully take into account the provisions of the Convention on the Rights of the Child, especially its general principles (arts. 2, 3, 6 and 12).

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### *Paragraph 78*

Law reform in the field of children's rights and training of professionals working with children should be initiated. Special attention should be paid to training in the relevant international standards, in particular for judges, law enforcement officials, correctional officers and social workers.

- Yugoslavia (Serbia and Montenegro), CRC, CRC/C/50 (1996) 17 at paras. 84, 92, 95, 104, 110 and 117.

### *Paragraph 84*

The consequences of the war on the territory of the former Yugoslavia, combined with the realities of sanctions, seem to have led to a worsening of the indicators of health and education of the children of the Federal Republic, including lower immunization coverage, more nutrition-related disorders and illnesses, and an increase in the number of children suffering from mild and serious mental disorders. The sanctions against the Federal Republic may have led to the isolation of professionals dealing with the rights of the child.

### *Paragraph 92*

Uncertainty remains about the extent to which the State party has undertaken measures to ensure that the traditional view of children as mere objects of care has been replaced by an understanding and recognition of the child as a subject of rights.

### *Paragraph 95*

There appears to be an increase in violent and aggressive behaviour among children and adolescents in the State party. In this context, the problem of the abuse of children is a concern.

### *Paragraph 104*

Training and retraining programmes and opportunities need to be systematically developed for professionals working with or for children, in particular the police and law enforcement and army personnel, to ensure that they understand children's rights and their responsibility for actions taken which impact on the promotion and protection of the rights of the child.

### *Paragraph 110*

In general, the undertaking of pro-active measures to encourage children to participate in family, community and social life, in general, merits greater attention.

### *Paragraph 117*

In the case of alleged violations of human rights committed by groups of individuals, the responsibility of the authorities to undertake measures to protect children from such acts is emphasized. Those accused of abuses should be tried and, if found guilty, punished. In addition, the outcome of investigations and cases of convictions should be widely publicized in order to combat any perception

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of impunity.

- Iceland, CRC, CRC/C/50 (1996) 23 at paras. 128, 135, 146 and 147.

### *Paragraph 128*

The establishment of the Office of Children's Ombudsman is welcomed, as is its role of disseminating information on the rights of the child to the public and of encouraging compliance with international instruments.

### *Paragraph 135*

It is emphasized that the Convention provides for the protection and care of children, and in particular for the recognition of the child as the subject of his or her own rights. In this connection, it is noted that this essential aspect of the Convention is not yet fully reflected in Icelandic law.

### *Paragraph 146*

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

### *Paragraph 147*

Appropriate measures should be taken to counter the inequalities between men and women with regard to remuneration, since it may be detrimental to the child, in particular in homes headed by a single woman.

- Republic of Korea, CRC, CRC/C/50 (1996) 26 at paras. 156, 159-162, 171 and 175.

### *Paragraph 156*

The efforts to secure rapid economic growth have not always been matched by an appropriate level of realization of economic, social and cultural rights, particularly in relation to children belonging to the most disadvantaged groups affected by growing poverty. The fact that the country has only recently emerged from a period of military rule has had a negative impact on the enjoyment of the fundamental rights and freedoms of children.

### *Paragraph 159*

Insufficient measures have been taken to ensure that the principles and provisions of the Convention are widely known to children and adults. The lack of adequate training on the contents of the Convention of the various professional groups working with and for children, including teachers, social workers, judges, law enforcement officials, psychologists and health personnel, is also noted

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with regret.

### *Paragraph 160*

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

### *Paragraph 161*

Concern is expressed that the basic principles of the Convention, in particular the provisions of articles 2, 3 and 12, have not been adequately reflected in legislation, policies and programmes. Insufficient measures have been adopted to create awareness of these basic values of the Convention with a view to changing the prevailing consideration and treatment of the child simply "as a mini-adult or immature adult", as recognized in the report. The persistent discriminatory attitudes affecting girls, including in relation to the minimum age for marriage, disabled children and children born out of wedlock, are of concern.

### *Paragraph 162*

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

### *Paragraph 171*

The Government should pursue its efforts in order to ensure full compliance of its national legislation with the provisions and principles of the Convention, including non-discrimination (art. 2), the best interests of the child (art. 3) and respect for the views of the child (art. 12). Legislative measures should be adopted with a view to ensuring an equal minimum age for marriage for girls and boys, in the light of article 2; ensuring the basic rights of all disabled children, in particular the right to education, in the light of article 23; abolishing any discrimination towards children born out of wedlock; preventing any risk of statelessness for a child born to a Korean mother; clearly prohibiting any form of corporal punishment; and raising the minimum age for employment with a view to adjusting it to the age of compulsory education.

### *Paragraph 175*

Greater efforts should be made to promote the participation of children in family, school and social life, as well as the effective enjoyment of their fundamental freedoms, including the freedoms of opinion, expression and association, which should be subject only to the restrictions provided for by law, and which are necessary in a democratic society.

- Croatia, CRC, CRC/C/50 (1996) 31 at paras. 188, 195, 197 and 202.



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### *Paragraph 188*

The efforts pursued by the Government in cooperation with non-governmental organizations, with a view to raising public awareness on the rights of the child, are welcomed. In this connection, the Committee welcomes the European Youth Campaign being undertaken under the auspices of the Council of Europe to combat racism, xenophobia, anti-Semitism and intolerance.

### *Paragraph 195*

Concern is expressed about the impact on children of economic difficulties resulting from the transition to a market economy. The privatization of some social services, which might affect the most vulnerable groups of children, is worrisome.

### *Paragraph 197*

That a number of unaccompanied children, who have lost contact with their families, are in institutions or in foster care is a concern. That some foster homes might accept responsibility for the care of children solely for the economic compensation provided to them is a further concern. The consequences for the children living under such conditions are not conducive to their sound development.

### *Paragraph 202*

The State party should take further steps, such as the establishment of a permanent structure to improve policy formulation and adopt measures for the promotion and protection of children's rights.

- Finland, CRC, CRC/C/50 (1996) 35 at paras. 212, 218, 219 and 222.

### *Paragraph 212*

It is noted with satisfaction that the Government provides a comprehensive social security system and a wide range of welfare services for the benefit of children and their parents, particularly free health care, free education, extended pregnancy leave rights and a large day-care system.

### *Paragraph 218*

The difficulties facing Finland in the present period of structural change and economic recession are noted. Decentralization and privatization policies, severe unemployment and State budgetary cuts have undoubtedly affected Finnish children, particularly the most vulnerable groups.

### *Paragraph 219*

The Committee is worried about the impact on children of the difficult economic situation prevailing in the country, which has resulted in budgetary cuts, and the existing trends towards decentralization and privatization. In this connection, it is particularly concerned as to whether appropriate measures have been undertaken to protect children, particularly those belonging to the most vulnerable groups, in the light of articles 3 and 4 of the Convention.

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### *Paragraph 222*

It is of concern that the State party has not yet fully taken into account in its legislation and in its policies the general principles of the Convention, in particular non-discrimination (art. 2), the best interests of the child (art. 3) and respect for the views of the child (art. 12).

### *See also:*

- Mongolia, CRC, CRC/C/50 (1996) 13 at para. 60.
- Nepal, CRC, CRC/C/54 (1996) 25 at para. 160.
- Cyprus, CRC, CRC/C/54 (1996) 38 at para. 244.
  
- Lebanon, CRC, CRC/C/54 (1996) 7 at paras. 45, 54 and 55.

### *Paragraph 45*

The need for special efforts to protect the rights of children in especially difficult circumstances, including abandoned and stateless children, is noted.

### *Paragraph 54*

In relation to the growing role of private educational and health institutions, a stronger emphasis should be placed on public education and the social welfare system by the Government with a view to ensuring that all children subject to the jurisdiction of the State party enjoy these fundamental rights, and are not at any risk of discrimination.

### *Paragraph 55*

A more comprehensive social policy, which would include the implementation of the National Plan of Action for Child Survival, Protection and Development, should be developed. Such a policy would emphasize the importance of human development. Further steps should be taken towards decentralizing social services, so as to afford children outside the capital open and easy access to basic social services and education.

- China, CRC, CRC/C/54 (1996) 18 at paras. 116, 117 and 119.

### *Paragraph 116*

Inadequate measures taken in the field of social security may have led to an over-reliance on children providing future care and support to their parents. This may contribute to the perpetuation of harmful traditional practices and attitudes such as a preference for boys, to the detriment of the protection and promotion of the rights of girls and of disabled children.

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### *Paragraph 117*

There is a need to consider questions relating to the definition of the child, including in relation to the age of criminal responsibility, so as to ensure that national legislation and related procedures duly take into consideration the provisions and general principles of the Convention, including the best interests of the child.

### *Paragraph 119*

The persistence of practices leading to cases of selective infanticide is a concern.

- Nepal, CRC, CRC/C/54 (1996) 25 at paras. 158, 159, 164, 169, 175, 178, 179, 184, 188 and 189.

### *Paragraph 158*

It is noted that Nepal is one of the poorest countries of the world. More than half the population lives in absolute poverty which mainly affects the most vulnerable groups and hampers the enjoyment of children's rights. This reality, added to the foreign debt and debt servicing, represents serious difficulties affecting the degree of fulfilment of the Government's obligations under the Convention.

### *Paragraph 159*

Concern is expressed about the inadequate measures adopted to ensure that national legislation fully conforms with the principles and provisions of the Convention. In particular, the lack of conformity of legislative provisions concerning non-discrimination including in relation to marriage, inheritance and parental property, torture and corporal punishment is noted.

### *Paragraph 164*

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

### *Paragraph 169*

Deep concern is expressed about the large and growing number of children who, owing to rural exodus, extreme poverty, and violence and abuse within the family, are forced to live on the streets, are deprived of their fundamental rights and are exposed to various forms of exploitation.

### *Paragraph 175*

The State party should launch a comprehensive and integrated public information campaign aimed at promoting children's rights within the society, and particularly within the family. The State party should also ensure specific training on the Convention for professional groups working with and for children, including teachers, social workers, health personnel, judges and law enforcement officials.

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International cooperation with, *inter alia*, the Centre for Human Rights and the United Nations Children's Fund could be sought to this effect.

### *Paragraph 178*

A multidisciplinary monitoring system should be established to assess the progress achieved and difficulties encountered in the realization of the rights recognized by the Convention at the central and local levels, paying particular attention to the adverse effects of economic policies on children. Such a monitoring system should enable the State party to shape appropriate policies and to combat prevailing social disparities and traditional prejudices. The State party should consider establishing an independent mechanism, such as an Ombudsperson or a human rights commission, to monitor the realization of the rights of the child and to deal with individual complaints relating thereto.

### *Paragraph 179*

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

### *Paragraph 184*

Firm measures should be taken to ensure the right to survival of all children in Nepal, including those who live and/or work in the streets. Such measures should aim at the effective protection of children against any form of exploitation, particularly child labour, prostitution, drug-related activities and child trafficking and sale.

### *Paragraph 188*

A technical assistance programme should be developed with the Centre for Human Rights, including in the areas of law reform in the field of children's rights and the training of professionals working with children. Special attention should be paid to training programmes on the relevant international standards, in particular for judges, law enforcement officials, correctional officers and social workers. Attention should also be given to awareness and information campaigns on the Convention on the Rights of the Child. Moreover, the establishment of a commission on human rights or other independent mechanisms to monitor the realization of children's rights should be considered.

### *Paragraph 189*

The Government should consider seeking technical assistance from relevant international organizations, including the International Labour Organization, the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the World Health Organization. Consideration may be given to the establishment of a task force of the international organizations present in the country, with a view to promoting and protecting the rights set forth in the Convention. The international community is also encouraged to assist the State party in its current efforts.

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- Guatemala, CRC, CRC/C/54 (1996) 31 at paras. 206, 221 and 229.

### *Paragraph 206*

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

### *Paragraph 221*

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

### *Paragraph 229*

The problems of children traumatized by the effects of armed conflict and violence in society are a matter of serious concern. In this connection, the State party should give consideration to the implementation of specific projects for children, to be carried out in an environment which fosters the health, self-respect and dignity of the child.

- Cyprus, CRC, CRC/C/54 (1996) 38 at paras. 245, 249, 257 and 259.

### *Paragraph 245*

The apparent persistence of discriminatory attitudes towards children born out of wedlock with regard to their right to a name and to citizenship is a concern.

### *Paragraph 249*

The consequences of early marriages are a concern, as is the insufficient awareness and understanding among adults and children of the principles and provisions of the Convention.

### *Paragraph 257*

The State party should carry out a comprehensive and integrated public information campaign aimed at promoting children's rights within society, and particularly within the family.

### *Paragraph 259*

The State party should consider extending the mandate of the Ombudsperson to enable him/her to receive and process all complaints relating to all types of issues affecting children.

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- Morocco, CRC, CRC/C/57 (1996) 7 at para. 50.

Special protective measures should be implemented in relation to children living in rural areas, children who are victims of abuse, children of single-parent families, children born out of wedlock, abandoned, institutionalized and disabled children, children involved with the juvenile justice system, particularly when deprived of their liberty, children involved in child labour and children who, in order to survive, are forced to live and/or work in the streets.

- Nigeria, CRC, CRC/C/57 (1996) 12 at para. 63.

Concern is expressed over the fact that the impact of economic policy, as at present designed and pursued, may have led the Government to resort, on a more regular basis, to temporary *ad hoc* funding measures to cover significant shortfalls in income for the realization of particular programmatic objectives. The gap between the country's gross national product and the insufficiency of resources being made available for the implementation of the rights of the child, in particular in the areas of primary health care, primary education and other social services, as well as for the protection of the most disadvantaged groups of children, are also of concern. Equally, the effectiveness of measures presently in place to give priority to projects for the implementation of the rights of the child, as well as to reduce any disparities between and within regions as regards the availability of resources for the realization of such projects, remains a concern.

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

Despite the recent increase in the number of social workers employed for child abuse cases, the case load of each professional may still be too high and the question of taking additional action to address such matters requires further study. The Committee encourages the efforts made to accord high priority to and to pursue more intensely the establishment of day-care centres in the community, including as a measure to prevent children being left unattended at home. The Committee also encourages the initiative undertaken to ensure within the future reviews of the Family Life Education Programme and an assessment of its effectiveness in preventing abuse.

- Slovenia, CRC, CRC/C/57 (1996) 34 at paras. 207 and 217.

### *Paragraph 207*

The transition to a market economy may threaten the full enjoyment by children of their rights and this is of concern. The insufficient level of support given to single parent families is also worrisome.

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### *Paragraph 217*

In the difficult period of transition to a market economy, all appropriate measures should be taken to maintain and strengthen the full enjoyment of the rights of children, particularly with a view to ensuring the allocation of available resources to their maximum extent for the implementation of the economic, social and cultural rights in the light of the principles of non-discrimination and the best interests of the child.

- Bulgaria, CRC, CRC/C/62 (1997) 7 at para. 50.

All appropriate measures should be taken, to the maximum extent of available resources, to ensure that sufficient budgetary allocation is provided to social services for children. Particular attention should be paid to the protection of children belonging to vulnerable and marginalized groups. In this regard, the "child impact" of decisions taken by the authorities should be assessed on an ongoing basis.

### *See also:*

- Honduras, CRC, CRC/C/87 (1999) 26 at para. 112.
- Russian Federation, CRC, CRC/C/90 (1999) 18 at para. 76.

- Ethiopia, CRC, CRC/C/62 (1997) 12 at para. 95.

A meeting should be organized, gathering international organizations working in the country, including agencies and organizations of the United Nations system and non-governmental organizations, and competent national authorities, with the aim of assessing the need for further international assistance with regard to the promotion and protection of the rights of the child.

- Panama, CRC, CRC/C/62 (1997) 19 at paras. 120 and 126.

### *Paragraph 120*

The State party should urgently develop a comprehensive national strategy on children and pursue its efforts to strengthen the institutional framework to promote and protect human rights in general and the rights of the child in particular. In this regard, a permanent and multidisciplinary mechanism should be developed to coordinate and monitor the implementation of the Convention at both national and local levels and in urban and rural areas.

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### *Paragraph 126*

Further efforts are required to ensure the active participation of children and their involvement in all decisions affecting them in the family, at school and in social life, in light of articles 12, 13 and 15 of the Convention.

### *See also:*

- Cyprus, CRC, CRC/C/54 (1996) 38 at para. 256.
- Myanmar, CRC, CRC/C/62 (1997) 25 at para. 181.

In the spirit of international cooperation in the area of human rights, including children's rights, all the recommendations made by the Special Rapporteur on the situation of human rights in Myanmar should be implemented.

- New Zealand, CRC, CRC/C/62 (1997) 38 at para. 235.

The State party is encouraged to take steps to withdraw its reservations. Furthermore, it is encouraged to extend the application of the Convention with respect to the territory of Tokelau.

- Cuba, CRC, CRC/C/66 (1997) 9 at paras. 49, 50, 53, 69 and 71.

### *Paragraph 49*

Serious concern remains in relation to a child's opportunity to report abuse and other violations of his/her rights in the family, schools or other institutions and to have a complaint taken seriously and responded to effectively.

### *Paragraph 50*

Concern is expressed over issues relating to children who exhibit anti-social behaviour, namely an increase in the number of children with behavioural problems and the adequacy of existing mechanisms to address their problems effectively.

### *Paragraph 53*

Insufficient efforts are being taken by the State party to devise preventive strategies to ensure that problems such as drug abuse and trafficking, child labour, child prostitution and suicide do not become more prevalent, thereby endangering future generations of children.

### *Paragraph 69*



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Further psycho-social measures should be taken to prevent and control the debilitating effects of behavioural problems affecting children.

### *Paragraph 71*

Begging, drug abuse and trafficking and child prostitution should be monitored with a view to their early prevention.

- Ghana, CRC, CRC/C/66 (1997) 15 at paras. 93, 113 and 118.

### *Paragraph 93*

The increase in the number of children living and/or working on the street in major cities is of concern. The violence that is often directed against them is also of concern.

### *Paragraph 113*

The State party should undertake to prevent and combat the phenomenon of children working and/or living on the street by, *inter alia*, engaging in research and collection of data, promoting integration and vocational training programmes and guaranteeing equal access to health and social services.

### *Paragraph 118*

All appropriate efforts should be made to ensure easy and full access to basic services, including education, health and social services, to all children living under its jurisdiction.

- Bangladesh, CRC, CRC/C/66 (1997) 22 at paras. 155 and 158.

### *Paragraph 155*

All necessary information should be gathered on the situation of children in the various areas covered by the Convention and in relation to all groups of children, including the most vulnerable. The National Policy on Children should be adjusted in order to cover all children, including children 14-18 years of age.

### *Paragraph 158*

Greater efforts are required to implement fully the provisions of article 2 of the Convention. Measures, including studies and campaigns, should be taken to combat traditional attitudes and stereotypes and to sensitize society to the situation and needs of the girl child, children born out of wedlock, children living and/or working on the street, child victims of sexual abuse and exploitation, children with disabilities, refugee children and children belonging to tribal minorities.

- Algeria, CRC, CRC/C/66 (1997) 35 at paras. 238 and 247.

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### *Paragraph 238*

The existence of discriminatory attitudes towards girls and children born out of wedlock among some groups within the population is of concern.

### *Paragraph 247*

Concern is expressed over the number of orphans that has recently risen as a direct consequence of violence, and no specific measures seem to have been adopted to address the problem.

- Azerbaijan, CRC, CRC/C/66 (1997) 41 at para. 304.

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

- Lao People's Democratic Republic, CRC, CRC/C/69 (1997) 8 at paras. 43, 55, 57 and 76.

### *Paragraph 43*

Concern is expressed regarding the low participation of children, their traditional representation by adults, and that their views are still not taken into account, especially within the family, the school, and the care and justice systems.

### *Paragraph 55*

The inadequacy of the measures taken to address the situation of children affected by drugs and/or other substance abuse is of concern.

### *Paragraph 57*

The adoption of a specific code or legislation for children, with a separate section on children who need special protection, should be considered. International cooperation with, among others, the Office of the United Nations High Commissioner for Human Rights and the United Nations Children's Fund can be sought to this effect.

### *Paragraph 76*

Long-term external financial assistance should be sought in order to build national capacity with regard to Unexploded Ordnance (UXO), to establish a sustainable clearing process in each area, to provide continual community awareness programmes, through schools, pagodas and local organizations, and to develop rehabilitation programmes. A study should be undertaken on the effects on children of toxic chemical contamination of soils and water as a result of the armed conflict, and studies on this matter undertaken in neighbouring countries should be consulted.

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- Australia, CRC, CRC/C/69 (1997) 16 at paras. 91, 100 and 115.

### *Paragraph 91*

The absence of a comprehensive policy for children at the federal level and the lack of monitoring mechanisms at federal and local levels are of concern. Such mechanisms are of essential importance for the evaluation, promotion and development of policies and programmes for the benefit of children. The disparities between the different states' legislation and practices, including budgetary allocations, are also of concern.

### *Paragraph 100*

The spread of homelessness amongst young people is of concern as this puts children at risk of involvement in prostitution, drug abuse, pornography, or other forms of delinquency and economic exploitation. The incidence of suicide among young people is an additional cause of concern.

### *Paragraph 115*

Further research should be carried out to identify the causes of the spread of homelessness, particularly among young persons and children, including, *inter alia*, the socio-economic background of the child and his/her family, and to identify any link between homelessness and child abuse, including sexual abuse, child prostitution, child pornography, and trafficking in children. Further policies of poverty alleviation should be adopted to further strengthen the support services that it provides for homeless children.

- Uganda, CRC, CRC/C/69 (1997) 21 at paras. 131 and 140.

### *Paragraph 131*

The persistence of discriminatory attitudes against some groups of children, especially girls, children with disabilities and children living in rural areas, which often results in limiting their access to basic social facilities such as health and education, is of concern.

### *Paragraph 140*

The recent increase in the number of children working and/or living on the street is a matter of concern. Serious concern is expressed at the increase in the number of child prostitutes and the fact that no clear strategy exists to combat the abuse and sexual exploitation of children.

- Czech Republic, CRC, CRC/C/69 (1997) 28 at paras. 169, 172, 180, 181 and 185.

### *Paragraph 169*

The inadequate coordination and communication mechanisms between the Government and the

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non-governmental organizations dealing with children's issues are of concern.

### *Paragraph 172*

Concern is expressed over the inadequate measures taken to prevent and combat all forms of discriminatory practices against children belonging to minorities, including Roma children, and to ensure their full access to health, education and other social services.

### *Paragraph 180*

The phenomenon of children working and/or living on the street, and the inadequate measures taken to tackle this issue, are of concern.

### *Paragraph 181*

The rising incidence of gambling addiction, alcohol consumption and drug abuse among children and the insufficient preventive measures taken are of concern.

### *Paragraph 185*

The establishment of an independent mechanism to monitor the observance of children's rights, such as an Ombudsperson or a National Commission for Children's Rights, should be considered.

- Trinidad and Tobago, CRC, CRC/C/69 (1997) 33 at paras. 204 and 236.

### *Paragraph 204*

The low levels of child mortality and under-five mortality rates, as well as the positive indicators in the field of education, are noted with satisfaction.

### *Paragraph 236*

Research should be undertaken on the phenomenon of children living and/or working in the streets. An increase in the number of outreach programmes providing services to these children, including education, is recommended and such services should be provided in the different parts of the country.

- Togo, CRC, CRC/C/69 (1997) 39 at paras. 258, 259, 271 and 284.

### *Paragraph 258*

Concern is expressed over the prevailing attitudes in the family, in school, in other institutions and in society that hinder the right of the child to express his/her views and his/her right to freedom of expression.

### *Paragraph 259*

The increase in the number of children living and/or working in the streets in major cities is of

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concern, as is the lack of statistical data and studies on such children.

### *Paragraph 271*

Efforts should be taken to strengthen the institutional framework designed to promote and protect human rights in general and the rights of the child in particular. In this regard, the role and resources of the National Committee for the Protection and Promotion of Children should be reinforced. Increased cooperation with non-governmental organizations (NGOs) is encouraged.

### *Paragraph 284*

An attempt to prevent and combat the phenomenon of children working and/or living in the streets by, *inter alia*, engaging in research and collecting data, promoting integration and vocational training programmes, and guaranteeing equal access to health and social services, is encouraged.

- Libyan Arab Jamahiriya, CRC, CRC/C/73 (1998) 9 at paras. 46, 47 and 52.

### *Paragraph 46*

It is recommended that legislation explicitly prohibit discrimination on any grounds, including language, national, ethnic or social origin, property, disability and birth status. Legislation should also be reformed to guarantee the right to a nationality to every child.

### *Paragraph 47*

Further steps should be taken to strengthen coordination between the various government bodies involved in children's rights at both national and local levels as well as between the ministries. Greater efforts should be made to ensure closer cooperation with non-governmental organizations (NGOs) working in the field of human and children's rights.

### *Paragraph 52*

The use of the term "illegitimate children" in legislation, policies, programmes, regulations and administrative instructions should be abolished.

- Ireland, CRC, CRC/C/73 (1998) 14 at paras. 89, 92, 94, 96, 97 and 99.

### *Paragraph 89*

The need to take immediate steps to tackle the problem of child poverty and to make all possible efforts to ensure that all families have adequate resources and facilities is emphasized. The principles and provisions of the Convention can be used as a framework for its programmes of international development assistance.

### *Paragraph 92*

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It is recommended that the coordination between the different government bodies dealing with child rights be strengthened. In this regard, the mandate to coordinate and make the appropriate decisions to protect the rights of the child should be concentrated into a single body.

### *Paragraph 94*

Efforts to develop a closer relationship with non-governmental organizations (NGOs) should be continued and strengthened.

### *Paragraph 96*

Efforts should be strengthened to ensure that children from vulnerable and disadvantaged groups, including children belonging to the Traveller community, children living in poverty and refugee children, benefit from positive measures aimed at facilitating access to education, housing and health services.

### *Paragraph 97*

The State party should systematically promote and facilitate children's participation and respect for their views in decisions and policies affecting them, especially through dialogue in the family, at school and in society.

### *Paragraph 99*

The World Health Assembly resolution on infant feeding should be implemented.

- Micronesia, CRC, CRC/C/73 (1998) 20 at paras. 113, 134 and 137.

### *Paragraph 113*

The disparities between the different States' legislation and practices are of concern. The insufficient coordination between the central level and the four federated States is also of concern.

### *Paragraph 134*

All appropriate measures should be taken to improve death registration.

### *Paragraph 137*

Complementary initiatives are encouraged, such as youth peer counselling groups in schools, community-awareness programmes on youth problems such as alcohol and suicide, and parental education programmes.

- Hungary, CRC, CRC/C/79 (1998) 7 at paras. 40, 50 and 52.

### *Paragraph 40*

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The insufficient measures undertaken to promote children's right to participation within the family, at school, and in society in general and the restriction to the right of freedom of association, since there is no registry of associations managed by children, are of concern.

### *Paragraph 50*

Existing mechanisms for coordinating and monitoring children's rights should be strengthened in order to reach local-level governments. In this regard, structures dealing with children's issues should be established in the various local governments. The relationship between the Coordination Council for Children and Youth Affairs and the various relevant structures in the local governments needs to be defined.

### *Paragraph 52*

Available resources should be allocated to their maximum extent to ensure the implementation of economic, social and cultural rights, with particular emphasis on health and education, and on the enjoyment of these rights by the most disadvantaged groups of children. Immediate steps should be taken to address the problem of child poverty and every feasible effort should be made to ensure that all families, particularly single-parent families and Roma families, have adequate resources and facilities. Furthermore, the Committee recommends that the local governments be encouraged to generate local income for funding social services, in particular for the protection and promotion of children's rights.

- Democratic People's Republic of Korea, CRC, CRC/C/79 (1998) 13 at paras. 85, 86 and 89.

### *Paragraph 85*

The State party is encouraged to envisage adopting comprehensive legislation covering all areas of the rights of the child, such as a children's code. It is recommended that ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment be envisaged, as they all have an impact on the rights of the child.

### *Paragraph 86*

Attention should be given to the identification of appropriate disaggregated indicators with a view to addressing all groups of children in society. Such mechanisms can play a vital role in systematically monitoring the status of children and in evaluating progress achieved in and difficulties hampering the realization of children's rights. They can be used as a basis for designing programmes to improve the situation of children, particularly the most disadvantaged, including children living in remote areas, children with disabilities, children ill-treated and abused within the family, and children living in institutions. International cooperation could be sought to this effect, including from UNICEF.

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### *Paragraph 89*

Specific attention should be given to educating all sectors of society, especially parents and teachers, about the importance of children's participation and of dialogue between teachers, parents and children.

### *See also:*

- Czech Republic, CRC, CRC/C/69 (1997) 28 at para. 186.
- Fiji, CRC, CRC/C/79 (1998) 18 at para. 117.

Current legislation does not effectively protect children against illicit transfer and non-return and is of concern.

- Japan, CRC, CRC/C/79 (1998) 25 at paras. 153, 154, 156, 160, 162 and 178.

### *Paragraph 153*

It is noted with concern that, although the Convention on the Rights of the Child has precedence over domestic legislation and can be invoked before domestic courts, in practice the courts usually do not directly apply international human rights treaties in general and the Convention on the Rights of the Child in particular.

### *Paragraph 154*

The limited mandate of the Management and Coordination Agency and the Committee for the Promotion of Youth Policy and the insufficient measures adopted to ensure effective coordination between different governmental departments competent in areas covered by the Convention, as well as between the central and local authorities are matters of concern. It is of concern that this may result not only in a lack of coordination of governmental action, but also in inconsistency.

### *Paragraph 156*

The absence of an independent body with a mandate to monitor the implementation of the rights of children is of concern. It is noted that the monitoring system of "Civil Liberties Commissioners for the Rights of the Child" in its present form lacks independence from the Government as well as the authority and powers necessary to fully ensure the effective monitoring of children's rights.

### *Paragraph 160*

Existing legislation does not protect children from discrimination, especially in relation to birth, language and disability. The legal provisions explicitly permitting discrimination, such as article 900 (4) of the Civil Code, which prescribes that the right to inheritance of a child born out of wedlock



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shall be half that of a child born within a marriage, and the mention of birth out of wedlock in official documents, are of concern. The provision of the Civil Code stipulating a different minimum age of marriage for girls (16 years) from that of boys (18 years) is also of concern.

### *Paragraph 162*

The insufficient measures introduced to protect children from the harmful effects of the printed, electronic and audio-visual media, in particular violence and pornography, are of concern.

### *Paragraph 178*

The necessary steps should be taken to establish an independent monitoring mechanism, either by improving and expanding the existing system of "Civil Liberties Commissioners for the Rights of the Child" or by creating an Ombudsperson or a Commissioner for Children's Rights.

- Maldives, CRC, CRC/C/79 (1998) 31 at para. 235.

In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), early identification programmes should be developed to prevent disabilities, alternative measures to the institutionalization of children with disabilities should be implemented, awareness-raising campaigns to reduce their discrimination should be envisaged, special education programmes and centres should be established, and their inclusion in society should be encouraged. Research on the causes of disabilities should be undertaken. Furthermore, technical cooperation for the training of professional staff working with and for children with disabilities is recommended. International cooperation from, *inter alia*, UNICEF and the World Health Organization (WHO) can be sought to this effect.

- Luxembourg, CRC, CRC/C/79 (1998) 38 at paras. 250 and 266.

### *Paragraph 250*

Of concern are children born out of wedlock who may still suffer from different forms of discrimination and stigmatization, particularly from the use of the terms "legitimate" and "illegitimate" in the Civil Code.

### *Paragraph 266*

A comprehensive strategy for children should be developed. The establishment of a permanent mechanism of coordination, evaluation, monitoring and follow-up for policies aimed at the protection of the child at the central and local levels is encouraged. In this respect, and as part of the ongoing efforts, an independent monitoring body, such as an Ombudsperson should be established.

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- Ecuador, CRC, CRC/C/80 (1998) 9 at paras. 36 and 41.

### *Paragraph 36*

The lack of adequate coordination between various governmental entities is of concern. Therefore, it is recommended that further steps be taken to reinforce, within the framework of the National Plan for Human Rights, the existing coordinating mechanisms (for example, the National Commission for Children (CONAME)), including at the municipal level, in order to strengthen coordination between the various governmental bodies involved in children's rights. Greater efforts should be made to ensure closer cooperation with non-governmental organizations working in the field of human rights, in particular the rights of the child.

### *Paragraph 41*

All available measures should be taken to reduce economic and social disparities, including those between rural and urban areas. Measures to prevent discrimination against the most disadvantaged groups of children, including children belonging to indigenous communities, Afro-Ecuadorian children, girl children, children with disabilities, children born out of wedlock, children in institutional care, and children living and/or working on the streets should be reinforced.

- Iraq, CRC, CRC/C/80 (1998) 15 at paras. 67, 68 and 84.

### *Paragraph 67*

Further steps should be taken to strengthen coordination between the various government bodies involved in children's rights at both the national and local levels and greater efforts should be made to ensure closer cooperation with non-governmental organizations working in the field of children's rights.

### *Paragraph 68*

An independent mechanism should be made accessible to children to deal with complaints of violations of their rights and to provide remedies for such violations.

### *Paragraph 84*

Preventive measures and efforts should be increased to ensure the rehabilitation and reintegration of children living and/or working on the streets.

### *See also:*

- Mongolia, CRC, CRC/C/50 (1996) 13 at para. 66.
- Bolivia, CRC, CRC/C/80 (1998) 22 at paras. 102, 104 and 113.

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### *Paragraph 102*

All appropriate measures should be taken to the maximum extent of available resources, including international cooperation, to continue ensuring that sufficient budgetary allocation is provided to social services for children and that particular attention is paid to the protection of children belonging to vulnerable and marginalized groups. Children's rights should be taken into consideration in designing social policies and programmes. Furthermore, efforts to reduce the burden of external debt, including the measures taken within the framework of the World Bank/ International Monetary Fund's initiative "Highly Indebted Poor Countries" should be continued.

### *Paragraph 104*

The growing disparities between rural and urban areas, as well as the growing number of the population living in urban poor and marginalized areas are of concern. Furthermore, the predominance of discrimination on the basis of ethnic origin, gender, social status and disabilities is also a major concern. Measures should be increased to reduce economic and social disparities, including between rural and urban areas, to prevent discrimination against the most disadvantaged groups of children, such as children belonging to indigenous communities, girl children, children with disabilities, children born out of wedlock and children who are living and/or working on the streets.

### *Paragraph 113*

The situation of children living in the Chapare region, who are constantly exposed to the side effects of anti-narcotics interventions and who live in a violent environment, which has a negative impact on their development, is of concern. All appropriate measures should be taken to ensure the protection of children living in the Chapare region.

- Kuwait, CRC, CRC/C/80 (1998) 28 at paras. 137 and 141.

### *Paragraph 137*

The lack of awareness regarding the participatory rights of children is of concern. It is recommended that all appropriate measures be taken to encourage participation of children in the family, in institutions, at school and in society. It is also recommended that the relevant authorities ensure by all available means, including legislative means, that according to his or her maturity, the views of children are an integral part of all decisions affecting them.

### *Paragraph 141*

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

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- Thailand, CRC, CRC/C/80 (1998) 35 at paras. 164 and 170.

### *Paragraph 164*

An independent child-friendly mechanism should be made accessible to children to deal with complaints of violations of their rights and to provide remedies for such violations. An awareness-raising campaign should be instituted to facilitate the effective use by children of such a mechanism.

### *Paragraph 170*

A systematic approach should be developed to increase public awareness of the participatory rights of children and encourage respect for the views of the child within the family, as well as within the school, care and judicial systems.

- Austria, CRC, CRC/C/84 (1999) 7 at paras. 40 and 49.

### *Paragraph 40*

Consideration should be given to allocating a fixed percentage of the international development cooperation funds to programmes and schemes for children. The State party should also strive to achieve the United Nations target of 0.7 per cent of GDP for international development assistance.

### *Paragraph 49*

All appropriate measures should be taken to fully implement the right of the child to physical and psychological recovery and social reintegration.

- Belize, CRC, CRC/C/84 (1999) 12 at paras. 70 and 85.

### *Paragraph 70*

The absence of an independent mechanism to register and address complaints from children about violations of their rights is of concern. An independent child-friendly mechanism should be made accessible to children to deal with complaints of violations of their rights and to provide remedies for such violations. Awareness-raising campaigns should be undertaken to facilitate the effective use by children of such a mechanism.

### *Paragraph 85*

The absence of legal protection and the lack of adequate facilities and services for persons with disabilities, including children are of concern. In light of the Standard Rules on the Equalization of

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Opportunities for Persons with Disabilities (General Assembly resolution 48/96), the state party should develop early identification programmes to prevent disabilities, increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and further encourage their inclusion in society. Technical cooperation for the training of professional staff working with and for children with disabilities can be sought from UNICEF and WHO.

*See also:*

- Benin, CRC, CRC/C/87 (1999) 35 at para. 158.
- Suriname, CRC, CRC/C/97 (2000) 84 at paras. 461 and 462.
  
- Guinea, CRC, CRC/C/84 (1999) 21 at para. 121.

The growing number of children who, owing, *inter alia*, to rural exodus, poverty, and violence and abuse within the family, have to live and/or work on the streets and therefore are deprived of their fundamental rights and are exposed to various forms of exploitation, is of concern. Research should be undertaken on the issue of children living and/or working on the streets as a basis for adopting appropriate programmes and policies for the protection and rehabilitation of these children and the prevention of this phenomenon.

- Yemen, CRC, CRC/C/84 (1999) 33 at paras. 161 and 165.

*Paragraph 161*

The lack of adequate coordination between government institutions and bodies involved in the protection of children's rights, both at national and local levels, remains a concern. All necessary steps should be taken to strengthen the role of the Higher Council for Maternal and Child Welfare, at both central and local levels. In addition, further steps should be taken to strengthen coordination between the various government institutions and bodies involved in children's rights.

*Paragraph 165*

The adoption of structural adjustment programmes, which might have an adverse effect on the implementation of social programmes, especially those related to children, is of concern. All appropriate measures should be taken to the maximum extent of available resources, including through international cooperation, to continue ensuring that sufficient budgetary allocations are provided to social services for children and that particular attention is paid to the protection of children belonging to vulnerable and marginalized groups.

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- Barbados, CRC, CRC/C/87 (1999) 9 at paras. 42 and 56.

### *Paragraph 42*

Every effort should be made, including requesting international technical assistance, to avoid economic restructuring policies that have a real negative effect on the realization of the rights of the child.

### *Paragraph 56*

The number of child care centres is insufficient to serve all children concerned. Efforts to provide sufficient numbers of child care services and to consider the possibility of setting up child care facilities at the workplace for public employees, thus facilitating breast-feeding practices, should be continued.

- Saint Kitts and Nevis, CRC, CRC/C/87 (1999) 17 at paras. 70-72 and 74.

### *Paragraph 70*

Accession to the other major international human rights instruments should be considered as these would help to strengthen the state party's efforts to meet its obligations in guaranteeing the rights of all children under its jurisdiction.

### *Paragraph 71*

The 12-member Probation and Child Welfare Board is not fully operational. Further steps should be taken by the State party to strengthen its coordinating efforts and to ensure that the Probation and Child Welfare Board is fully operational. A National Plan of Action for Children that includes a rights-based, rather than an exclusively welfare-focused approach, should be considered.

### *Paragraph 72*

A data collection system should be introduced to cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children with disabilities, children living in poverty, children in the juvenile justice system, children of single-parent families, children born out of wedlock, sexually abused children and institutionalized children. Technical assistance should be sought from UNICEF.

### *Paragraph 74*

An independent child-friendly mechanism should be made accessible to children to deal with complaints of violations of their rights and to provide remedies for such violations.

- Honduras, CRC, CRC/C/87 (1999) 26 at paras. 105, 108, 114 and 123.

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### *Paragraph 105*

The devastating effects of hurricane Mitch (1998) are of deep concern. Hurricane Mitch had a negative impact on the most vulnerable sectors of the population, including children, especially owing to the damage caused in the agriculture sectors and to infrastructure, and constituted a setback in making children's rights a reality.

### *Paragraph 108*

Further measures should be taken to reinforce the existing coordinating mechanisms (e.g. the National Commissioner for Human Rights, Honduran Institute of Children and the Family (IHNFA), etc.), including at the municipal level, in order to strengthen coordination between the various governmental bodies involved in children's rights. Furthermore, all necessary steps should be taken, including international cooperation, to provide IHNFA with adequate financial and human resources in order that it may carry out its mandate in an effective manner. Greater efforts should be made to ensure closer cooperation with non-governmental organizations working in the field of children's rights.

### *Paragraph 114*

The prevalence of cultural attitudes and traditions which are patriarchal and discriminatory against the girl child is particularly of concern. Measures should be increased to reduce economic and social disparities, including between urban and rural areas, and to prevent discrimination against the most disadvantaged groups of children, such as the girl child, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets and children living in rural areas. Efforts should be strengthened in order to revise prevailing cultural attitudes and traditional practices which constitute a form of gender-based discrimination, contrary to the principle of non-discrimination. Educational campaigns should be undertaken to raise awareness of the need to prevent and combat discrimination on the grounds of gender and ethnic origin. Furthermore, accession to the International Convention on the Elimination of All Forms of Racial Discrimination should be considered.

### *Paragraph 123*

The lack of a governmental policy and programmes for children with disabilities and the lack of governmental monitoring of private institutions for these children are matters of concern. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted on its day of general discussion on "Children with disabilities," early identification programmes should be developed to prevent disabilities, alternative measures to the institutionalization of children with disabilities should be implemented, awareness-raising campaigns to reduce discrimination against them should be envisaged, special education programmes and centres should be established as needed, their inclusion in the educational system and in society should be encouraged, and private institutions for children with disabilities should be adequately monitored.

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- Benin, CRC, CRC/C/87 (1999) 35 at paras. 141, 146 and 147.

### *Paragraph 141*

While noting the recent introduction of a special telephone hotline for children to deal with complaints of violations of their rights and to provide remedies for such violations, efforts have not been made to include social workers and NGOs in the telephone hotline service and to ensure adequate training for all officers currently assigned to field calls for the telephone hotline service. Efforts should be made to introduce an awareness-raising campaign to facilitate the effective use of the hotline and to ensure its accessibility to all children.

### *Paragraph 146*

The insufficient measures adopted to ensure that all children are guaranteed access to education and health services and are protected against all forms of exploitation remain of concern. Of particular concern are certain vulnerable groups of children, including children with disabilities, particularly mental disabilities, girls, particularly “Vidomegons”, children living in remote rural areas, children living in extreme poverty, children living and/or working on the street, refugee and asylum-seeking children, children in the juvenile justice system, children born out of wedlock, children of incestuous relations, and institutionalized children. Efforts should be increased to ensure implementation of the principle of non-discrimination, particularly as it relates to these vulnerable groups.

### *Paragraph 147*

The practice of infanticide, particularly in rural communities and on infants with disabilities, is of concern. Measures, including those of a legal nature, should be taken to prevent and discourage infanticide and protect infants and guarantee their right to life, survival and development. In this regard, education and awareness-raising programmes should be introduced to change societal attitudes.

- Nicaragua, CRC, CRC/C/87 (1999) 54 at paras. 228, 240, 243 and 245.

### *Paragraph 228*

Economic, social and regional disparities, including between urban and rural areas, should be reduced to prevent discrimination against the most disadvantaged groups of children, such as the girl child, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets and children living in rural areas. Educational campaigns should also be undertaken to raise awareness of discrimination on the grounds of gender and ethnic origin with a view to its elimination.

### *Paragraph 240*

The lack of adequate infrastructure, limited qualified staff and specialized institutions for children with disabilities is of concern. In light of the Standard Rules on the Equalization of Opportunities for



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Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on "Children with disabilities" (CRC/C/69), the State party should develop early identification programmes to prevent disabilities, implement alternative measures to the institutionalization of children with disabilities, envisage awareness-raising campaigns to reduce discrimination against them, establish special education programmes and centres for them and encourage their inclusion in the educational system and in society, and establish adequate monitoring of private institutions for children with disabilities.

### *Paragraph 243*

All necessary measures should be taken to protect children belonging to indigenous groups with special emphasis on their access to health and education.

### *Paragraph 245*

The State party should continue working in cooperation with non-governmental organizations and continue adopting appropriate programmes and policies for the protection and rehabilitation of children living and/or working on the streets.

### *See also:*

- Costa Rica, CRC, CRC/C/94 (2000) 37 at para. 232.
- Colombia, CRC, CRC/C/100 (2000) 64 at paras. 372 and 373.
- Venezuela, CRC, CRC/C/90 (1999) 10 at paras. 43, 46, 47 and 49.

### *Paragraph 43*

That policies for children are fragmented and that a comprehensive national strategy for the implementation of children's rights is lacking are matters of concern. Priority should be given to the appropriate distribution of resources at the central and local levels. Effective measures should be taken for the full implementation of a national policy.

### *Paragraph 46*

Efforts should be made to ensure the implementation of the principles of "best interests of the child" and "respect for the views of the child", especially his or her rights to participate in the family, at school, within other institutions and in society in general. These principles should be reflected in all policies and programmes relating to children. Awareness raising among the public at large, on the implementation of these principles, should be reinforced in order to change traditional perceptions of children as objects rather than subjects of rights.

### *Paragraph 47*

Concern is expressed over the alleged cases of killings of children during anti-crime operations. It is

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recommended that effective measures be undertaken to prevent these types of situations and that judicial mechanisms be used effectively to investigate these killings, in order to avoid impunity of the alleged perpetrators.

### *Paragraph 49*

Measures, such as the Children and Youth Parliaments and School Governments, should be strengthened to promote the participation of children in the family, community, school and in other social institutions.

- Russian Federation, CRC, CRC/C/90 (1999) 18 at paras. 68, 70, 72, 73, 84, 87 and 89.

### *Paragraph 68*

All appropriate measures should be taken to expedite the process of law reform, especially with regard to reforms improving upon the administration of juvenile justice and the criminal justice procedure, the protection of the rights of children with disabilities, the protection of children from alcohol, drug and substance abuse, the protection of children from pornography, the protection of children from all kinds of violence and abuse, including domestic violence, and the establishment of standards and monitoring mechanisms with regard to all the different child-related institutions.

### *Paragraph 70*

The limited powers and status of the Human Rights Commissioner and the pilot projects as well as the crucial need for an independent monitoring structure to review implementation of the Convention remain of concern.

### *Paragraph 72*

The lack of adequate coordination between various federal government entities dealing with children and the absence of any focal point with overall responsibility for child rights strategies, policies and activities are of concern. Also of concern is the decentralization of responsibilities and actions from the federal authorities to their regional counterparts, which lacks sufficient guarantees to prevent disparities in the protection of children's rights.

### *Paragraph 73*

The State party is encouraged to strengthen coordination between the various government bodies involved in children's rights, and to consider unifying the different agencies under one focal ministry in order to promote better coordination. The division of responsibilities between federal and regional authorities is encouraged to further ensure the best possible protection of children's rights.

### *Paragraph 84*

The growing disparities between regions, including notably the far north, and between urban and rural children, in legislation, budgetary allocations, policies and programmes regarding health, education

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and other social services and with the situation of children in need of special protection, remain of concern.

### *Paragraph 87*

Measures should be intensified to reduce economic, social and regional disparities. Further steps should be taken, along the lines of the 1993 recommendation, to prevent any discrimination against children or disparities in their treatment, including children with disabilities and children belonging to religious and ethnic minorities.

### *Paragraph 89*

All appropriate measures should be taken to reverse the rapidly increasing child suicide and killing rates. Preventive efforts should be promoted, including a strengthening of measures already taken, to increase crisis intervention and preventive support and counselling services to assist children, especially adolescents, and families at risk.

- Vanuatu, CRC, CRC/C/90 (1999) 29 at paras. 143, 144 and 149.

### *Paragraph 143*

The proposal to establish a Children's Office and a National Children's Committee has not yet been implemented and the *modus operandi* of the agencies has not been clearly articulated. All necessary measures should be taken to ensure that the proposal is carried out as soon as possible and that adequate funding is allocated to ensure that the Office and the Committee are effectively established.

### *Paragraph 144*

The National Programme of Action for Children (1993-2000) which focuses on health, population and family planning, nutrition, water supply and environmental sanitation, agriculture, livestock and fisheries, and education has not been allocated a specific budget for its implementation and this is of concern. The State party is encouraged to undertake all appropriate measures to implement the National Programme of Action for Children. In this connection, technical assistance should be sought from UNICEF and the World Health Organization (WHO).

### *Paragraph 149*

Efforts must be undertaken to ensure that the general principles of the Convention not only guide policy discussion and decision-making, but are also appropriately integrated in all legal revisions, in judicial and administrative decisions and in projects, programmes and services which have an impact on children.

- Mexico, CRC, CRC/C/90 (1999) 34 at paras. 168, 170, 174 and 177.

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### *Paragraph 168*

Widespread poverty and the long-standing economic and social disparities within the State party are still affecting the most vulnerable groups, including children, and hampering the enjoyment of the rights of the child. This situation has been particularly aggravated by severe economic crises and drastic economic reforms.

### *Paragraph 170*

The limited powers and resources, both financial and human, of the procurators to function in an effective manner for the protection of children's rights are of concern. Legislative measures should be taken to strengthen the mandate and independence, both at the federal and state levels, and to increase their resources, both financial and human, of the offices of the procurators for the defence of the rights of the child and the family.

### *Paragraph 174*

Poverty and social and regional inequalities are still affecting a large number of children and their families. Priority should be given to ensuring that sufficient budgetary allocations are provided to social services for children and that particular attention is paid to the protection of children belonging to vulnerable and marginalized groups.

### *Paragraph 177*

The measures implemented to protect the rights of children belonging to vulnerable groups need to be reinforced to reduce economic and social disparities, including between urban and rural areas, to prevent discrimination against the most disadvantaged groups of children, such as girls, children with disabilities, children belonging to indigenous and ethnic groups, children living and/or working on the streets and children living in rural areas.

### *See also:*

- Colombia, CRC, CRC/C/100 (2000) 64 at para. 333.
- Mali, CRC, CRC/C/90 (1999) 43 at paras. 203, 204, 210, 211, 222 and 226.

### *Paragraph 203*

All necessary measures should be taken to ensure that adequate human and financial resources are allocated to facilitate the coordination and implementation of the National Plan of Action, and the Convention, and programmes should be established in rural areas at the community level.

### *Paragraph 204*

Concern is expressed over the absence of an independent mechanism to register and address complaints from children concerning violations of their rights under the Convention. An independent child-friendly mechanism should be made accessible to children to deal with complaints of violations

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of their rights and to provide remedies for such violations. Awareness-raising campaigns should be introduced to facilitate the effective use by children of such a mechanism.

### *Paragraph 210*

The insufficient measures adopted to ensure that all children are guaranteed access to education, health and other social services and are protected against all forms of exploitation, remain of concern. Efforts should be taken to ensure implementation of the principle of non-discrimination particularly as it relates to vulnerable groups.

### *Paragraph 211*

Public awareness of the participatory rights of children should continue to be promoted and respect for the views of the child within schools, families, social institutions, and the care and judicial systems should continue to be encouraged.

### *Paragraph 222*

The insufficient number of adequate programmes, facilities and services for children with disabilities, particularly mental disabilities, is of concern. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities", the state party should develop early identification programmes to prevent disabilities, increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and further encourage their inclusion in society.

### *Paragraph 226*

Programmes to discourage and prevent child begging should be promoted and such programmes should be implemented in all areas where child begging is a concern.

### *See also:*

- South Africa, CRC, CRC/C/94 (2000) 81 at para. 445.
- The Netherlands, CRC, CRC/C/90 (1999) 53 at paras. 244 and 245.

### *Paragraph 244*

A systematic assessment of the impact of budgetary allocations and macroeconomic policies on the implementation of children's rights should be developed and information should be collected and disseminated in this regard.

### *Paragraph 245*

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The participation of children in decision-making processes in all matters affecting children themselves should continue to be promoted. In this regard, training programmes for local officials and other decision-makers should be developed to enable them to take adequately into consideration the opinions of children presented to them, with particular emphasis on involving and reaching vulnerable groups, such as children of ethnic minorities. More attention should be given to the promotion of child participation in primary schools.

- India, CRC, CRC/C/94 (2000) 10 at paras. 57, 78, 79, 84 and 85.

### *Paragraph 57*

The State party should develop an ongoing programme for the dissemination of information regarding the implementation of the Convention among children and parents, civil society and all sectors and levels of government. The State party is encouraged to pursue efforts to promote children's rights education in the country, including initiatives to reach those vulnerable groups who are illiterate or without formal education. Moreover, the State party should develop training programmes on the provisions of the Convention for all professional groups working with children (i.e. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers).

### *Paragraph 78*

Noting the 1995 Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, the Committee nonetheless is concerned at the very poor level of and access to care for children with disabilities, especially those living in rural areas; and the lack of assistance provided to persons responsible for their care. In the light of article 23 of the Convention, the Committee emphasizes the need to ensure the implementation of policies and programmes to guarantee the rights of mentally and physically disabled children and to facilitate their full inclusion in society.

### *Paragraph 79*

In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its day of general discussion on Children with Disabilities (CRC/C/69), it is recommended that the State party increase the capacity of institutions for the rehabilitation of children with disabilities and improve access to services for such children living in rural areas. Awareness campaigns which focus on prevention, inclusive education, family care and the promotion of the rights of children with disabilities need to be undertaken. Adequate training should also be made available to persons working with these children. The State party is encouraged to undertake greater efforts to make available the necessary resources and to seek assistance from UNICEF, WHO and relevant NGOs.

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### *Paragraph 84*

Concern is expressed about the high percentage of children living in inadequate housing, including slums, and their inadequate nutrition and access to safe drinking water and sanitation. Concern is expressed about the negative impact on families and the rights of children of structural adjustment projects.

### *Paragraph 85*

In accordance with article 27 of the Convention, appropriate measures should be taken to give effect to its commitments made at Habitat II in 1996 regarding children's access to housing. In the light of Commission on Human Rights resolution 1993/77 on forced evictions, the State party is encouraged to prevent any occurrence of forced relocation, displacement and other types of involuntary population movements. Resettlement procedures and programmes should include registration, facilitate comprehensive family rehabilitation and ensure access to basic services.

- Sierra Leone, CRC, CRC/C/94 (2000) 24 at paras. 118, 121, 122, 124, 125, 127-131, 133, 137, 138, 155, 156, 171-173, 185, 191 and 192.

### *Paragraph 118*

The State party's efforts to fulfil its reporting obligations under the Convention in spite of the internal armed conflict that has continued since 1991 are noted. The signing on 7 July 1999 of a peace agreement in Lomé and the end of hostilities within the State party are noted with satisfaction. The Committee is especially encouraged by the inclusion in the Lomé peace agreement of references to children's rights and to the Convention on the Rights of the Child.

### *Paragraph 121*

Concern is expressed that some aspects of existing legislation, and some aspects of customary law, are not consistent with the principles and provisions of the Convention. The Convention is not applicable in the courts.

### *Paragraph 122*

The State party should undertake a review of existing legislation and of customary law practices and, where appropriate, adopt or amend legislation so as to ensure compatibility with the principles and provisions of the Convention. In addition, the State party is urged to consider introducing legislation which would allow the Convention to be directly applicable in domestic courts.

### *Paragraph 124*

The importance of developing an overall strategy for the effective protection of children's rights is emphasized. Each individual project should form a part of this larger strategy. Noting that the Ministry of Social Welfare, Gender and Children's Affairs has principal responsibility for child protection issues, concern is expressed about the extreme lack of funding and other resources

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available to this Ministry.

### *Paragraph 125*

The State party is urged to secure adequate funding for the Ministry of Social Welfare, Gender and Children's Affairs to ensure the effective implementation of its child protection mandate. The State party should expand the mandate of this Ministry to include coordination of the Convention's implementation, and provide the Ministry with the necessary authority and resources to develop a cross-ministerial strategy for the protection of children's rights.

### *Paragraph 127*

In the past, the delivery of services and the overall implementation of children's rights have been severely hampered by an over-centralization of decision-making and policy implementation authority in the capital city.

### *Paragraph 128*

It is recommended that the State party decentralize authority to the districts and local levels with regard to the implementation of the Convention.

### *Paragraph 129*

Recognizing that the effective implementation of the Convention relies upon an adequate and consistent allocation of budgetary resources, the Committee expresses concern at the lack of clarity in the current definition of resource allocation in favour of children.

### *Paragraph 130*

In light of articles 2, 3, and 6 of the Convention, the State party is encouraged to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation. The State party is urged to establish a clear policy on the allocation of resources in favour of children.

### *Paragraph 131*

Deeply concerned at the overall situation of children in the State party and the severe damage caused to national infrastructure and the economy by the years of conflict, the Committee is concerned at the State party's limited resources with which to address such a wide array of problems.

### *Paragraph 133*

The very significant cooperation developed between the State party and national NGOs in favour of children is recognized. Concern is expressed that a disproportionate level of resources are used through international NGOs, to the detriment of national organizations and structures.

### *Paragraph 137*



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The definition of a child is not consistent in domestic legislation. Under the Sierra Leone Citizenship Act of 1973 “a person shall be of full age if he has attained the age of 21 years”. Similarly, a “child” is defined in the Education Act as “a person under the age of 21 years” (State party report, para. 25). However, under the Prevention of Cruelty to Children Act a child is defined as a person under the age of 16.

### *Paragraph 138*

It is recommended that the State party conduct a review of domestic legislation so as to ensure a consistent definition of a child and to adopt 18 years or above as the age of majority.

### *Paragraph 155*

Concern is expressed that efforts to respect the principle of the survival and development of the child have focused primarily on children living in cities and the main towns.

### *Paragraph 156*

The State party is urged to make every effort to ensure that policy, programmes and activities focus on respecting the principle of the survival and development of all children.

### *Paragraph 171*

Recognizing that children with disabilities may be especially disadvantaged by the conditions inherent in armed conflicts, concern is expressed about the limited information provided by the State party on the situation of children with disabilities. Respect for the rights of children with disabilities requires an integrated approach to the overall situation of such children.

### *Paragraph 172*

The State party should conduct an assessment of the number of children with disabilities, the type of disabilities and the needs of children with disabilities with regard to rehabilitative and other forms of care, and make every effort to improve the facilities and services available. The State party's efforts to include children with disabilities in the mainstream education process is supported. These efforts should be pursued.

### *Paragraph 173*

The State party is encouraged to make every effort to benefit from international cooperation in favour of children with disabilities, in accordance with article 23, paragraph 4 of the Convention.

### *Paragraph 185*

The Committee expresses its extremely deep consternation at the very high numbers of children who have been forcibly recruited into armed forces, including children as young as five years old, and who have often been forced to commit atrocities against other people, including other children and members of their community. Great concern is expressed at the horrifying amputation of hands, arms and legs, and at the many other atrocities and acts of violence and cruelty committed by armed

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persons against children, including, in some cases, against very young children.

### *Paragraph 191*

The situation of the continuing numbers of unaccompanied children in the State party is a concern.

### *Paragraph 192*

The State party is urged to make every effort to support these children through, *inter alia*, family tracing activities and assistance in gaining access to health services, schools or vocational training activities, as appropriate.

- Costa Rica, CRC, CRC/C/94 (2000) 37 at paras. 222-224, 234, 248-251, 254, 255, 273, 292 and 293.

### *Paragraph 222*

While noting with appreciation the information on the conduct of training programmes for professionals working with and for children, such measures need to be reinforced. The State party should continue with its efforts to undertake systematic education and training programmes on the provisions of the Convention for all professional groups working for and with children, such as judges, lawyers, law enforcement officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers.

### *Paragraph 223*

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

### *Paragraph 224*

With regard to the implementation of article 2 of the Convention, concern is expressed at the manifestations of xenophobia and racial discrimination against immigrants, particularly children belonging to Nicaraguan families residing illegally in the State party's territory. The marginalization of children belonging to indigenous populations and to the Black Costa Rican ethnic minority is of concern. The State party should increase measures to reduce socio-economic and regional disparities and to prevent discrimination against the most disadvantaged groups of children, such as the girl child, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets and children living in rural areas. It is recommended that the State party undertake educational campaigns to raise awareness in order to prevent and combat discrimination on the grounds of gender, ethnic and/or national origin. In this regard, the Committee endorses the recommendations made by the Human Rights Committee (CCPR/C/79/Add.107) and

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the Committee for the Elimination of Racial Discrimination (CERD/C/304/Add.71).

### *Paragraph 234*

Concerns remain about the living conditions of children belonging to indigenous and ethnic minority groups. Concern is also expressed about the precarious situation of children belonging to Nicaraguan families illegally residing in the State party's territory. In the light of articles 2 and 30 of the Convention, effective measures should be taken to protect children belonging to indigenous and ethnic minority groups, as well as children of Nicaraguan families in irregular situations, against discrimination and to guarantee their enjoyment of all the rights recognized by the Convention on the Rights of the Child.

### *Paragraph 248*

The importance of developing an overall national plan of action for the effective implementation of children's rights is emphasized. Individual projects should each form a part of a larger strategy.

### *Paragraph 249*

The State party is urged to adopt a holistic child rights approach to implementing the Convention and to consider seeking technical assistance from UNICEF in this domain.

### *Paragraph 250*

The hardship imposed by the current socio-economic difficulties in the State party are recognized. Concern is expressed over the impact that the financial situation may have on children, including those from poor families. That there are significant regional disparities with regard to the extent to which children benefit from the respect of their rights is a concern.

### *Paragraph 251*

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

### *Paragraph 254*

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

### *Paragraph 255*

In the light of article 2 of the Convention, it is recommended that the State party find alternative means to implement the three child policy, other than excluding the fourth child from social service

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benefits, and ensure that all children have equal access to such assistance without discrimination.

### *Paragraph 273*

With reference to article 23, paragraph 3, of the Convention, the State party is encouraged to strengthen its efforts to benefit from international cooperation, including from UNICEF, in favour of children with disabilities, with a view to improving State policy and action.

### *Paragraph 292*

While the State party's efforts to ensure equal enjoyment of rights for children from minority communities are recognized, concern remains that children from some minority populations, and the Roma in particular, do not enjoy full respect of their rights.

### *Paragraph 293*

The State party is encouraged to continue its efforts to ensure the equal implementation of the Convention for all children and to make every effort to ensure that the children of minorities are able to benefit fully from the Convention's principles and provisions.

- Armenia, CRC, CRC/C/94 (2000) 53 at paras. 309, 318, 319, 328, 329, 336 and 337.

### *Paragraph 309*

The State party is encouraged to establish a statutory, independent national commission for children with the mandate of, *inter alia*, regularly monitoring and evaluating progress in the implementation of the Convention. Further, such a Commission should be adequately empowered, composed and resourced so as to effectively take the lead in the process of implementing the Convention.

### *Paragraph 318*

Noting that discrimination is prohibited under the law, the Committee, in line with the Committee on the Elimination of Discrimination against Women (A/52/38/Rev.1), the Human Rights Committee (CPR/C/79/Add.100) and the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.39), is concerned that *de facto* discrimination on the grounds of gender persists. Moreover, concern is expressed at the discrepancies in the enjoyment of rights in relation to certain vulnerable groups: children with disabilities, children living in rural areas, refugee children, children from poor families, children living and/or working on the streets, and those living in institutions.

### *Paragraph 319*

Concerted efforts should be made at all levels to address social inequalities through a review and reorientation of policies, including increased budgetary provision for programmes targeting the most vulnerable groups. The State party is encouraged to ensure the effective enforcement of protective laws, undertake studies and launch comprehensive public information campaigns to prevent and combat all forms of discrimination, to sensitize society to the situation and needs of children within

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the society and particularly within the family, where needed within the framework of international cooperation.

### *Paragraph 328*

While noting the protection afforded to children with disabilities under the 1996 Rights of the Child Act, the Committee is nevertheless concerned at the prevailing poor situation of children with disabilities, who are often institutionalized.

### *Paragraph 329*

The State party is encouraged to make greater efforts to implement alternatives to the institutionalization of children with disabilities, including community-based rehabilitation programmes. The State party is encouraged to undertake a comprehensive national study on the situation of children with disabilities. Awareness campaigns, which focus on prevention, inclusive education, family care and the promotion of the rights of children with disabilities need to be undertaken. Adequate training should also be made available to persons working with these children, and the State party is encouraged to develop special education programmes for children with disabilities.

### *Paragraph 336*

The situation of children living and/or working on the streets, who are amongst the most marginalized groups of children in Armenia, is a concern.

### *Paragraph 337*

Mechanisms should be established to ensure these children are provided with identity documents, nutrition, clothing and housing. Moreover, the State party should ensure these children have access to health care; rehabilitation services for physical, sexual and substance abuse; services for reconciliation with families; comprehensive education, including vocational and life-skills training; and access to legal aid.

### *See also:*

- India, CRC, CRC/C/94 (2000) 10 at para. 86.
  - Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at paras. 66 and 67.
  - Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at paras. 316 and 317.
- 
- Peru, CRC, CRC/C/94 (2000) 64 at para. 369.

Concern is expressed at the existing patterns of gender and racial discrimination; at the marginalization of children belonging to indigenous populations; and at the precarious situation of children from the rural highlands and the Amazonia region, especially regarding their limited access to education and health services. The State party should increase measures to reduce economic and

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social disparities, including between urban and rural areas, to prevent discrimination against the most disadvantaged groups of children, such as girls, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets and children living in rural areas, and to guarantee their full enjoyment of all the rights recognized in the Convention.

- Grenada, CRC, CRC/C/94 (2000) 72 at paras. 390, 392, 393, 398 and 400.

### *Paragraph 390*

Domestic legislation does not fully reflect the principles and provisions of the Convention and is a concern. It is noted with concern that the Family Court Act has been rescinded and that insufficient efforts have been made to introduce adequate alternative measures to protect and strengthen family relations. It is recommended that the State party proceed, at the earliest possible opportunity, with its plan to undertake legislative review to ensure greater consistency with the principles and provisions of the Convention and facilitate the adoption of a comprehensive children's rights code. All necessary measures should be taken to re-enact the Family Court Act or introduce adequate alternative legal measures to protect and strengthen family relations.

### *Paragraph 392*

The State party should reinforce its efforts to establish an independent Ombudsperson, to deal with complaints of violations of the rights of children and to provide remedies for such violations. It is suggested that the State party introduce an awareness-raising campaign to facilitate the effective use by children of such a mechanism.

### *Paragraph 393*

The intentions of the State party to provide financial and other assistance to the National Coalition on the Rights of the Child and to increase budgetary allocations with regard to some children's programmes are noted. However, concerns remain that, in the light of article 4 of the Convention, not enough attention has been paid to allocating budgetary resources in favour of children "to the maximum extent of... available resources". In the light of articles 2, 3, and 6 of the Convention, the State party is encouraged to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.

### *Paragraph 398*

The full implementation of article 12 of the Convention continues to be limited by traditional practices, culture and attitudes which promote the philosophy that "children should be seen and not heard" and that "children are the property of their parents". It is recommended that the State party seek to reinforce the necessary infrastructure and develop a systematic approach to increasing public

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awareness of the participatory rights of children and encourage respect for the views of the child within the family, communities, schools, and care, administrative and judicial systems.

### *Paragraph 400*

Concern is expressed about the apparent lack of legal protection with respect to the rights, including maintenance and inheritance rights, of children born out of wedlock in “visiting” or “common law” relationships. The financial and psychological impact of these types of relationships on children is a concern. The lack of sufficient support and counsel in the areas of parental guidance and responsibilities are also matters of concern. The State party is encouraged to increase its efforts to develop family education and awareness through, *inter alia*, providing support, including training for parents, especially those in “visiting” and “common law” relationships, in parental guidance and joint parental responsibilities, in the light of article 18 of the Convention. It is recommended that the State party undertake a study on the impact (both financial and psychological) of “visiting relationships” on children. The State party should take all necessary measures, including those of a legal nature, to ensure that the rights of children born of “visiting” and “common law” relationships are protected.

- South Africa, CRC, CRC/C/94 (2000) 81 at paras. 422-424, 428, 431 and 432.

### *Paragraph 422*

The challenges faced by the State party in overcoming the legacy of *apartheid* are noted. This continues to have a negative impact on the situation of children and to impede the full implementation of the Convention. In particular, note is taken of the vast economic and social disparities that continue to exist between various segments of society as well as the relatively high levels of unemployment and poverty which adversely affect the full implementation of the Convention and remain challenges for the State party.

### *Paragraph 423*

Concern is expressed that the law, and in particular customary law, still does not fully reflect the principles and provisions of the Convention. The State party is encouraged to continue its efforts in the area of legal reform and to ensure that its domestic legislation conforms fully with the principles and provisions of the Convention.

### *Paragraph 424*

It is noted that the State party has not yet ratified the International Covenant on Economic, Social and Cultural Rights. The ratification of this international human rights instrument would strengthen the efforts of the State party to meet its obligations in guaranteeing the rights of all children under its jurisdiction. The State party is encouraged to reinforce its efforts to finalize the ratification of this instrument.

### *Paragraph 428*

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The initiative of the State party to introduce the practice of “costing” new legislation to ensure its sustainability in terms of, *inter alia*, financing is welcomed. In light of article 4 of the Convention, concern is expressed about the insufficient efforts made to ensure the adequate distribution of resources allocated for children’s programmes and activities. In light of articles 2, 3 and 6 of the Convention, the State party is encouraged to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations and distributions to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.

### *Paragraph 431*

It is noted that the principle of non-discrimination (article 2) is reflected in the new Constitution as well as in domestic legislation. That insufficient measures have been adopted to ensure that all children are guaranteed access to education, health and other social services is still a concern. Of particular concern are certain vulnerable groups of children, including Black children; girls; children with disabilities, especially those with learning disabilities; child workers; children living in rural areas; children working and/or living on the streets; children in the juvenile justice system; and refugee children. The State party should increase its efforts to ensure implementation of the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to the vulnerable groups.

### *Paragraph 432*

Concern is expressed that traditional practices and attitudes still limit the full implementation of article 12 of the Convention, particularly in the provinces and at the local level. The State party is encouraged to continue promoting public awareness of the participatory rights of children and encouraging respect for the views of the child within schools, families, social institutions, and the care and judicial systems. Teachers should be trained to enable students to express their views, particularly in the provinces and at the local level.

- Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at paras. 27-29, 38, 39, 43, 45, 56, 62 and 63.

### *Paragraph 27*

Noting the universal values of equality and tolerance inherent in Islam, and concurring with the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the Committee observes that narrow interpretations of Islamic texts by State authorities are impeding the enjoyment of many human rights protected under the Convention.

### *Paragraph 28*

It is noted that a governmental working group has been established to study the compatibility of existing laws with the Convention. Concern is expressed about the broad and imprecise nature of the



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State party's general reservation which potentially negates many of the Convention's provisions and raises concern as to its compatibility with the object and purpose of the Convention.

### *Paragraph 29*

It is recommended that the State party expedite this study and use the findings to review the general nature of its reservation with a view to narrowing, and in the long-term withdrawing in accordance with the Vienna Declaration and Programme of Action.

### *Paragraph 38*

Although the Convention is binding and has the force of law, according to article 9 of the Civil Code and article 77 of the Constitution, concern is expressed that it has not been invoked in the courts because of insufficient awareness of the Convention amongst the judiciary, lawyers and the general public, including children, despite efforts by the State party to inform children of their rights. The State party is not undertaking adequate dissemination and awareness-raising activities in a systematic and targeted manner.

### *Paragraph 39*

It is recommended that the State party develop an ongoing programme for the dissemination of information regarding the implementation of the Convention among children and parents, civil society and all sectors and levels of government. The State party is encouraged to pursue efforts to promote children's rights education in the country, including initiatives to reach the most vulnerable groups. Moreover, it is recommended that the State party strengthen its efforts and develop systematic and ongoing training programmes on the provisions of the Convention for all professional groups working with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers).

### *Paragraph 43*

Concurring with the findings of the Human Rights Committee (CCPR/C/79/Add.25) and the Committee on Economic, Cultural and Social Rights (E/C.12/1993/7), and in accordance with article 2 of the Convention, effective measures should be taken to prevent and eliminate discrimination on the grounds of sex and birth in all fields of civil, economic, political, social and cultural life. The State party should make every effort to enact or rescind, where necessary, civil and criminal legislation to prohibit any such discrimination. In this regard, the State party is encouraged to consider the practices of other States that have been successful in reconciling fundamental rights with Islamic texts. The State party should take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family. Religious leaders should be mobilized to support such efforts.

### *Paragraph 45*

The State party should take all necessary measures to ensure that all children within its jurisdiction

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enjoy all the rights set out in the Convention without discrimination, in accordance with article 2. It is recommended that the State party prioritize and target social services for children belonging to the most vulnerable groups.

### *Paragraph 56*

The human rights of children cannot be realized independently from the human rights of their parents, or in isolation from society at large. In light of article 14 of the Convention, the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (General Assembly resolution 36/55), Commission on Human Rights resolution 2000/33, the Human Rights Committee's General Comment 22, and concurring with the findings of the Human Rights Committee (CCPR/C/79/Add.25) and the Committee on Economic, Social and Cultural Rights (E/C.12/1993/7), the Committee is concerned at the restrictions on the freedom of religion, and that restrictions on the freedom to manifest one's religion do not comply with the requirements outlined in article 14, paragraph 3. The situation of members of non-recognized religions is a concern, including the Baha'is, who experience discrimination in areas of, *inter alia*, education, employment, travel, housing and the enjoyment of cultural activities.

### *Paragraph 62*

While there are support mechanisms for the care of children with disabilities, inadequate efforts have been made to include such children in mainstream society.

### *Paragraph 63*

Existing policies and practices in relation to children with disabilities should be reviewed, taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its day of general discussion on children with disabilities (CRC/C/69), and it should be ensured that they enjoy all the rights contained in the Convention. The State party is encouraged to make greater efforts to promote community-based rehabilitation programmes and inclusive education.

### *See also:*

- Jordan, CRC, CRC/C/97 (2000) 31 at paras. 170 and 171.
  - Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at paras. 284, 285 and 289.
  - Tajikistan, CRC, CRC/C/100 (2000) 53 at paras. 285, 286 and 288.
  - Slovakia, CRC, CRC/C/100 (2000) 100 at paras. 558 and 559.
  - Egypt, CRC, CRC/C/103 (2001) 36 at para. 227.
  - Saudi Arabia, CRC, CRC/C/103 (2001) 71 at para. 380.
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- Georgia, CRC, CRC/C/97 (2000) 18 at paras. 85, 87, 100, 101, 108, 109, 124-127, 138 and 139.

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### *Paragraph 85*

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

### *Paragraph 87*

Efforts need to be reinforced to ensure that domestic laws conform fully with the principles and provisions of the Convention. The State party is encouraged to consider the possibility of enacting a comprehensive code for children.

### *Paragraph 100*

It is noted with concern that the principle of non-discrimination is not adequately implemented with respect to certain vulnerable groups of children, including children living in conflict areas, children living in institutions, children living in the mountainous regions, children with disabilities, children of single parent families, children of poor families, children in conflict with the law, children living and/or working on the streets, refugee children and internally displaced children. Their limited access to adequate health, education and other social services is a concern.

### *Paragraph 101*

Efforts should be increased to ensure the implementation of existing laws guaranteeing the principle of non-discrimination and their full compliance with article 2 of the Convention, particularly as it relates to the vulnerable groups.

### *Paragraph 108*

It is noted with concern that despite existing prohibitions, including the enactment of legislation banning abuse of the naivety and inexperience of minors in advertising, children are still not adequately protected from harmful information, including violence and pornography.

### *Paragraph 109*

In light of article 17 of the Convention, it is recommended that the State party strengthen its efforts to protect children from harmful information.

### *Paragraph 124*

The absence of protection and the lack of adequate facilities, coordination and services for children with disabilities are a concern. Insufficient efforts have been made to facilitate the inclusion of children with disabilities in the regular school system and in society generally.

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### *Paragraph 125*

The State party should develop early identification programmes to prevent disabilities, increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and, where possible, encourage their inclusion in the regular school system and in society generally. All appropriate measures should be taken to ensure that adequate resources are allocated for the effective implementation of programmes and services for children with disabilities, as well as their families. Further, it is recommended that the State party undertake an awareness-raising campaign to sensitize the public about the rights and special needs of children with disabilities, including children with mental health concerns. The State party should seek technical cooperation for the training of professional staff working with and for children with disabilities from WHO, among others.

### *Paragraph 126*

The large percentage of the population living below the poverty line (approximately 43 per cent and mainly in urban centres) is noted with concern. The inability of the social security system to improve the situation of the growing number of poor families is a concern.

### *Paragraph 127*

In accordance with article 27 of the Convention, efforts should be increased to provide material assistance and support to economically disadvantaged families and guarantee the right of children to an adequate standard of living. In this context, the State party is encouraged to promote programmes to discourage and prevent child begging. The State party is encouraged to proceed with the programme, in cooperation with the World Bank, to eradicate poverty, especially among children.

### *Paragraph 138*

Concern is expressed at the large and increasing number of children living and/or working on the streets.

### *Paragraph 139*

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

### *See also:*

- Suriname, CRC, CRC/C/97 (2000) 84 at paras. 473, 474, 495 and 496.
- Dominican Republic, CRC, CRC/C/103 (2001) 91 at paras. 526 and 527.

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- Jordan, CRC, CRC/C/97 (2000) 31 at paras. 155, 160-163, 168, 169, 177, 178, 181-184, 189, 190, 197 and 198.

### *Paragraph 155*

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

### *Paragraph 160*

Although the Convention is purported to have the force of law and takes precedence over all legislation except the Constitution, and courts are expected to accord precedence to it, it is observed that almost 10 years have passed since ratification and the Convention is not yet published in the Official Gazette.

### *Paragraph 161*

The publication of the treaty in the Official Gazette should be expedited and the necessary action should be taken to make it enforceable in the courts, including courts of first instance.

### *Paragraph 162*

The State party's efforts in preparing a draft Childhood Act and draft amendments to various legislation to ensure their compliance with the Convention are noted. Nevertheless, insufficient efforts have been made to secure their speedy adoption.

### *Paragraph 163*

The State party should ensure that the draft Childhood Act is in conformity with the principles and provisions of the Convention. The State party should expedite the passage into law of this and other legislative amendments related to the provisions of the Convention.

### *Paragraph 168*

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

### *Paragraph 169*

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

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### *Paragraph 177*

Concern is expressed about the disparities in the enjoyment of rights, especially with regard to health and education, experienced by children belonging to vulnerable groups, including those living in rural regions of the country and those living in unofficial Palestinian refugee camps.

### *Paragraph 178*

The State party should take all necessary measures to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2. Social services for children belonging to the most vulnerable groups should be prioritized and targeted. Assistance should be sought from the international community, including United Nations agencies such as UNICEF and United Nations Relief and Works Agency for Palestine Refugees in the Near East.

### *Paragraph 181*

Serious concern is expressed that respect for the inherent right to life of a person under 18 is not guaranteed under the law, particularly in light of articles 340 and 98 of the Penal Code (No. 16/1960), which condone crimes perpetrated in the name of honour. That there is often reluctance on behalf of the police to arrest perpetrators, and that they receive lenient or token punishments are matters of concern.

### *Paragraph 182*

In line with Commission on Human rights resolutions 2000/31 and 2000/45, the recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2000/3) and those of CEDAW, all necessary measures should be taken to ensure that there is no discriminatory treatment for crimes of honour and that they are promptly and thoroughly investigated and prosecuted. In addition, awareness-raising activities to demonstrate that such practices are socially and morally unacceptable should be undertaken, and steps should be taken to ensure that protective custody is replaced by other types of protection for women.

### *Paragraph 183*

Concern is expressed about the high incidence of traffic accidents which claim the lives of children.

### *Paragraph 184*

The State party should strengthen and continue efforts to raise awareness about and should undertake public information campaigns in relation to accident prevention.

### *Paragraph 189*

Concern is expressed about the poor situation of children with disabilities, and in particular that only a very small percentage receive specialized services.

### *Paragraph 190*

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Existing policies and practices should be reviewed in relation to children with disabilities, and it should be ensured that they enjoy all the rights contained in the Convention. The Welfare of the Disabled Act No. 12 of 1993 should be effectively implemented, and the allocation of resources, human and financial, should be increased to ensure that children with disabilities have access to rehabilitation, education and other services. Efforts to promote inclusive education and expand and strengthen community-based rehabilitation projects should be continued.

### *Paragraph 197*

Concern is expressed about the large numbers of children living and/or working on the streets, particularly in urban centres such as Amman, Zarqa and Irbid, who are amongst the most marginalized groups of children in Jordan. Noting that begging is an offence, concern is expressed that children who are picked up for this crime risk court proceedings, or placement in detention or orphanages.

### *Paragraph 198*

The legal provisions criminalizing vagrancy and begging should be repealed. Mechanisms should be established to ensure that street children are provided with identity documents, food, clothing and shelter. Moreover, the State party should ensure that these children have access to health care; rehabilitation services for physical, sexual and substance abuse; services for reconciliation with their families; comprehensive education, including vocational and life-skills training; and legal aid. The State party should cooperate and coordinate its efforts with civil society in this regard. The State party should seek assistance from UNICEF, among others.

### *See also:*

- Armenia, CRC, CRC/C/94 (2000) 53 at paras. 310 and 311.
  - Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at paras. 34 and 35.
  - Georgia, CRC, CRC/C/97 (2000) 18 at paras. 94 and 95.
  - Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at paras. 276 and 277.
  - United Kingdom of Great Britain and Northern Ireland (Overseas Territories), CRC, CRC/C/100 (2000) 40 at paras. 225 and 226.
  - Marshall Islands, CRC, CRC/C/100 (2000) 89 at paras. 497 and 498.
  - Comoros, CRC, CRC/C/100 (2000) 110 at paras. 611 and 612.
- 
- Norway, CRC, CRC/C/97 (2000) 43 at paras. 227-230, 237, 238, 247, 248, 251 and 252.

### *Paragraph 227*

It is noted that the training of professionals whose work may involve children is not systematic and that many professionals do not receive such training.

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### *Paragraph 228*

Guidelines should be developed for child rights training with regard to the appropriate roles of different professional groups, including teachers, lawyers and police officers, and placing emphasis, where relevant, on the concerns raised by the Committee. In particular, attention should be given to providing municipal board members and authorities with training in the implementation of the Convention on the Rights of the Child as a whole.

### *Paragraph 229*

The State party's efforts to ensure that children within Norwegian jurisdiction, including those whose presence is not in line with legal requirements, benefit from the rights defined in the Convention are welcomed. Nevertheless, concern is expressed that this principle is not established in all relevant domestic legislation, that the absence of a legal guarantee may deprive some children without Norwegian nationality of their rights, and that some limitations are placed on these children's access to health and education services.

### *Paragraph 230*

The full, including long-term, impact of this situation on the rights of children without Norwegian nationality and without legal status living within Norwegian jurisdiction should be considered. The State party is encouraged to consider amendments to national legislation which would ensure the full applicability of article 2 of the Convention.

### *Paragraph 237*

The State party's recognition of a rise in acts of violence in society, particularly among young people, including older children is acknowledged.

### *Paragraph 238*

Efforts to address the causes of such violence and to reduce its incidence should be pursued.

### *Paragraph 247*

Concern is expressed that children with disabilities do not have the best possible social integration with their peers.

### *Paragraph 248*

Recognizing the State party's efforts to ensure that the rights of children with disabilities are fully realized and in light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69), efforts should be continued to ensure that children with disabilities are able to share their time with other children, as emphasized in the State party's second plan of action.

### *Paragraph 251*



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The Committee joins the State party in expressing concern at the continuing need for additional day-care places and that the available cash benefit scheme does not compensate for this need.

### *Paragraph 252*

The Committee joins the State party in recommending an evaluation of the cash benefit scheme and recommends further that the State party pursue its original aim of ensuring that day-care places are available for all children.

- Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at paras. 288, 290, 291, 306, 308, 309 and 316.

### *Paragraph 288*

Concern is expressed about the prevailing disparities in the enjoyment of the rights of children in Kyrgyzstan. In particular, the Committee is concerned with the situation of children living in institutions; in regions of the country which are lagging behind in socio-economic development; and children of rural and poor families. The guarantee of non-discrimination in article 2 of the Convention may be jeopardized, for example by the 1998 social security law which effectively deprives all non-citizens of rights to social security benefits, except for education fee discounts for families with many children and/or of low income; and the practice whereby non-citizens are subject to higher fees demanded by health practitioners.

### *Paragraph 290*

Concern is expressed that in practice the system of residence registration in Kyrgyzstan may restrict the rights of children belonging to vulnerable groups (e.g. refugees, non-citizens, migrants and persons internally displaced owing to conflict, economic factors, or environmental disasters) to access to health care and other social services. In particular, concern is expressed about reports that officials at the local level are sometimes reluctant to see migrants settle in their jurisdiction and do not observe regulations concerning temporary residence registration. The fact that individuals without appropriate documentation for residing in Bishkek risk relocation to another part of the country is a concern.

### *Paragraph 291*

The State party should ensure that the registration system does not pose a barrier to access to services, particularly for the most vulnerable groups. The State party should consider the experience of States that have replaced the *propiska* system with systems which correspond better to international standards in the area of freedom of movement.

### *Paragraph 306*

It is of concern that ill-treatment of children takes place in the family, institutions and schools. Concern is expressed that violence against women is on the rise and is a problem in Kyrgyzstan, and that this has harmful consequences on children.

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### *Paragraph 308*

The prevailing poor situation of children with disabilities is a concern. In particular, concern is expressed about the practice of institutionalizing children with disabilities, and about the fact that access to services such as rehabilitation and education are limited and severely strained.

### *Paragraph 309*

Existing policies and practice should be reviewed in relation to children with disabilities. It should be ensured that they enjoy all the rights contained in the Convention. The State party should provide early childhood care and special education for children with disabilities; develop entry-grade detection capacity within the primary school system; and provide services for children with learning disabilities and behavioural disorders. Greater efforts should be made to implement alternatives to the institutionalization of children with disabilities, including community-based rehabilitation programmes and reunification of children with their parents. Awareness campaigns which focus on prevention, inclusive education, family care and the promotion of the rights of children with disabilities need to be undertaken. Adequate support, supervision and training should be given to persons working with these children.

### *Paragraph 316*

It is noted that one of the many consequences of economic transition is deterioration in the family environment. This leads to an increase in homeless children in the streets and markets of Bishkek and other cities.

### *See also:*

- Tajikistan, CRC, CRC/C/100 (2000) 53 at paras. 301, 303 and 304.
- Cambodia, CRC, CRC/C/97 (2000) 64 at paras. 338-340, 347-356, 365 and 366.

### *Paragraph 338*

It is noted with concern that the State party is facing many difficulties in the implementation of the Convention, in particular owing to the legacy of more than 20 years of genocide, armed conflict and political instability as well as to the isolation suffered by the State party for many years. The State party's very difficult socio-economic situation is affecting the most vulnerable groups, including children, and hampers the enjoyment of their rights.

### *Paragraph 339*

While the Government's legislative framework covers several provisions of the Convention, and while efforts have been undertaken to draft new legislation, concerns remain that domestic legislation still needs to be reviewed and new laws enacted to fully respect the Convention. The lack of enforcement of the existing legislation is also a matter of concern.

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### *Paragraph 340*

Existing laws should be reviewed with a view to bringing them into line with the provisions of the Convention, in particular with general principles (arts. 2, 3, 6 and 12). Special attention needs to be paid to the areas of birth registration, family and alternative care, and juvenile justice. Children's rights concerns should be included in the current and future processes of drafting legislation, in particular the draft Civil, Criminal and Criminal Procedures Codes.

### *Paragraph 347*

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

### *Paragraph 348*

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

### *Paragraph 349*

While aware of the measures undertaken to promote widespread awareness of the principles and provisions of the Convention, such as the inclusion of the Convention in school curricula, the Committee is of the opinion that these measures need to be strengthened.

### *Paragraph 350*

Efforts to disseminate the principles and provisions of the Convention should be strengthened in order to sensitize society about children's rights. Special emphasis should be placed on the dissemination of the Convention among minority groups as well as in rural and remote areas.

### *Paragraph 351*

The State party's efforts, in cooperation with OHCHR and UNICEF, to provide training for professionals working with and for children is welcomed. Nevertheless, the current programmes need to be developed further in order to reach all groups of professionals.

### *Paragraph 352*

The State party is encouraged to continue to undertake systematic education and training programmes on the provisions of the Convention for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers. Technical assistance from OHCHR

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and UNICEF, among others, could continue to be requested in this regard.

### *Paragraph 353*

Concern is expressed about the lack of a clear legal definition of the child in the State party's legislation. In particular, concern is expressed at the lack of minimum legal ages of sexual consent and of criminal responsibility.

### *Paragraph 354*

In light of the principles and provisions of the Convention, legislation should include a definition of the child. The State party should take into consideration, in the process of drafting its new legislation, the incorporation of minimum ages of criminal responsibility and sexual consent. Furthermore, the law on minimum age for marriage should be enforced.

### *Paragraph 355*

The measures adopted to incorporate the general principles of the Convention into domestic legislation are insufficient.

### *Paragraph 356*

The Convention (i.e. non-discrimination (art. 2), the best interests of the child (art. 3), the right to life, survival and development (art. 6) and respect for the views of the child (art. 12)) should be included in all relevant legislation affecting children and taken into account in all administrative and judicial decisions, as well as in all policies and programmes related to children. Awareness-raising among the public at large, including community and religious leaders, as well as educational programmes on the implementation of these principles, should be reinforced in order to change traditional perceptions regarding children as objects and not as subjects of rights.

### *Paragraph 365*

Concern is expressed about the lack of legislation to protect children from harmful information and material injurious to their well-being and development, as well as to guarantee their access to appropriate information.

### *Paragraph 366*

In light of article 17 of the Convention, special legislation should be enacted to protect children from harmful information, in particular from television programmes and films containing brutal violence and pornography, and to guarantee their access to appropriate information. The State party should take into consideration the Committee's recommendations during its day of general discussion (1996) on the child and the media (CRC/C/57).

- Malta, CRC, CRC/C/97 (2000) 75 at paras. 403, 404, 412-415, 420 and 421.

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### *Paragraph 403*

It is noted that the reservation to article 26 of the Convention may have an adverse effect on the existing levels of social services and benefits for children.

### *Paragraph 404*

In light of the 1993 Vienna Declaration and its Programme of Action, it is recommended that the State party review the reservation made to article 26 of the Convention with a view to withdrawing it.

### *Paragraph 412*

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

### *Paragraph 413*

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

### *Paragraph 414*

While aware of the measures taken to promote awareness of the principles and provisions of the Convention, the Committee expresses its concern about the limited nature of these measures.

### *Paragraph 415*

The State party should strengthen its efforts to disseminate the principles and provisions of the Convention as a measure to sensitize society about children's rights. In this regard, the State party is encouraged to continue with its plans to publish a child-friendly version of the Convention. Awareness-raising among the public at large as well as educational programmes on the implementation of the principles and provisions of the Convention should also be reinforced.

### *Paragraph 420*

Concern is expressed at the use of the terms "illegitimate child" or "natural child", especially with regard to the succession rights of such children. Concern is also expressed at the alleged reports that expressions with racial connotations have been used by the State party's officials to refer to children belonging to immigrant families in an irregular situation.

### *Paragraph 421*

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The State party should continue reviewing its domestic legislation with a view to eliminating the use of the terms “illegitimate child” and “natural child”. Effective measures should be taken to combat and prevent acts of racial discrimination against children belonging to immigrant families.

- Suriname, CRC, CRC/C/97 (2000) 84 at paras. 454, 463-466, 481, 482, 497 and 498.

### *Paragraph 454*

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

### *Paragraph 463*

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

### *Paragraph 464*

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

### *Paragraph 465*

Professional groups, children, parents, and the public at large are still not sufficiently aware of the Convention and the rights-based approach enshrined therein.

### *Paragraph 466*

Greater efforts should be made to make the provisions of the Convention widely known and understood by adults and children alike. It is recommended that the State party undergo adequate and systematic training and/or sensitization of professional groups working with and for children such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel,

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including psychologists, social workers and personnel of child-care institutions. The State party should seek to ensure that the Convention is fully integrated into the curricula at all levels of the educational system. The State party is encouraged to translate the Convention into local languages and to promote its principles through the use of traditional methods of communication.

### *Paragraph 481*

Concern is expressed about the incidence of police brutality and the inadequate enforcement of existing legislation to ensure that children are treated with respect for their physical and mental integrity and their inherent dignity.

### *Paragraph 482*

All appropriate measures should be taken to implement fully the provisions of articles 37 (a) and 39 of the Convention. In this regard, greater efforts should be made to prevent police brutality and ensure that child victims are provided adequate treatment to facilitate their physical and psychological recovery and social reintegration and that perpetrators are sanctioned.

### *Paragraph 497*

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

### *Paragraph 498*

In accordance with article 27 of the Convention, it is recommended that the State party increase its efforts to provide material assistance and support to economically disadvantaged families and guarantee the right of children to an adequate standard of living. The State party should establish mechanisms to ensure that children living and/or working on the streets are provided with identity documents, food, clothing and housing. Moreover, the State party should ensure that these children are provided adequate access to health care; rehabilitation services for physical, sexual and substance abuse; services for reconciliation with families; and education, including vocational and life-skills training. It is recommended that the State party cooperate and coordinate its efforts with civil society in this regard.

### *See also:*

- South Africa, CRC, CRC/C/94 (2000) 81 at para. 429.
- Djibouti, CRC, CRC/C/97 (2000) 96 at paras. 515-521, 529-533, 536, 537, 548, 549.

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### *Paragraph 515*

Note is taken of the problems which have hampered the implementation of the Convention in the State party, in particular the regional conflicts which have led to a significant influx of refugees, the impact of the civil war which ended in 1994, and the continuing violence in the north of the country which has caused internal displacements.

### *Paragraph 516*

It is noted that Djibouti has not ratified most of the international human rights treaties, which impedes the development of a human rights culture that would facilitate the implementation of the human rights of children.

### *Paragraph 517*

Noting the universal values of equality and tolerance inherent in Islam, the Committee observes that the contradictions that can arise between a narrow interpretation of Islamic texts (and traditional law) and the provisions of civil law can sometimes impede the enjoyment of certain human rights protected under the Convention.

### *Paragraph 518*

The broad and imprecise nature of the general declaration made by the State party upon ratification of the Convention, which amounts to a reservation, potentially negates many of the Convention's provisions and raises concerns as to its compatibility with the object and purpose of the Convention. Indications that the declaration may have been intended primarily to address only the issue of the right of the child to freedom of religion and that efforts will be made to review the situation are welcomed.

### *Paragraph 519*

In the light of the Vienna Declaration and Programme of Action, and bearing in mind the provisions of article 27 of the Vienna Convention on the Law of Treaties, the State party is encouraged to review the general nature of its declaration to the Convention on the Rights of the Child with a view to its withdrawal.

### *Paragraph 520*

While acknowledging the State party's ratification of the Convention on the Elimination of All Forms of Discrimination against Women, the Committee is of the opinion that the ratification of other human rights instruments, and in particular of the International Covenant on Civil and Political Rights and its two Optional Protocols, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, would strengthen the efforts of the State party to meet its obligations in guaranteeing the rights of all children under its jurisdiction.

### *Paragraph 521*



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The State party is encouraged to consider the possibility of ratifying the other major international human rights instruments.

### *Paragraph 529*

The State party is urged to establish a policy on the allocation of resources in favour of children, including resources allocated by international agencies or bilateral assistance, and to determine how these resources will be used in future, ensuring that priority is given to the alleviation of poverty.

### *Paragraph 530*

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

### *Paragraph 531*

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

### *Paragraph 532*

Concern is expressed about the fact that the text of the Convention has not yet been translated into all national languages, and that professionals working with and for children, parents, children, and the public at large are generally not aware of the Convention and of the human rights it enshrines.

### *Paragraph 533*

An ongoing programme should be developed for the dissemination of information regarding the Convention among children and parents, civil society and all sectors and levels of government, including through the use of traditional information channels and working through community leaders. The State party is encouraged to pursue efforts to promote children's rights education in the country, including initiatives targeting the most vulnerable groups. Moreover, the Committee recommends the reinforcement of adequate and systematic training and/or sensitization of traditional and religious leaders as well as professional groups, including those working with and for children (e.g. judges, lawyers, law enforcement officials, parliamentarians, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers).

### *Paragraph 536*

It is noted that the principle of non-discrimination (art. 2) is reflected in the Constitution as well as in domestic legislation. Efforts made to promote education for girls are acknowledged. Insufficient measures have been adopted to ensure that all children are treated equally and are guaranteed equal access to education, health and other social services. In this regard, the Committee is extremely concerned about the persistent discriminatory attitudes faced by girls; it is also concerned about the

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discrimination faced by refugee and asylum-seeking children and about the impact of ethnic discrimination. Concern is also expressed about the fact that discrimination appears to be experienced by children born out of wedlock, children with disabilities, children living and/or working on the streets, and children living in rural areas.

### *Paragraph 537*

Efforts should be increased to ensure the implementation of the principle of non-discrimination and full compliance with article 2 of the Convention and address those cases which continue to affect all vulnerable groups, particularly girls, refugee children and those from different ethnic groups. The State party is urged to give particular attention to addressing discrimination against both girls and women, by reviewing domestic legislation so as to ensure that discriminatory provisions, including those affecting inheritance rights, are removed and that adequate protection from discrimination is provided.

### *Paragraph 548*

The lack of legal protection, programmes, facilities and services for children with disabilities aimed at facilitating their development and full integration in society is of concern.

### *Paragraph 549*

The State party should establish special education programmes for children with disabilities and actively seek their inclusion in society. The State party should conduct an assessment of the number of children with disabilities, the type of disabilities, and the needs of children with disabilities with regard to rehabilitative and other forms of care.

### *See also:*

- Comoros, CRC, CRC/C/100 (2000) 110 at paras. 614 and 615.
- Finland, CRC, CRC/C/100 (2000) 8 at paras. 37-40, 52, 57 and 58.

### *Paragraph 37*

It is noted that owing to the extensive decentralization of decision-making, administration and delivery of services in the State party, there is a significant delegation of powers from the central level to the municipalities. However, not all the municipalities provide the same level of social policies and services for the most vulnerable groups in society, in particular poor families, single-parent families, and disabled, refugee and minority children.

### *Paragraph 38*

An evaluation of the implementation of all aspects of the Convention should be undertaken by municipal authorities and every effort should be made to ensure that the Convention is effectively

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implemented at the municipal level. The Committee reiterates its recommendation to establish an integrated monitoring system or mechanism to ensure that children in all municipalities benefit to the same extent from basic social services.

### *Paragraph 39*

Concern is expressed that the extent and standard of welfare services provided by local authorities to low-income families or families with children with disabilities is unequal in the various municipalities across the country, partly as a result of significant differences in the financial resources available to the municipal authorities, in the priorities set by those authorities and in the systems used to assess needs and grant assistance. These disparities have the effect of providing either unequal access to or different levels of welfare assistance to children, particularly those with disabilities, depending on where in the country they reside.

### *Paragraph 40*

The State party is urged to consider ways to guarantee all children equal access to the same standard of services, irrespective of where they live, for example by establishing nationwide minimum standards and allocations of resources for the implementation of the Convention's provisions, in particular in the areas of health, education and other social welfare services, and in conformity with article 2.

### *Paragraph 52*

The State party is encouraged to review its plans of action, strategies, policies and programmes from the perspective of the right of each child to physical, mental, spiritual, moral, psychological and social development.

### *Paragraph 57*

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

### *Paragraph 58*

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

### *See also:*

- Norway, CRC, CRC/C/97 (2000) 43 at paras. 225 and 226.

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- Burundi, CRC, CRC/C/100 (2000) 17 at paras. 93-96, 101-108, 123, 124, 127-130, 154, 155, 162 and 163.

### *Paragraph 93*

Note is taken of the efforts being made by the State party to bring domestic legislation into conformity with the Convention including through new legislation on adoption, children in difficult circumstances and the rights of delinquent children to be considered by the National Assembly at its present session. However, concerns remain that plans to adopt a single legal instrument gathering together all provisions relating to the rights and duties of children have not been completed, that not all elements of domestic legislation are in conformity with the provisions of the Convention, and that customary law and traditional practices involving inheritance violate the rights of children, and of girls in particular.

### *Paragraph 94*

The State party is encouraged to continue its efforts in the area of law reform with a view to ensuring full conformity with the principles and provisions of the Convention, to pursue early adoption of the code of laws on the rights and duties of children, and to ensure that customary law and traditional practices fully respect the provisions of the Convention. The State party should make additional efforts to ensure that legislation is implemented.

### *Paragraph 95*

Concern is expressed at the lack of a comprehensive children's rights policy in the State party, at the absence of policy-making mechanisms which systematically take children's rights into consideration and at the absence of an up-to-date national plan of action for the implementation of a children's rights policy in priority areas. Children's rights have not been sufficiently taken into consideration in past efforts to achieve peace in the State party.

### *Paragraph 96*

A children's rights policy and a new national plan of action based upon the principles and provisions of the Convention should be established and implemented in consultation and coordination with all relevant ministries and with civil society. Efforts to establish provincial and communal child rights committees should be pursued and these bodies should be used to effectively implement the children's rights policy and programmes related to the national plan of action at the local level. The State party should seek assistance from UNICEF in this regard. The protection of child rights and the implementation of programmes to address priority child rights concerns should be included in peace agreements.

### *Paragraph 101*

It is of concern that there is no mechanism to monitor the implementation of the Convention or to report complaints of violations of children's rights.

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### *Paragraph 102*

An independent mechanism should be established to monitor the implementation of the Convention and to record and report on violations of children's rights.

### *Paragraph 103*

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

### *Paragraph 104*

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

### *Paragraph 105*

Concern is expressed that civil society, including NGOs, have insufficient opportunities to influence policy making and implementation with regard to children's rights. Children do not have sufficient opportunities to participate in this process.

### *Paragraph 106*

The State party should take steps to involve a wide range of NGOs in child rights policy-making and implementation including, in particular, at the provincial and communal levels. Children should be provided with more opportunities to participate in the work of NGOs.

### *Paragraph 107*

The efforts made by the State party to promote the Convention and to provide training on its provisions for civil servants is recognized. Concern is expressed that training on the practical application of the Convention, particularly in the context of the developing network of provincial and communal child rights committees, is insufficient.

### *Paragraph 108*

It is recommended that the State party continue and strengthen its efforts to promote the Convention and to conduct training on its provisions for particular professional groups including teachers, health professionals, including psychological care specialists, social workers, law enforcement officials, provincial and communal administrative officials, the members of provincial child rights committees

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and national ministerial officials with responsibility for children's rights, and the military.

### *Paragraph 123*

Deep concern is expressed about the violations of the rights to freedom of movement and to choose one's residence in the context of the State party's regroupment policy. Concern is also expressed about the large number of children in regroupment camps and the extremely poor conditions in which they have to live, constituting, in many cases, cruel, inhuman and degrading treatment and violating numerous minimum standards with respect to children's rights.

### *Paragraph 124*

The State party is urged to complete, without further delay, the process of closing the regroupment camps and, pending closure, to guarantee respect of all the civil rights and freedoms of children and their families living in such camps.

### *Paragraph 127*

Concern is expressed that violations of human rights, including in particular the killing of civilians, committed against children or their parents are only rarely addressed through judicial processes and that this climate of impunity is detrimental to the overall respect of children's rights.

### *Paragraph 128*

Much greater efforts should be made to investigate violations of human rights and to prosecute the perpetrators of these acts.

### *Paragraph 129*

It is of concern that a majority of children in rural areas do not have adequate access to information.

### *Paragraph 130*

In light of article 17, all appropriate measures should be taken to ensure that children in all rural areas are provided with adequate access to information and that they are also protected from information which may be harmful to them.

### *Paragraph 154*

The situation of children living and working on the streets and children living on their own and without proper housing in the hills is of concern. Concern is expressed about the poor access of such children to health, education and other services, about reports that the number of children living or working on the streets is continuing to increase, and about the particular vulnerability of girls in these situations.

### *Paragraph 155*

Current efforts should be reinforced on behalf of street and "hill" children and it should be ensured that these children are protected and have access to health and education services. Taking into

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consideration the limited availability of social workers and the scarcity of resources, greater support should be given to the work of NGOs in this domain and the police services should be provided with training on children's rights so that the police can contribute to the protection of children from acts of violence or other abuse while on the street. Special attention should be given to improving the situation of girls.

### *Paragraph 162*

Deep concern is expressed about the poor situation of Batwa children and the lack of respect for almost all of their rights, including the rights to health care, to education, to survival and development, to a culture and to be protected from discrimination.

### *Paragraph 163*

The State party should urgently gather information on the Batwa people, strengthen the representation of Batwa in national policy-making and elaborate a plan of action to protect the rights of Batwa children, including those rights related to minority populations and indigenous peoples.

- United Kingdom of Great Britain and Northern Ireland (Isle of Man), CRC, CRC/C/100 (2000) 31 at paras. 170, 171, 178-181, 184, 185, 194 and 195.

### *Paragraph 170*

That the reservations made by the State party with respect to articles 32 and 37 (c) of the Convention on the Rights of the Child have not yet been withdrawn and are still applicable to the Isle of Man is of concern. The authorities' commitment to discussing further the possible withdrawal of all of its reservations to the Convention is welcomed.

### *Paragraph 171*

In the light of the 1993 Vienna Declaration and Programme of Action, the State party is encouraged to consider the possibility of reviewing its reservations with a view to their full withdrawal, including with respect to the Isle of Man. In order to remove the apparent obstacles to the withdrawal of the reservation to article 37 (c) of the Convention, the Isle of Man is encouraged to reinforce its efforts to complete the construction of a separate security unit for children deprived of their liberty.

### *Paragraph 178*

While the Police Act provides for the creation of a police complaints commission to address human rights violations by the police, insufficient efforts have been made to establish a child rights focal point within the Commission to address complaints of violations of the rights of children by the police. It is noted with concern that children are not allowed to submit complaints to the Police Complaints Commission unless a relevant adult is present while the statement of complaint is being taken. Concern is also expressed at the insufficient efforts made to establish an independent, child-friendly, human rights monitoring mechanism to review administrative decisions affecting children and to

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address complaints from children concerning violations of their rights by government agents other than the police.

### *Paragraph 179*

The establishment of a child rights focal point within the Police Complaints Commission is recommended. Measures should be introduced to facilitate access by children who wish to make complaints to the Commission in the absence of an adult. It is recommended that the authorities reconsider establishing an independent, child-friendly, accessible mechanism, separate from the Police Complaints Commission, to address complaints from children concerning violations of their rights and to provide remedies for such violations, in keeping with the Paris Principles (United Nations General Assembly resolution 48/134). In this context, the introduction of awareness-raising campaigns is encouraged in order to facilitate the effective use of these mechanisms by children.

### *Paragraph 180*

It is noted that the Isle of Man has introduced a code of practice on access to government information which governs access to information on international agreements, including the Convention. It is noted that the Isle of Man intends to make available, on its web site, all of its periodic reports to United Nations human rights treaty bodies and to introduce training on human rights, including children's rights. However insufficient efforts have been made to disseminate the principles and provisions of the Convention and professional groups, children, parents and the public at large are generally not sufficiently aware of the Convention and the rights-based approach enshrined therein.

### *Paragraph 181*

It is recommended that greater effort be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike. The Isle of Man is encouraged to reinforce its efforts to introduce training on and/or sensitization about the Convention for professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel, including psychologists and social workers, and personnel of child-care institutions. Efforts should also be made to raise awareness among the media about the rights of children. The Isle of Man should integrate the Convention into the curricula at all levels of the educational system.

### *Paragraph 184*

The provisions of the Convention, especially its general principles, as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (survival and development) and 12 (respect for the views of the child), have not been fully taken into account in its legislation, its administrative and judicial decisions, or in its policies and programmes relevant to children.

### *Paragraph 185*

Further efforts should be undertaken to ensure that the principles of the Convention are appropriately



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integrated into all legal amendments, as well as judicial and administrative decisions, and projects, programmes and services which have an impact on children. All appropriate measures should be taken to ensure that policy discussions and decision-making regarding the rights of children are guided by the general principles of the Convention, in particular the principle of respect for the views of the child.

### *Paragraph 194*

The efforts of the Isle of Man to establish programmes for children with disabilities are noted, including integration and community based care programmes. However, insufficient efforts have been made to ensure adequate legal protection of children with physical disabilities.

### *Paragraph 195*

Additional efforts should be made to: enhance early identification programmes to prevent disabilities; strengthen special education programmes for children with disabilities; and, where possible, encourage the inclusion of children with disabilities in the regular school system and more generally in society. Adequate resources should be allocated to ensure the effective implementation of programmes for children with disabilities and to encourage further training for professionals working with and for these children. The enactment of legislation to guarantee the rights of children with physical disabilities is also recommended.

- United Kingdom of Great Britain and Northern Ireland (Overseas Territories), CRC, CRC/C/100 (2000) 40 at paras. 212, 217-220, 223, 224, 249 and 250.

### *Paragraph 212*

The Committee acknowledges that the significant number of Overseas Territories, widely dispersed across the globe, have diverse cultures, as well as diverse levels of economic and social development and varying degrees of autonomy. The remoteness of some of the territories and their vulnerability to natural disasters is noted. In particular, note is taken of the devastation caused by the eruption of the Soufriere Hills volcano in Montserrat, which destroyed approximately two thirds of the island. The small size and the limited availability of skilled human resources adversely affect the full implementation of the Convention in the Overseas Territories.

### *Paragraph 217*

Efforts made in a number of the Overseas Territories to introduce legislative reform and facilitate the implementation of the Convention are noted. It is noted with concern that the Children's Law in the Cayman Islands, enacted in 1995, has not been brought into force and that additional amendments are due to be made to the law. Domestic legislation in the Territories still does not fully reflect the principles and provisions of the Convention.

### *Paragraph 218*

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A legal compatibility review should be undertaken to ensure that domestic legislation in each of the Overseas Territories fully conforms with and positively reflects the principles and provisions of the Convention. The Cayman Islands is encouraged to reinforce its efforts to amend and bring into force its Children's Law. The adoption of comprehensive child rights codes in the Territories is also encouraged.

### *Paragraph 219*

It is noted that mechanisms for coordinating the implementation of the Convention have been established in Bermuda, the British Virgin Islands, Montserrat and St. Helena. However, similar efforts have not been made in all of the Overseas Territories. That national plans of action for children have not yet been elaborated in the Territories is of concern. Insufficient efforts have been made to involve non-governmental organizations (NGOs) in the coordination and implementation of the Convention.

### *Paragraph 220*

Efforts should be reinforced to ensure that adequate resources (human and financial) are allocated to facilitate the effective functioning of those coordinating mechanisms already established in the Overseas Territories and to assist further in establishing mechanisms in Territories where they have not yet been established. The Overseas Territories are encouraged to undertake appropriate measures to elaborate and implement a national plan of action for children based on the principles and provisions enshrined in the Convention. The Territories are encouraged to take all appropriate measures to facilitate the inclusion of NGOs in the promotion and implementation of the Convention.

### *Paragraph 223*

While note is taken of the Human Rights Commission in Bermuda, the Child Protection Group in St. Helena and Complaints Commissioners in the British Virgin Islands and the Turks and Caicos Islands to handle complaints of violations of the rights of children, insufficient efforts have been made to establish focal points for children within these mechanisms. Concern is expressed that Anguilla, the Falkland Islands and Montserrat have not yet established independent mechanisms to register and address complaints from children concerning violations of their rights under the Convention.

### *Paragraph 224*

The establishment of child rights focal points within the human rights monitoring mechanisms in Bermuda, the British Virgin Islands, St. Helena and the Turks and Caicos Islands is recommended. Additionally, all appropriate measures should be taken to ensure that these mechanisms are independent, child friendly and accessible to children. Independent, child-friendly monitoring mechanisms should be established in the other Overseas Territories to deal with complaints of violations of the rights of children and to provide remedies for such violations. Such mechanisms should also include focal points for children. Awareness-raising campaigns should be undertaken to facilitate the effective use of monitoring mechanisms by children.

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### *Paragraph 249*

Concern is expressed that the standard of living in Montserrat has declined significantly since the volcanic eruption which destroyed two thirds of the island. While it is noted with appreciation that all the families with children have been moved from shelters and provided with homes, concern is expressed about the psychological impact of the disaster on children. It is noted that programmes and services for children have not yet been fully restored since the volcanic eruption. Additionally, concern is expressed that children living in Anguilla, St. Helena and its dependencies, and the Turks and Caicos Islands do not enjoy an equal and adequate standard of living, as compared with children living in the other Overseas Territories.

### *Paragraph 250*

In accordance with article 27 of the Convention, the State party is encouraged to increase its efforts to provide material assistance and support to economically disadvantaged families and to guarantee the right of children to an adequate standard of living, especially those affected by the disaster in Montserrat and those living in Anguilla, St. Helena and its dependencies, and the Turks and Caicos Islands. The State party is encouraged to undertake a study to assess the impact, including the psychological impact, of the disaster on the children of Montserrat, with a view to ensuring adequate support and where necessary, counseling for children and parents.

- Tajikistan, CRC, CRC/C/100 (2000) 53 at paras. 272, 273, 277, 278, 280, 284, 287 and 294.

### *Paragraph 272*

It is noted that the State party has had to face serious economic and social challenges during the past few years posed by the transition to a market economy and the civil war, including increased unemployment, poverty and corruption, which have had an especially severe impact on children belonging to the most vulnerable segments of society.

### *Paragraph 273*

The continuing civil unrest and the recent drought have seriously affected the physical security and survival of the population, especially children.

### *Paragraph 277*

While appreciating that the decentralization of services allows the local authorities to respond better to local needs, it is emphasized that the State party is responsible for ensuring that resources reach the most vulnerable groups.

### *Paragraph 278*

The State party should develop ways to assess systematically the impact of budgetary allocations on the implementation of child rights. An adequate distribution of resources should be ensured at the national and local levels - where needed, within the framework of international cooperation. The

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State party's obligations under the Convention should be taken into account in all aspects of its negotiations with international financial institutions and other donors, to ensure that the economic, social and cultural rights of children, particularly children belonging to the most vulnerable groups, are not undermined.

### *Paragraph 280*

Recognizing that the process of transition has led to the dismantling of many public social regulators, the Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention, including with respect to civil rights and freedoms, ill-treatment and juvenile justice. The State party should consider systematically involving civil society, especially children's associations and advocacy groups, throughout all stages of the implementation of the Convention, including policy-making. In this regard, a reduction of the registration fees for NGOs could be a first step in facilitating their participation. Greater efforts should be made to involve relevant State actors, such as local government officials, and the police in the dialogue with civil society. The State party is encouraged to support initiatives aimed at strengthening the role of civil society and to equip it with the knowledge and skills essential for working in partnership with local communities and local government.

### *Paragraph 284*

The State party is encouraged to continue its discussions relating to the establishment, in accordance with the Paris Principles relating to the status of national institutions (General Assembly resolution 48/134), of a national human rights institution to monitor and evaluate progress in the implementation of the Convention. The State party is encouraged to seek technical assistance from, *inter alia*, the Office of the High Commissioner for Human Rights and UNICEF.

### *Paragraph 287*

The prevailing disparities in the enjoyment of their rights by children in Tajikistan are of concern. In particular, concern is expressed about the situation of: children living in institutions; children in regions of the country, which are lagging behind in socio-economic development and experiencing civil unrest; internally displaced, refugee and asylum-seeking children; and children of rural families. The guarantee of non-discrimination in article 2 of the Convention may be jeopardized by the introduction of fees for State health and education services, which may pose barriers to access by low-income households.

### *Paragraph 294*

In the light of article 7 of the Convention, it is recommended that greater efforts be made to ensure free and timely registration of all births, and measures with regard to training and awareness-raising concerning registration in rural areas. Steps such as the establishment of mobile registration offices are encouraged as are registration units in schools and health facilities.

***See also:***

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- India, CRC, CRC/C/94 (2000) 10 at para. 76.
- Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at para. 272.
- Colombia, CRC, CRC/C/100 (2000) 64 at paras. 336, 337, 347, 354, 355, 360 and 361.

### *Paragraph 336*

Legislation on children's rights is still not fully compatible with the principles and provisions of the Convention, particularly because the efforts to revise the Code of Minors (1989), which started in 1995, are dragging.

### *Paragraph 337*

Existing legislation should be reviewed and harmonized with all the provisions of the Convention. The State party should reactivate the process initiated to revise the Code of Minors (1989). Such a process should include the participation of all sectors involved in the promotion and protection of children's rights and should be completed as soon as possible.

### *Paragraph 347*

An independent and effective system for monitoring the Convention should be established, with a view to assessing progress achieved in the realization of children's rights and evaluating policies for better implementation of the provisions of the Convention. In this regard, the Committee encourages the State party to seek international assistance from UNICEF.

### *Paragraph 354*

Concern is expressed at the existing patterns of economic and social disparity, and of gender and racial discrimination; at the marginalization of children belonging to the Afro-Colombian and indigenous populations; and at the precarious situation of children belonging to internally displaced populations, especially regarding their limited access to housing, education and health services.

### *Paragraph 355*

In the light of article 2 and other related articles of the Convention, it is recommended that measures be increased to reduce economic and social disparities, including between urban and rural areas, to prevent discrimination against the most disadvantaged groups of children, such as girls, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets, children living in camps for internally displaced populations and children living in rural areas, and to guarantee their full enjoyment of all the rights recognized in the Convention.

### *Paragraph 360*

In the light of its previous recommendation concerning the need to conduct special investigations in cases of gross violations of human rights involving children, the Committee regrets the lack of follow-

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up information on this issue and reiterates its concern about alleged cases of street children tortured and ill-treated by members of the police and/or paramilitary groups.

### *Paragraph 361*

The State party is urged to undertake effective measures to ensure that such acts receive an appropriate response through the judicial process, in order to avoid impunity for the perpetrators. Care and rehabilitation programmes should be established for child victims of torture and ill-treatment.

- Central African Republic, CRC, CRC/C/100 (2000) 77 at paras. 409, 410, 415, 416, 419, 429, 430, 469 and 470.

### *Paragraph 409*

Concern is expressed about the lack of an appropriate legal framework, with the judicial system still reliant upon colonial-era legislation which is not always appropriate to the current situation. Customary practices are sometimes applied instead of domestic law. Some of these practices violate children's rights.

### *Paragraph 410*

Every effort should be made to review domestic legislation and ensure its conformity with the provisions of the Convention on the Rights of the Child. The State party is urged to strengthen implementation of legislation and, in particular, to end those customary practices which violate children's rights.

### *Paragraph 415*

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

### *Paragraph 416*

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

### *Paragraph 419*

Civil society is under-resourced, insufficiently well organized and consequently unable to contribute fully to the implementation of children's rights in the State party. The absence of a single coalition of NGOs focusing on child rights in the State party is a concern.

### *Paragraph 420*

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The State party should review the capacity and contribution of civil society in the implementation of the Convention. Every effort should be made to strengthen the role played by civil society, *inter alia*, through improvements in the registration of NGOs, the provision of support to civil society in accessing resources and through facilitating the functioning of civil society programmes. The establishment of a coalition of NGOs focusing on children's rights, with a view to improving coordination and the use of resources, is recommended.

### *Paragraph 429*

Violations of the child's right to life with regard to those children born in the breech position are matters of concern. Many children's rights to survival and development are not respected.

### *Paragraph 430*

The State party should review the impact of traditional attitudes which may be harmful for children, such as attitudes with regard to children born in the breech position. The right to life should be guaranteed. The State party is urged to strengthen its efforts to ensure respect for the rights to survival and development of all children.

### *Paragraph 469*

Children have insufficient opportunity to exercise their rights to leisure and cultural activities.

### *Paragraph 470*

The State party should improve respect for the right of children to leisure and cultural activities, including promoting these rights among parents, teachers and community leaders. The "Ambassadors for Peace" programme should be made accessible to children who are currently excluded from the education process.

- Marshall Islands, CRC, CRC/C/100 (2000) 89 at paras. 491-496, 499, 500, 504-506, 509, 510, 521 and 522.

### *Paragraph 491*

It is noted with concern that the Convention has not yet been enacted into law, which is necessary in order for it to be a part of the Marshallese legal system. Further, while welcoming the request by the Ministry of Internal Affairs to UNICEF for assistance in the review of all aspects of its domestic legislation relating to children, concern is expressed that the domestic legislation and customary law do not fully reflect the principles and provisions of the Convention.

### *Paragraph 492*

All necessary steps should be taken to incorporate the Convention into domestic law. The State party should undertake a review of all aspects of its domestic legislation relating to children with a view to ensuring full conformity with the principles and provisions of the Convention. Enactment of a

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comprehensive children's code should be considered.

### *Paragraph 493*

It is noted with concern that the State party has not yet ratified the major United Nations human rights treaties, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, or other relevant international conventions, like the Hague Convention on the Civil Aspects of International Child Abduction of 1980 and the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoptions of 1993.

### *Paragraph 494*

The State party should consider ratifying at least the major human rights treaties and relevant conventions adopted at The Hague with a view to strengthening the human rights culture in the country.

### *Paragraph 495*

Concern is expressed about the absence of a focal point for children within the government and at the lack of mechanisms at the national and local levels for coordinating policies relating to children and for monitoring the implementation of the Convention.

### *Paragraph 496*

The State party should consider establishing a focal point within the government and coordination mechanisms between the various ministries, as well as between central and local authorities, with a view to developing a comprehensive national strategy or plan of action for children and ensuring the implementation of the Convention in the country and its regular evaluation.

### *Paragraph 499*

It is noted with concern that there is no independent body to monitor observance of the implementation of children's rights with a view to promoting and protecting them and to deal with individual complaints concerning all children's rights not only violations of law.

### *Paragraph 500*

The State party is encouraged to consider creating an independent child-friendly body easily accessible to children such as an ombudsperson or a national commission for children's rights, the establishment of which must be in keeping with the Paris principles (General Assembly resolution 48/134, annex), to monitor the implementation of the Convention and to deal in an expeditious way with individual complaints concerning children's rights.

### *Paragraph 504*

The State party should develop more creative methods to promote the Convention, including through visual aids such as picture books and posters, along with traditional methods of communication. The



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Committee also recommends adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators and health personnel. Efforts should be made to sensitize civil society, including community leaders, NGOs and the media, about children's rights with a view to changing negative traditional public attitudes and to facilitate broad participation in the dissemination and promotion of the Convention. The State party is encouraged to fully integrate the Convention into the curricula at all levels of the educational system.

### *Paragraph 505*

There has been insufficient participation and involvement of relevant non-governmental organizations and other civil society partners in the formulation and implementation of policies and programmes relating to children.

### *Paragraph 506*

The important role civil society plays in implementing the provisions of the Convention is emphasized. The State party should consider a systematic approach to involve civil society, especially children's associations and advocacy groups, throughout all stages of the implementation of the Convention, including policy-making. The State party is encouraged to support initiatives aimed at strengthening the role of civil society and to equip members of civil society with the knowledge and skills essential for working in partnership with local communities.

### *Paragraph 509*

Noting that the State party's general approach is more welfare oriented rather than child rights based, concern is expressed that the principles of the best interests of the child (art. 3) and the right to life and development (art. 6) are not fully reflected in the State party's legislation, its administrative and judicial decisions, or its policies and programmes relevant to children. Further, the principle of respect for the privacy of the family, guaranteed by the Constitution and customary practice, may limit interventions within the family which, in accordance with article 9 of the Convention, may be in the best interests of the child.

### *Paragraph 510*

The general principles of the Convention, in particular the provisions of articles 3 and 6, should be appropriately integrated in all revisions to legislation as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children and should guide the determination of policy-making at every level and in particular actions taken by social welfare institutions, courts of law and administrative authorities.

### *Paragraph 521*

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

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teenage pregnancy are increasing.

### *Paragraph 522*

The State party should continue and strengthen its measures and programmes to educate and provide counselling on parental responsibilities to the general public. In light of articles 18 and 21 of the Convention, the State party is urged to consider developing comprehensive measures to encourage responsible parenthood and to assist needy families with their child-rearing responsibilities, for instance by offering social assistance to families or by securing childcare services and facilities for working parents.

### *See also:*

- Liechtenstein, CRC, CRC/C/103 (2001) 19 at paras. 98 and 99.
- Slovakia, CRC, CRC/C/100 (2000) 100 at paras. 549, 554-557, 560, 561, 568, 569, 576, 577, 586, 587 and 596.

### *Paragraph 549*

The State party has faced difficult economic and social challenges posed by the transition to a market economy, including rising income inequality and unemployment. This has had a negative impact on the population, particularly children belonging to the most vulnerable groups.

### *Paragraph 554*

In the field of human rights protection and promotion, emphasis is placed on the importance of regularly monitoring and evaluating progress in the implementation of international human rights standards, including the Convention, at the national and local levels.

### *Paragraph 555*

Noting the State party's activities in this regard, the State party is encouraged to establish a statutory, independent institution, adequately resourced and with a mandate to regularly monitor and evaluate progress in the implementation of the Convention and empowered to receive and address complaints of violations of children's rights.

### *Paragraph 556*

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

### *Paragraph 557*

The State party should implement article 4 of the Convention in the light of articles 3 and 6 in such a way that the proportions of the State budget that is allocated, to the maximum extent of available

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resources, and in accordance with legislation and policies, for economic, social and cultural rights, are easily identifiable and presented in a transparent way.

### *Paragraph 560*

The Constitution of Slovakia and other legislation provide adequate protection for the child and his or her family, which ensures the child's well-being. However, the concept of the best interests of the child and consideration for the views of the child are not explicitly included in legislative and administrative measures. Respect for the views of the child remains limited owing to traditional societal attitudes towards children in schools, care institutions, the courts and, especially, within the family.

### *Paragraph 561*

Legislation and administrative measures should be reviewed to ensure that articles 3 and 12 of the Convention are duly reflected therein. The State party is encouraged to promote and facilitate within the family, the school, care institutions and the courts respect for the views of children and their participation in all matters affecting them. The State party should develop skills-training programmes, in community settings, for teachers, social workers and local officials, in assisting children to make and express their informed decisions and to have these views taken into consideration.

### *Paragraph 568*

Noting the relevant provisions of the Penal Code, concern is expressed at the persistence of acts of violence by groups, particularly skinheads, directed towards Roma and their children and other ethnic minorities, and at continuous allegations that the police and prosecutors have failed to investigate acts of racially motivated violence promptly and effectively, and have been reluctant to identify a racial motive behind such attacks. The numbers of indictments and convictions are low relative to the number of incidents reported. Perpetrators of racial crimes often receive light sentences.

### *Paragraph 569*

The State party should continue carrying out timely and thorough investigations and effective prosecutions against racist organizations. The State party is encouraged to continue to expand throughout the State preventive programmes to curb racially motivated violence directed towards Roma and their children and other ethnic minorities. Clear guidelines and instructions for police and prosecuting authorities should be developed to assist them in identifying such crimes, and ensure timely and effective investigation, and prosecution of racially motivated attacks, including cases of police misconduct.

### *Paragraph 576*

The comprehensive scheme of services and cash benefits available to families of children with disabilities as well as to non-governmental organizations working in this area is welcomed. However, it is regretted that information has not been received regarding the eligibility criteria for these services

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and benefits. Further, concern remains about the inadequate infrastructure, the limited specialized staff and the institutionalization of children with disabilities, and the lack of inclusive programmes and policies and continuous monitoring of institutions.

### *Paragraph 577*

It is recommended that a comprehensive approach be pursued toward addressing the rights of children with disabilities, reviewing existing policies and practice and taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its day of general discussion on children with disabilities (see CRC/C/69). The State party should develop early identification programmes to prevent disabilities, undertake awareness-raising programmes to prevent discrimination and institutionalization, and establish community-based centres for the disabled to enable them to enjoy all the rights contained in the Convention.

### *Paragraph 586*

It is noted that government social policies, in spite of their comprehensiveness, have resulted in the socio-economic exclusion of certain groups of children such as the Roma and children living in the streets and in institutions.

### *Paragraph 587*

The State party should include NGOs, especially family and children's NGOs, and civil society in general, through dialogue, in the development of social policies in order to better understand the reasons for exclusion and to stimulate new ideas to raise the standard of living of vulnerable groups of children.

### *Paragraph 596*

The State party is encouraged to ratify and implement the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

### *See also:*

- Armenia, CRC, CRC/C/94 (2000) 53 at paras. 320 and 321.
- Latvia, CRC, CRC/C/103 (2001) 9 at para. 33.
  
- Comoros, CRC, CRC/C/100 (2000) 110 at paras. 600, 604, 605, 610, 613, 622, 623, 634 and 636-639.

### *Paragraph 600*

Ongoing peace negotiations with the separatist forces in the island of Anjouan and the embargo

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imposed on that island are noted. The negative effects of the political instability and the current socio-economic crisis on children is noted with concern, especially regarding the enjoyment of their human rights.

### *Paragraph 604*

It is of concern that the Government has not acceded to the other main international human rights instruments, such as the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Similar concern is expressed with regard to regional human rights instruments, such as the African Charter on the Rights and Welfare of the Child.

### *Paragraph 605*

The Government is encouraged to accede to the above-mentioned international and regional human rights instruments in order to strengthen the protection of human rights. The State party is encouraged to seek technical assistance from the Office of the High Commissioner for Human Rights (OHCHR), in implementing this recommendation.

### *Paragraph 610*

The establishment of an independent body to monitor the implementation of the Convention should be considered. Such a body should be invested with the authority to receive and investigate individual or collective complaints regarding lack of compliance with the Convention and to make recommendations in that regard.

### *Paragraph 613*

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

### *Paragraph 622*

Serious concern is expressed at the way in which the principle of respect for the views of the child (art. 12) is interpreted in the State party, especially since, according to the report, a child needs to be “trained” to become a human being. In addition, with regard to children’s participatory rights, insufficient measures have been taken, especially to promote the participation of children in the family, in the community, at school and in other social institutions, as well as to ensure the effective enjoyment of fundamental freedoms, including freedom of opinion, expression and association.

### *Paragraph 623*

The importance of promoting respect for the views of the child and encouraging child participation is emphasized. The State party is encouraged to promote public awareness of the participatory rights

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of children. Effective measures should be adopted to ensure respect for the views of the child within schools, families, social institutions and in the care and judicial systems, in accordance with the provisions of article 12 of the Convention.

### *Paragraph 634*

The situation of children with disabilities, who are marginalized and discriminated against, is of concern. There is a lack of legal protection, programmes, facilities and services for children with disabilities, aimed at facilitating their development and full integration in society.

### *Paragraph 636*

The growing number of children who, owing to rural exodus and poverty, are forced to live and work on the streets is of concern.

### *Paragraph 637*

Special programmes should be established to address the situation of children living and/or working in the streets. Moreover, the State party should ensure that these children have access to: health care, rehabilitation services for physical, sexual and substance abuse, services for reconciliation with families, comprehensive education, including vocational and life-skills training, and legal aid.

### *Paragraph 638*

The problems of environmental degradation in the State party are of concern, including very limited access to drinkable water, and at the precarious conditions of housing facilities for families.

### *Paragraph 639*

In the light of article 24 (c) of the Convention, all appropriate measures should be taken, including through international cooperation, to prevent and combat the damaging effects of environmental degradation on children, including pollution and contamination of water supplies. The State party should take effective measures, including through international cooperation, to improve housing facilities for families.

- Latvia, CRC, CRC/C/103 (2001) 9 at paras. 34, 35, 38-41, 46, 47, 50, 51, 64, 65, 68, 69, 76 and 77.

### *Paragraph 34*

While noting that the Law on the Protection of the Rights of the Child of 1998 reflects some principles and provisions of the Convention, concerns remain that other relevant laws, *inter alia* some outdated provisions regarding family and adoption in the 1937 Civil Law, are not in full conformity with the Convention and that disparities exist between law and practice.

### *Paragraph 35*

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Efforts in the field of law reform should be continued to ensure that legislation is fully compatible with the provisions and principles of the Convention and with a child-rights approach. Effective steps should be taken to ensure that these measures are fully implemented.

### *Paragraph 38*

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

### *Paragraph 39*

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

### *Paragraph 40*

The importance of setting up an independent mechanism with a mandate to monitor and evaluate progress in the implementation of the Convention, at both the national and local levels, is emphasized.

### *Paragraph 41*

The State party is encouraged to continue working towards the establishment of an independent body easily accessible to children, such as an ombudsperson for children or a national commission for children's rights, established in accordance with the Paris Principles (General Assembly resolution 48/134), to monitor the implementation of the Convention and to deal in an expeditious and efficient way with individual complaints concerning children's rights.

### *Paragraph 46*

It is of concern that the participation and involvement of relevant non-governmental organizations and of civil society at large in the formulation and implementation of policies and programmes relating to children is not systematic.

### *Paragraph 47*

Civil society and non-governmental organizations play an important role as partners in implementing the provisions of the Convention. A methodical approach to involving civil society should be considered, especially children's associations and advocacy groups, throughout all stages of the implementation of the Convention, including policy-making.

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### *Paragraph 50*

It is of concern that the principle of non-discrimination is not fully implemented for non-citizen children, children belonging to minorities, including Roma children, poor or dysfunctional families, children with disabilities and children living in rural areas, especially with regard to their access to adequate health and educational facilities. In this context, the State programme for the improvement of the condition of children in the country for 1999 is noted with interest. The requirement to record ethnic origin in passports is noted with concern.

### *Paragraph 51*

Disaggregated data should be collected to enable monitoring of discrimination against all children, in particular those belonging to the above-mentioned vulnerable groups, with a view to developing measures to put an end to any form of discrimination. The Committee reiterates the recommendation of the Committee on the Elimination of Racial Discrimination to reconsider the requirement to record ethnic origin in passports (A/54/18, para. 407).

### *Paragraph 64*

It is of concern that children with disabilities are granted additional State benefits only up to the age of 16 and that children with disabilities living in rural areas do not have access to the same level of services and medicines as children living in other parts of the country. Concern is expressed about the high proportion of children with disabilities who are institutionalized. It is also noted with concern that the integration of children with disabilities into the normal educational system is problematic owing to the lack of specialized teachers and the fact that schools are not easily accessible for children with motor impairment.

### *Paragraph 65*

The necessary resources should be allocated for programmes and facilities for all children with disabilities up to the age of 18, especially the ones living in rural areas, and community-based programmes should be developed in order for children to be able to stay at home with their families. The State should further encourage their integration into the educational system and inclusion into society, including by providing special training to teachers and by making schools more accessible.

### *Paragraph 68*

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

### *Paragraph 69*

In light of articles 3, 4, 6, 26 and 27 of the Convention, all appropriate measures should be taken to the maximum extent of available resources, in particular at the local level, to support families in a difficult economic and/or social situation in order to ensure, to the maximum extent possible, the survival and development of all children living in Latvia.



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### *Paragraph 76*

The significant number of children living in the streets is of concern. Even though the Law on the Protection of the Rights of the Child covers children living in the street, no specific mechanisms have been established for its implementation. Assistance to the children living in the streets is generally provided only by non-governmental organizations.

### *Paragraph 77*

Existing mechanisms should be supported to provide children living in the streets with food, clothing, housing, health care and educational opportunities, including vocational and life-skills training. Moreover, the State party should ensure that these children are provided, whenever necessary, with rehabilitation services for physical, sexual and substance abuse; protection from police brutality; and services for reconciliation with their families.

### *See also:*

- Armenia, CRC, CRC/C/94 (2000) 53 at para. 303.
- Tajikistan, CRC, CRC/C/100 (2000) 53 at para. 283.
- Liechtenstein, CRC, CRC/C/103 (2001) 19 at para. 95.
- Lithuania, CRC, CRC/C/103 (2001) 47 at paras. 302 and 303.

- Liechtenstein, CRC, CRC/C/103 (2001) 19 at para. 94.

While the State party publishes annual reports on the implementation of the Convention, it is of concern that there is no mechanism that can independently monitor implementation and address violations of the rights of children.

- Ethiopia, CRC, CRC/C/103 (2001) 24 at paras. 130, 131, 136, 137, 140, 141, 146-149, 190 and 191.

### *Paragraph 130*

Concern is expressed at the failure to enforce legislation which would serve to protect the rights of children, including: with regard to harmful traditional practices such as female genital mutilation, early and forced marriage and discrimination against children with disabilities. Domestic law is not yet fully compatible with the provisions and principles of the Convention. The process of drafting and adopting new legislation is slow. In addition, concern is expressed that some customary practices which are prejudicial to children's rights may still be applied instead of modern domestic legal provisions. Concern is expressed that the Convention has yet to be published in the Official Gazette, as recommended in the Committee's concluding observations on the State party's initial report.

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### *Paragraph 131*

The State party should strengthen its efforts to implement and enforce those aspects of domestic legislation which serve to protect children's rights, giving particular attention to problems of harmful traditional practices, early and forced marriage and discrimination against children with disabilities. Steps should be taken through amendment or enactment, to ensure that domestic legislation is fully compatible with the principles and provisions of the Convention and to ensure that new legislation reaches the adoption stage rapidly. Additional efforts should be made to ensure that domestic law is applied in preference to customary practices which may infringe children's rights. The Convention should be published in the Official Gazette.

### *Paragraph 136*

While noting that the State party has the position of independent human rights commissioner, with a deputy commissioner for children and women's rights, and an office of ombudsperson for human rights, concerns remain that these mechanisms are not yet operational.

### *Paragraph 137*

The State party should proceed with the establishment of independent monitoring mechanisms and give them competence and sufficient resources to address children's rights concerns. In particular, efforts should be made to ensure the appointment of an independent human rights commissioner, with a deputy commissioner for children's and women's rights, and the establishment of an office of ombudsperson for human rights, including a focus on children's rights.

### *Paragraph 140*

The Committee is preoccupied with the fact that, in spite of the State party's efforts, public officials working with or for children, and who have a role in their protection, are insufficiently trained in children's rights.

### *Paragraph 141*

In the light of article 42, additional efforts should be made to provide training on the Convention's provisions for professionals, *inter alia* law officials, teachers, civil servants in ministries with a significant impact on children, child welfare and development professionals and health workers. Further efforts should be made to disseminate the Convention, *inter alia* through the media, in schools, through public information campaigns and through the use of traditional methods and structures at the Woreda level, giving particular attention to persons with low literacy skills and those who do not have access to radios.

### *Paragraph 146*

It is of concern that children and their families who are members of ethnic groups which are in a minority in a particular region, or which are not in control of the region's administration, face discrimination. Girls and children with disabilities face extensive discrimination, *inter alia*, in terms

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of their access to education. Furthermore, concern is expressed that societal discrimination against women and against adults with disabilities limits the opportunities for girls and for children with disabilities to achieve full respect for their rights.

### *Paragraph 147*

The State party should make appropriate additional efforts to strengthen the implementation of the non-discrimination provisions of the Constitution, giving particular attention to the situation of children from ethnic groups which are a minority within a particular province, to girls, to children with disabilities and to discrimination against women.

### *Paragraph 148*

The Committee joins the State party in expressing concern at the insufficient respect for children's rights to life, survival and development in the State party.

### *Paragraph 149*

The State party is urged to continue to make every effort to achieve respect for children's rights to life, survival and development, including through improved economic development, strengthening of social infrastructure and efforts to alleviate poverty. Special attention should be given to children living in rural areas and to refugee and internally displaced children.

### *Paragraph 190*

Concern is expressed at the large numbers of children living or working on the streets of the main cities in the State party, and at their lack of access to education, health care, essential nutrition and housing. The number of children involved in child labour is a concern.

### *Paragraph 191*

Urgent efforts should be made to protect the rights of children currently living and/or working on the streets, including through the provision of education, health care, nutritional aid and alternative care assistance. The State party should address the causes of children falling into a situation of street life. Efforts should be made to address the incidence of child labour and to respect and implement the provisions of International Labour Organization (ILO) Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999). Assistance should be sought from the ILO in this regard.

- Egypt, CRC, CRC/C/103 (2001) 36 at paras. 206, 209, 222, 223, 226, 234 and 235.

### *Paragraph 206*

Note is taken of efforts to increase collaboration with non-governmental organizations, including efforts to establish an NGO liaison office in the secretariat of the National Council of Childhood and Motherhood (NCCM), as well as the recent draft legislation on NGOs. However, insufficient efforts

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have been made to involve civil society in the implementation of the Convention.

### *Paragraph 209*

The important role civil society plays as a partner in implementing the provisions of the Convention is emphasized, including with respect to civil rights and freedoms. The State party should consider a systematic approach to involving civil society, especially children's associations and advocacy groups, throughout all stages of the implementation of the Convention, including policy-making. In this regard, the State party should ensure that legislation regulating NGOs conforms to international standards on freedom of association, as a step in facilitating and strengthening their participation. Greater efforts should be made to involve relevant State actors, such as local government officials and the police, in the dialogue with civil society. The State party is encouraged to support initiatives aimed at strengthening the role of civil society.

### *Paragraph 222*

Concern is expressed about the discrepancy between the definition of a child, contained in article 2 of the 1996 Children's Code, as a person under 18 years, and the age of majority, set at 21 years in article 44 of the 1948 Civil Law.

### *Paragraph 223*

The State party should harmonize its legislation in accordance with the Convention in order to avoid the situation where there are effectively two categories of minors: those under 18 years and those between 18 and 20 years of age.

### *Paragraph 226*

Taking note of efforts by the State party to combat poverty and its negative effects on children, concern is expressed at the large disparities in the enjoyment of economic and social rights, particularly health and education, by children living in rural areas and regions lagging behind in socio-economic development.

### *Paragraph 234*

The Committee remains concerned at the situation of children with disabilities and that only a very small percentage receive specialized services.

### *Paragraph 235*

Existing policies and practice should be reviewed in relation to children with disabilities. The State party should pursue the development of standardized definitions and terminology relating to disabilities for the purposes of collecting comprehensive data on these children. Greater efforts should be made to promote community-based rehabilitation programmes and inclusive education; to address geographical disparities in the distribution of services (i.e. in rural areas, and regions such as Upper Egypt); and to ensure the provision of services for children under four years, as well as severely mentally disabled children. The State party is encouraged to undertake greater efforts to make

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available the necessary resources and to seek assistance from UNICEF, WHO and relevant NGOs, among others.

- Lithuania, CRC, CRC/C/103 (2001) 47 at paras. 264, 265, 268, 269, 272, 273, 278, 279, 288, 289, 296 and 297.

### *Paragraph 264*

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

### *Paragraph 265*

In light of article 4 of the Convention, a study should be undertaken on the impact of the Government's budgetary resources allocated for children and their families in order to assess their effectiveness and to develop a comprehensive strategy to ensure the full implementation of the economic, social and cultural rights of children to the maximum extent of available resources, in particular at the local level and with respect to children belonging to the most vulnerable groups in society. The State party should clearly identify its priorities with respect to child rights issues and to identify the amount and proportion of the budget spent on children at the national and local levels in order to evaluate the impact of the expenditures on children. Financial and human resources should be appropriately allocated for the full implementation of the Law on the Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania of 1996.

### *Paragraph 268*

The efforts of the State party in training professionals working with and for children are noted. Nevertheless, the principles and provisions of the Convention are not disseminated at all levels of society, notably in rural areas and among children.

### *Paragraph 269*

In light of article 42, efforts to develop more creative methods to promote the Convention should be strengthened, including through audiovisual aids, such as picture books and posters, at all levels of society and in particular for children. The State party should continue in its efforts to provide adequate and systematic training and/or sensitization of professional groups working with and for children such as judges, lawyers, law enforcement personnel, teachers, school administrators and health personnel. The Convention should be fully integrated into the curricula at all levels of the educational system.

### *Paragraph 272*

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The principle of non-discrimination is not being fully implemented for children living in vulnerable families and in institutions, children with disabilities, Roma children, refugee and asylum-seeking children and children living in rural areas, in particular with regard to their access to adequate health and educational facilities.

### *Paragraph 273*

The State party should collect disaggregated data and other information in order to identify discrimination against children, in particular those belonging to the above-mentioned vulnerable groups, with a view to developing comprehensive strategies aimed at ending all forms of discrimination.

### *Paragraph 278*

Concern is expressed that children are not adequately protected from the violence and pornography increasingly being shown on television, in video films and in other media. Also, while noting that there is State support, including through tax reduction, for the publication and sale of books, it is noted with concern that not enough programmes and books for children are being produced and disseminated in the country.

### *Paragraph 279*

In light of article 17 of the Convention, the State party is encouraged to further enforce appropriate guidelines and legislation for the protection of the child from information and material injurious to his or her development, in particular violence and pornography, such as the Law on the Provision of Information to the Public of 1996. Measures to encourage the production of programmes and books for children and disseminate them throughout the country, in particular in rural areas should be reinforced.

### *Paragraph 288*

It is of concern that children with disabilities living in rural areas do not have access to the same level of services and medicines as children living in other parts of the country and that not all medicines are available for free. The large number of children with disabilities who are institutionalized is a matter of concern as is the general lack of resources and specialized staff for children with disabilities.

### *Paragraph 289*

The State party should allocate the necessary resources for programmes, medicines, trained staff and facilities for all children with disabilities, especially the ones living in the rural areas, and develop community-based programmes in order to allow children to stay at home with their families. It is also recommended that the Government further encourage their integration into the educational system and their inclusion into society.

### *Paragraph 296*

Adequate consideration has not been given to the rights of children to rest and leisure, to engage in

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play and recreational activities appropriate to their age, and to participate freely in cultural life and the arts.

### *Paragraph 297*

In light of article 31 of the Convention, adequate attention should be paid to planning leisure and cultural activities for children, taking into consideration the physical and psychological development of the child.

- Lesotho, CRC, CRC/C/103 (2001) 57 at paras. 318, 323, 324, 327-334, 343, 344, 369 and 370.

### *Paragraph 318*

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

### *Paragraph 323*

The absence of mechanisms through which children, as well as adults, can make complaints of human rights violations or other abuses is a matter of concern.

### *Paragraph 324*

The State party should establish an independent monitoring body with responsibility for monitoring the implementation of the Convention. Consideration should also be given to providing a mechanism through which children can make complaints of abuses of their rights.

### *Paragraph 327*

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

### *Paragraph 328*

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

### *Paragraph 329*

The Committee joins with the State party in expressing concern at the need for additional technical assistance and international cooperation. Civil society, including NGOs, have insufficient opportunities to influence children's rights policy making and implementation. Further, concern is

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expressed that children do not have sufficient opportunities to participate in this process.

### *Paragraph 330*

The State party should continue and strengthen its efforts to seek technical assistance and other forms of international cooperation, including from international NGOs, towards implementation of the Convention. The State party should continue and strengthen its support to national NGOs. Children should be provided with more opportunities to participate in the work of NGOs.

### *Paragraph 331*

Deep concern is expressed at the emigration of professionals essential not only for the State party's development but also for implementation of the rights of children. There is insufficient awareness of the principles and provisions of the Convention among the remaining professionals working for and with children and among the public at large.

### *Paragraph 332*

The State party should pursue and strengthen its ongoing efforts to encourage professionals to remain in the State party, particularly those professionals working with and for children. Child rights training should be provided for all relevant professional groups, including parliamentarians, judges, lawyers, chiefs, law enforcement personnel, teachers, school administrators, health professionals including psychologists, social workers, officials of central or local administration, and personnel of child-care institutions. In addition, the State party should strengthen efforts to raise awareness of the Convention among children, parents, the media and the public at large, including in rural areas. The State party is encouraged to continue its efforts to make the Convention available in Sesotho. The State party should make efforts to raise awareness and discussion among the public with regard to economic, social and cultural rights, in the context of improved implementation of all of the Convention's provisions.

### *Paragraph 333*

The lack of clarity in the definition of the child is noted with concern. This is due to the fact that on the one hand the child is defined as a person under 18 years of age while on the other hand the age of majority still remains 21. Concern is also expressed about the different minimum legal ages for marriage, the absence of a defined minimum age of sexual consent for boys, the very high minimum age for consulting a doctor without parental consent and the extremely low minimum age of criminal responsibility - currently age seven.

### *Paragraph 334*

Existing legislation should be reviewed and amended as appropriate in order to harmonize the age of majority and the overall definition of the child, to introduce one minimum legal age for marriage, to increase the minimum age for criminal responsibility, to address concerns related to the minimum age for consulting a doctor without parental consent and to establish one minimum age for sexual



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consent.

### *Paragraph 343*

Extreme concern is expressed about incidents of violence, including beatings, committed against children by law enforcement officials and about the lack of investigation or criminal justice response to such incidents.

### *Paragraph 344*

The State party should establish an effective child-friendly complaint and investigation system to address acts of violence committed by law enforcement or other officials against children and to ensure that the perpetrators of such acts do not enjoy impunity. Awareness of children's rights issues within the criminal justice system should be strengthened.

### *Paragraph 369*

The increasing number of children living and/or working on the streets in Lesotho is noted with concern.

### *Paragraph 370*

The State party should make every effort to identify and address the causes of children living and or working on the streets and should formulate policies and provide assistance addressing their needs and assuring greater respect for their rights.

- Saudi Arabia, CRC, CRC/C/103 (2001) 71 at paras. 381-384, 387, 388, 391, 392, 395, 396, 405 and 406.

### *Paragraph 381*

Concern is expressed that the broad and imprecise nature of the State party's general reservation potentially negates many of the Convention's provisions and raises concern as to its compatibility with the object and purpose of the Convention, as well as the overall implementation of the Convention.

### *Paragraph 382*

The State party should withdraw its reservation, in accordance with the Declaration and Plan of Action of the World Conference on Human Rights (1993).

### *Paragraph 383*

It is noted with concern that several rights contained in the Convention are not reflected in domestic law. In particular, the Basic Law and other applicable laws do not expressly guarantee non-discrimination on the basis of all the grounds contained in article 2 of the Convention. The incompatibility of certain areas of domestic law with the Convention are noted (e.g. discrimination

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against females and non-Muslims and the use of judicial punishments such as flogging). Many laws relevant to children's rights (i.e. personal status laws, the criminal code, and the criminal and civil procedure codes) remain uncoded.

### *Paragraph 384*

The State party should conduct a comprehensive review of the Basic Law and domestic laws, including administrative regulations and legal procedural rules, to ensure that they conform to international human rights standards, including the Convention, that they are sufficiently clear and precise, are published, and are accessible to the public.

### *Paragraph 387*

Insufficient efforts have been made to involve civil society in the implementation of the Convention.

### *Paragraph 388*

The State party should consider a systematic approach to involving civil society, especially children's associations and advocacy groups, throughout all stages of the implementation of the Convention, including policy-making. Greater efforts should be made to involve relevant State actors in dialogue with civil society, such as local government officials and the police. The State party should support initiatives aimed at strengthening the role of civil society.

### *Paragraph 391*

The importance of setting up an independent mechanism with a mandate to regularly monitor and evaluate progress in the implementation of the Convention is emphasized. The guarantees of non-discrimination, religious freedom and due process laid down in domestic law without independent and effective mechanisms to monitor their application do not on their own ensure the enjoyment of these and other fundamental rights.

### *Paragraph 392*

The State party is encouraged to consider the establishment of an independent national human rights institution in accordance with the Paris Principles relating to the status of national institutions (General Assembly resolution 48/134) to monitor and evaluate progress in the implementation of the Convention at the national and, if appropriate, at the local levels. This institution should be empowered to receive and investigate complaints of violations of child rights in a child-friendly manner, and address them effectively.

### *Paragraph 395*

Concern is expressed that the definition of the child is unclear under Saudi law and that the age of majority is not defined. For example, the absence of a defined minimum age for marriage may result in the arbitrary and disparate application of laws and discrimination between girls and boys.

### *Paragraph 396*

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The State party should review its legislation so that the definition of the child, the age of majority and other minimum age requirements conform to the principles and provisions of the Convention and are gender neutral in particular, and ensure that they are enforced by law.

### *Paragraph 405*

It is emphasized that the human rights of children cannot be realized independently from the human rights of their parents, or in isolation from society at large. In light of articles 14 and 30 of the Convention and the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (General Assembly resolution 36/55), concern is expressed about the restrictions on the freedom of religion, and that restrictions on the freedom to manifest one's religion do not comply with the requirements outlined in article 14, paragraph 3.

### *Paragraph 406*

All effective measures should be taken, including enacting or rescinding legislation where necessary, to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life. Every effort, including public education campaigns should be made to combat intolerance on the grounds of religion or other belief.

- Palau, CRC, CRC/C/103 (2001) 79 at paras. 428, 429, 432, 433, 440-445, 448-451, 468 and 469.

### *Paragraph 428*

It is noted that the Convention may not be invoked before the courts unless the relevant articles have been enacted into the Palau Code. Concern is expressed that insufficient efforts have been made to facilitate this process.

### *Paragraph 429*

All appropriate measures should be taken to enact domestic legislation to give direct effect to the Convention.

### *Paragraph 432*

It is regretted that the State party has not yet acceded to the six main international human rights instruments, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. These international human rights instruments would reinforce a culture of human rights and strengthen the efforts of the State party to meet its obligations in guaranteeing the rights of all children under its jurisdiction.

### *Paragraph 433*

The possibility of acceding to the international human rights instruments to which it is not yet a party

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should be considered.

### *Paragraph 440*

It is noted that the State party intends to establish an ombudsperson for children within the proposed Office for Child and Family Support. This office will also be responsible for coordinating the implementation of the Convention. Concern is expressed about the potential conflict of interest that may arise as a result of having the same office responsible for both coordination and monitoring.

### *Paragraph 441*

The State party is encouraged to reinforce its efforts to establish an independent monitoring mechanism, such as an ombudsperson for children, to deal with complaints of violations of the rights of children and to provide remedies for such violations. The State party should take all appropriate measures to ensure that the office of the ombudsperson is allocated adequate resources and is child-friendly and accessible to children. An awareness raising campaign should be introduced to facilitate the effective use by children of the monitoring mechanism. The proposal to incorporate the ombudsperson for children within the Office for Child and Family Support should be reconsidered so as to ensure that the agency with responsibility for coordinating implementation of the Convention is not also responsible for monitoring implementation.

### *Paragraph 442*

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

### *Paragraph 443*

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

### *Paragraph 444*

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Concern is expressed that State officials, parliamentarians, professional groups, children, parents, traditional leaders and helpers and the public at large are still not sufficiently aware of the Convention and the rights-based approach enshrined therein.

### *Paragraph 445*

The State party should ensure that the provisions of the Convention are widely known and understood by adults and children alike, particularly at the community level. In this regard, the following is recommended: the reinforcement of adequate and systematic training and/or sensitization of State officials; parliamentarians; and professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators and health personnel, including psychologists and social workers, as well as traditional community leaders and helpers. The State party should seek to ensure that the Convention is fully integrated into the curricula at all levels of the educational system. Also, the Convention should be promoted through the use of local languages and traditional methods of communication.

### *Paragraph 448*

The provisions of the Convention, especially its general principles, have not been fully taken into account, as reflected in articles 2 (non-discrimination), 3 (best interests of the child), 6 (survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, as well as in its policies and programmes relevant to children.

### *Paragraph 449*

Further efforts should be undertaken to ensure that the Convention, and in particular the general principles, not only guide policy discussion and decision-making, but are also appropriately integrated in all legal amendments, as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.

### *Paragraph 450*

It is noted with concern that the principle of non-discrimination is not adequately implemented, in particular with respect to vulnerable groups of children, especially children of non-Palauan parentage, including children of immigrant families and children adopted through inter-country adoptions; children living in the outer islands; and children living and/or working on the streets. Particular concern is expressed about their limited access to adequate health, education and other social services. The disparity in the legal minimum age for marriage of girls (16 years) and boys (18 years) is also a concern.

### *Paragraph 451*

The State party should increase its efforts to ensure the implementation of laws, policies and programmes guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to the vulnerable groups. In particular, all appropriate measures, including those of a legal nature, should be taken to ensure that non-Palauan children are afforded

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equal and adequate access to health, education and social services. All appropriate measures should be taken to increase the legal minimum age of marriage for girls to that of boys (18 years).

### *Paragraph 468*

It is noted that the State party has enacted legislation to protect children with disabilities and that an Inter-agency Task Force on Children with Special Needs has been established. Concern is expressed that there are insufficient programmes, services and resources for children in this regard. The insufficient efforts and the reluctance of teachers to facilitate the inclusion and acceptance of children with disabilities into the regular school system, despite requirements under law, are matters of concern.

### *Paragraph 469*

The State party should strengthen its efforts to develop early identification programmes to prevent disabilities; establish special education programmes for children with disabilities; and implement the law that provides for their inclusion within the school system. The State party should reinforce its efforts to raise awareness and sensitize the public about the rights and special needs of children with disabilities, including children with mental health concerns. The State party is encouraged to consider including mental disabilities within the definition of disabilities; to ensure that children with such concerns are provided adequate care, services and rehabilitation; and to guarantee adequate human and financial resource allocations.

### *See also:*

- United Kingdom of Great Britain and Northern Ireland (Overseas Territories), CRC, CRC/C/100 (2000) 40 at paras. 231 and 232.
- Dominican Republic, CRC, CRC/C/103 (2001) 91 at paras. 488-490, 496, 497, 506, 520, and 521.

### *Paragraph 488*

It is of concern that widespread poverty and long-standing economic and social disparities are affecting the most vulnerable groups, including children, and hampering the enjoyment of the rights of the child in the State party.

### *Paragraph 489*

While welcoming the enactment of the Code for the Protection of Children and Adolescents, concern remains about the lack of a comprehensive policy, including the required financial and human resources, and administrative reform, necessary for the full implementation of this legislation.

### *Paragraph 490*

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Effective measures should be taken, including the allocation, to the maximum extent, of available resources, both financial and human, for the full implementation of this legislation.

### *Paragraph 496*

Concern is expressed at the limited budget allocations and mobilization for the social sector, in particular, for those areas addressing the needs of the most vulnerable groups of children, and also to support community activities (child rights committees, child friendly municipalities) in the protection of the rights of the child. Furthermore, concern is expressed at the lack of specific disaggregated data on national budget allocations to meet the needs of children.

### *Paragraph 497*

The Committee reiterates its recommendation that all measures to implement economic, social and cultural rights should be undertaken “to the maximum extent of ... available resources” in the light of articles 2, 3 and 4 of the Convention and that particular attention be paid to effective budget mobilization and allocation, in particular for the protection of children belonging to vulnerable and marginalized groups. A locally based system should be developed to monitor and evaluate the situation of children living in areas of extreme poverty, in order to make priority budget allocations for these groups of children.

### *Paragraph 506*

Further efforts should be made to implement the principles of the “best interests of the child” and “respect for the views of the child”, especially his or her rights to participate in the family, at school, within other institutions and in society in general in order to empower children to their fullest development and dignity. These principles should also be reflected in all policies and programmes relating to children. Awareness raising among the public at large, including community leaders, as well as educational programmes on the implementation of these principles should be reinforced in order to change traditional perceptions of children as objects rather than subjects of rights.

### *Paragraph 520*

While noting the adoption of the General Law on Disabilities (2000) and the creation of the National Council on Disability, concern is expressed about the lack of data on children with disabilities and the insufficient measures taken by the State party to ensure effective access of these children to health, education and social services, and to facilitate their full inclusion in society. The small number of well-trained professionals working with and for children with disabilities is a matter of concern.

### *Paragraph 521*

The State party should develop early identification programmes to prevent disabilities, implement alternatives to the institutionalization of disabled children, envisage awareness-raising campaigns to reduce discrimination against disabled children, promote their inclusion in regular education and society at large, and when necessary, establish special education programmes and centres.

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### *See also:*

- Peru, CRC, CRC/C/94 (2000) 64 at paras. 362 and 368.
  - Colombia, CRC, CRC/C/100 (2000) 64 at paras. 348 and 349.
  - Fiji, CRC, CRC/C/79 (1998) 18 at para. 120.
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- Denmark, CRC, CRC/C/108 (2001) 10 at paras. 46, 47, 50, 51, 53-55, 76 and 77.

### *Paragraph 46*

The Minister of Justice has set up a committee of human rights experts to examine the advantages and disadvantages involved in incorporating the core international human rights treaties into Danish law, including the Convention on the Rights of the Child. While it is noted that the recommendations of the expert committee have not yet been finalized, concern remains about the legal status of the Convention on the Rights of the Child in domestic law.

### *Paragraph 47*

The State party should consider the incorporation of core international human rights instruments, including the Convention on the Rights of the Child, into domestic law. The State party should also consider the Convention in its general consideration of children's policies and programmes.

### *Paragraph 51*

The State party should consider the incorporation of core international human rights instruments, including the Convention on the Rights of the Child, into domestic law. The State party should also consider the Convention in its general consideration of children's policies and programmes.





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from children concerning violation of their rights.

### *Paragraph 100*

The State party develop and establish an independent and effective mechanism, easily accessible for children and in accordance with the Paris Principles, to monitor the implementation of the Convention, to deal with complaints from children in a child-sensitive and expeditious manner and to provide remedies for violations of their rights under the Convention. Technical assistance should be considered from, UNICEF and the Office of the High Commissioner for Human Rights.

### *Paragraph 143*

Although a number of centres have been established, with the collaboration of non-governmental organizations, to provide counselling, training and rehabilitation services for children living in the streets, concern is nevertheless expressed about the significant number of such children and that assistance is generally only provided to them by non-governmental organizations.

### *Paragraph 144*

Existing mechanisms should be supported in order to provide children living in the streets with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational



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legislation should be conducted so as to amend any provisions which are discriminatory and which have an impact on children. Efforts to end gender discrimination, notably against girls and women, should be continued and strengthened. Education and human rights promotion should be used to address discriminatory attitudes among the population in general and in changing discriminatory social practices, including through the promotion of the Convention's provisions and the right of women to non-discrimination. Finally, it is recommended that the State party seek assistance from UNICEF and OHCHR.

### *Paragraph 189*

Current legislation and common practice provide insufficient protection to children in the context of early and forced marriage. Concern is expressed about the early marriage of many girls and at the practice through which an uncle may decide to marry his niece.

### *Paragraph 190*

Measures should be implemented to ensure that traditional marriage practices, including forced marriages, which are harmful to children are prohibited through the adoption and implementation of appropriate legislation. The State party should make use of information campaigns to help change practices, particularly in rural communities, and ensure that marriages are registered in all areas of the country.

### *Paragraph 207*

It is of concern that the overall standard of living of many children is very poor, particularly with regard to access to clean water, food, adequate housing and sanitation. It is of further concern that the current social security provisions cover only a very small proportion of the population and that the parents and children most in need of such assistance are not covered by social security.

### *Paragraph 208*

Steps should be taken to improve the standard of living of children, giving particular attention to water, food, housing and sanitation concerns. Consideration should also be given to ways of extending social security coverage to a much broader proportion of the population and to ensuring the access of all children to social welfare assistance.

### *Paragraph 219*

The high number and difficult situation of children living in and/or working on the street is of concern. Concern is expressed about the lack of access of these children to food and health and education services and the exposure of these children to several risks, including those related to substance abuse, violence, sexually transmitted illnesses and HIV/AIDS. The tendency of the criminal justice system to treat these children as delinquents is also of concern.

### *Paragraph 220*

The State party is urged to strengthen its assistance to children living in and/or working on the street,

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by studying the causes and implementing preventive measures and improving the protection of children already in this situation, including through the provision of education, health services, food, adequate shelter and programmes to assist children to leave street life. Children living and or working on the street not be treated as delinquents for acts such as their presence in the street or begging.

- Guatemala, CRC, CRC/C/108 (2001) 47 at paras. 238, 241 and 242.

### *Paragraph 238*

It is strongly recommended that the State party support as much as possible the process to draft a new Children and Adolescent Code that is in full conformity with the principles and provisions of the Convention, expedite its approval by Congress, and ensure its enactment and full implementation as soon as possible. This new code should make a clear distinction, in terms of judicial procedures and treatment, between children in need of care and protection and those in conflict with the law, and should therefore not be based on the doctrine of “irregular situation”.

### *Paragraph 241*

Concern is expressed at the fact that budgetary allocations are not sufficient to respond to national and local priorities for the protection and promotion of children's rights and to overcome and remedy existing disparities between the regions and rural/urban areas with respect to services provided to children. It is further noted with concern that 88.9 per cent of the population aged between 0 and 14 live in a state of poverty.

### *Paragraph 242*

In light of article 4 of the Convention, the State party is encouraged to strengthen its efforts to reduce poverty among children and to identify clearly its priorities with respect to child rights issues in order to ensure that funds are allocated “to the maximum extent of... available resources and, where needed, with the framework of international cooperation” for the full implementation of the economic, social and cultural rights of children, in particular with respect to local governments and for children belonging to the most vulnerable groups in society.

- Côte d'Ivoire, CRC, CRC/C/108 (2001) 59 at paras. 290, 292, 296, 309, 310, 344 and 345.

### *Paragraph 290*

The enactment of the new Constitution of 1 August 2000 is welcomed, which contains provisions on human rights for the protection of children and abolishes the death penalty (which used to be applicable to children from 16 years of age).

### *Paragraph 292*

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The adoption in 1992 of a national plan of action for the survival, protection and development of Ivorian children for the year 2000, the national plan for health development adopted in November 1996 and the establishment of a committee to consider the plight of children orphaned by AIDS are positive steps for the implementation of the Convention on the Rights of the Child.

### *Paragraph 296*

The State party is encouraged to take all necessary measures to ensure that its domestic legislation conforms fully to the principles and provisions of the Convention. In that respect, efforts should be continued to adopt a comprehensive code on the rights of the child. The State party is also encouraged to ratify the African Charter on the Rights and Welfare of the Child. Moreover, the State party should address in more depth the problem of customary law that is inconsistent with the Convention on the Rights of the Child.

### *Paragraph 309*

While noting that discrimination is prohibited under the Constitution, the persistence of discrimination in the country is of concern. Of particular concern is the occurrence of discrimination against non-citizen children, children with disabilities, children born out of wedlock, children from ethnic minorities, Muslim children, and girls; particularly the low participation rate of girls in education. Moreover, there is concern about the discrepancies in the enjoyment of rights by certain vulnerable groups: children living in rural areas, refugee children, children from poor families, and children living and/or working on the streets.

### *Paragraph 310*

In light of article 2 of the Convention, concerted efforts should be made at all levels to address discrimination, notably discrimination based on gender, disability, religion, and national, ethnic or social origin, through a review and reorientation of policies, including increased budgetary allocations for programmes targeting the most vulnerable groups. The State party should also ensure effective law enforcement, undertake studies and launch comprehensive public information campaigns to prevent and combat all forms of discrimination, where needed within the framework of international cooperation.

### *Paragraph 344*

While welcoming the establishment of a national programme for the social settlement and resettlement of street children, concern remains about the increase in the number of children living in the streets.

### *Paragraph 345*

The inter-ministerial committee and the multi-disciplinary national commission should be made operational in order to ensure that children living in the streets are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development. Moreover, the State party should ensure that

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these children are provided with rehabilitation services for physical, sexual and substance abuse, protection from police brutality, and services for reconciliation with their families.

- United Republic of Tanzania, CRC, CRC/C/108 (2001) 71 at paras. 362, 363, 378, 379, 388, 389, 406 and 407.

### *Paragraph 362*

The commitment expressed by the State party to incorporate the general principles of the Convention into all domestic legislation relevant to children is encouraging. A review of domestic law was undertaken by the Law Reform Commission to determine any inconsistencies with the Convention and efforts have been made to introduce some of the recommendations of the Commission. However, it remains of concern that domestic, applied Islamic and customary law still do not fully comply with the provisions and principles of the Convention.

### *Paragraph 363*

The State party should reinforce its efforts to ensure that domestic law, including Islamic and customary law, fully conforms with the provisions and principles of the Convention on the Rights of the Child. The State party should consider adopting a comprehensive children's code which would include the principles of the Convention, with a view to enhancing a rights based approach. In this regard, technical assistance should be sought from, among others, OHCHR and UNICEF.

### *Paragraph 378*

The principle of non-discrimination is not adequately implemented with respect to certain vulnerable groups of children, especially girls (including their inheritance rights), children born out of wedlock (including their maintenance and inheritance rights), young mothers (particularly those belonging to Islamic communities and those living in Zanzibar, including their right to inherit and own property), children with disabilities, children of economically disadvantaged families; children in conflict with the law, children living in institutions, children living and/or working on the streets; child victims of abuse, refugee and asylum seeking children, children belonging to ethnic minorities, children living in rural areas, and those belonging to pastoralist communities. Their limited access to adequate health, education and other social services is of particular concern.

### *Paragraph 379*

All effective measures should be taken to implement laws, policies and programmes to guarantee the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to vulnerable groups of children.

### *Paragraph 388*

There is concern about the incidence of police brutality, particularly against children living and/or working on the streets, refugee children and those in conflict with the law. Concern is also expressed

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about the inadequate enforcement of existing legislation to ensure that all children are treated with respect for their physical and mental integrity and their inherent dignity.

### *Paragraph 389*

It is strongly recommended that all appropriate measures be taken to fully implement the provisions of articles 37 (a) and 39 of the Convention. In this regard, greater efforts should be made to prevent police brutality and to facilitate the recovery of child victims through rehabilitation and compensation. Additionally, effective measures should be taken to ensure that the perpetrators of brutality against children are brought to justice.

### *Paragraph 406*

The challenging socio-economic situation is noted, as are the efforts made to improve the standard of living of its people through the introduction of the Tanzania Development Vision 2025 and the Poverty Reduction Strategy Programme. However, concern is expressed about the increasingly high number of children who do not enjoy their right to an adequate standard of living, including children belonging to poor families, AIDS orphans, children living and/or working on the streets and children living in remote rural communities.

### *Paragraph 407*

In accordance with article 27 of the Convention, the State party should reinforce its efforts to provide support and material assistance to economically disadvantaged families and to guarantee the right of children to an adequate standard of living. In this connection, particular attention should be paid to the rights and needs of children in the implementation of the Poverty Reduction Strategy Programme and all other programmes intended to improve the standard of living in the country. The State party should also establish mechanisms to ensure that children living and/or working on the streets are provided with nutrition, clothing and housing. Moreover, it should be ensured that these children are provided adequate access to health care; rehabilitation services for physical, sexual and substance abuse; services for reconciliation with their families; and education, including vocational and life-skills training. The State party should cooperate and coordinate its efforts with civil society and local communities.

- Bhutan, CRC, CRC/C/108 (2001) 85 at paras. 434, 435, 442, 443, 450, 451, 468 and 469.

### *Paragraph 434*

While noting various legislative measures already taken or proposed with respect to child rights, there is concern that they do not reflect a comprehensive rights-based approach to the implementation of the Convention.

### *Paragraph 435*



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The State party should ensure the speedy promulgation of legislation relating to child rights. A comprehensive review of existing legislation should be undertaken, from a rights-based approach, to ensure its conformity with the principles and provisions of the Convention. The State party should consider adopting a comprehensive children's code which would incorporate the principles and provisions of the Convention.

### *Paragraph 442*

Concern is expressed about the lack of an independent mechanism with a mandate to regularly monitor and evaluate progress in the implementation of the Convention and empowered to receive and address complaints.

### *Paragraph 443*

The State party should consider establishing an independent national human rights institution, in accordance with the Paris Principles relating to the status of national institutions (General Assembly resolution 48/134), to monitor and evaluate progress in the implementation of the Convention at the national and at the local levels. This institution should be accessible to children and empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner and to address them effectively. Technical assistance should be sought from, among others, OHCHR, UNICEF and the European Network of Ombudspersons for Children.

### *Paragraph 450*

The disparities in the enjoyment of rights experienced by children belonging to the most vulnerable groups are of concern (e.g. children living in remote areas, belonging to other ethnic groups, with disabilities, from economically disadvantaged households, etc.).

### *Paragraph 451*

The State party should make greater efforts to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2 and prioritize and target social services for children belonging to the most vulnerable groups.

### *Paragraph 468*

Noting some efforts by the State party concerning children with disabilities (i.e. the pilot school for inclusive education and formation of a parents support group in Thimpu, and a school for visually impaired children), there is concern that children with disabilities in general have inadequate access to specialized services and education, and there is insufficient support for families.

### *Paragraph 469*

The State party should conduct a survey to assess the causes and extent of disability among children and review existing policies and practice in relation to children with disabilities, taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general

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discussion on “Children with disabilities” (see CRC/C/69). Children with disabilities, and their families, should be involved in the development of surveys and policy review. The State party should undertake greater efforts to make available the necessary resources (e.g. professional and financial, including professional and financial support to families). Greater efforts should also be undertaken to promote and expand community-based rehabilitation programmes, including parent support groups, and inclusive education of children with all forms of disability. Assistance can be sought from, among others, UNICEF and WHO.

- Monaco, CRC, CRC/C/108 (2001) 97 at paras. 499-502.

### *Paragraph 499*

It is of concern that the State party does not have a clear child rights policy or take a rights-based approach to implementing the Convention, and that there is no single mechanism with responsibility for coordinating implementation of the Convention.

### *Paragraph 500*

The State party should consider defining a child rights policy, based upon a rights-based approach to implementation of the Convention, and a single State mechanism should be provided with responsibility for the coordination of the Convention's implementation. In addition, the State party should encourage NGOs to adopt a rights-based approach to their work on behalf of children.

### *Paragraph 501*

There is no comprehensive monitoring and independent assessment of the Convention's implementation within the State party and this is of concern.

### *Paragraph 502*

The State party should make use of existing mechanisms, or establish a new mechanism, through which the Convention's overall implementation within the State party can be monitored and assessed. Such a monitoring mechanism should be independent and also provide for individual complaint procedures, including by children.