



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**Thirty-seventh session**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Concluding observations: Antigua and Barbuda**

1. The Committee considered the initial report of Antigua and Barbuda (CRC/C/28/Add.22) at its 993rd and 994th meetings (see CRC/C/SR.993 and CRC/C/SR.994), held on 28 September 2004, and adopted at the 999th meeting (CRC/C/SR.999), held on 1 October 2004, the following concluding observations.

**A. Introduction**

2. The Committee welcomes the submission of the State party's informative initial report and the written replies to its list of issues (CRC/C/Q/ATG1), which gave a clearer understanding of the situation of children in the State party, though it regrets the late submission of the report. The Committee further notes with appreciation the open and constructive dialogue it had with the high-level delegation and the positive reactions to the suggestions and recommendations made during the discussion.

**B. Positive aspects**

3. The Committee notes the adoption of the following laws aimed at enhancing the implementation of the Convention:

- (a) Sexual Offences Act in 1995, protecting children from incestuous relationships;
- (b) Domestic Violence Act in 1999, protecting the rights of children and women from domestic violence; and
- (c) Magistrates Code of Procedure (Amendment) Act of 1993, ensuring adequate payment of child maintenance by absent fathers.

4. The Committee welcomes the information that the State party has raised the age of majority from 16 to 18.
5. The Committee welcomes the establishment in 2000 of the National Committee on the Rights of the Child to facilitate the implementation of the Convention, and the involvement of the civil society.
6. The Committee also notes with appreciation the establishment of the Alliance for the Well-being of Children.
7. The Committee welcomes the ratification in 2002 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
8. The Committee welcomes the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182) in 2002 and the Minimum Age Convention, 1973 (No. 138) in 1983.

### **C. Factors and difficulties impeding the implementation of the Convention**

9. The Committee acknowledges the challenges faced by the State party, namely the increasing debt burden and the vulnerability to natural disasters, including hurricanes and droughts, which impede progress towards the full realization of children's rights enshrined in the Convention.

### **D. Principal areas of concern and recommendations**

#### **1. General measures of implementation**

##### **Legislation**

10. The Committee welcomes the Family Law and Domestic Violence Reform Initiative, involving a comprehensive review of all laws to ensure compliance with the Convention. However, given the fact that a study for such a comprehensive review was completed in 1992, the Committee expresses some concern about the slow pace of the review.

11. **The Committee recommends that the State party continue and strengthen its undertakings with regard to the comprehensive legislative review, with a view to expediting the process of ensuring that its legislation complies fully with the principles and provisions of the Convention.**

##### **National plan of action**

12. The Committee notes the State party's efforts to formulate a national strategic development plan for the period 2001-2004, which has not been finalized, and a draft national youth policy, but is concerned at the lack of a comprehensive national plan of action for the implementation of the Convention.

13. **The Committee urges the State party to develop and implement a comprehensive national plan of action for the full implementation of the Convention, covering all areas of the Convention and incorporating the objectives and goals of “A world fit for children”, the outcome document of the special session of the General Assembly on children. In this regard, the Committee recommends that the State party seek technical assistance from, inter alia, UNICEF and that it involve civil society in the preparation and implementation of such a national plan of action.**

#### **Coordination**

14. The Committee notes that the new Ministry of Social Transformation plays an important role within the Government with regard to its activities for the implementation of the Convention, while at the same time, the National Implementation Committee on the Rights of the Child (NICRC) also has a coordinating task in matters relating to children. The Committee expresses concern at the lack of clear and well-structured coordination among the various bodies involved in the implementation of the Convention.

15. **The Committee recommends that the State party use the planned restructuring of the NICRC not only to strengthen its functions, but also to establish a single inter-ministerial and intersectoral mechanism for the coordination and evaluation of all activities relating to the implementation of the Convention. Such a body should be given a strong mandate and sufficient human and financial resources to carry out its coordinating role effectively, and should include members of the civil society, child rights experts and other professionals, as well as government representatives.**

#### **Independent monitoring**

16. While noting the existence of the Ombudsman in the State party, the Committee is nevertheless concerned at the absence of an independent mechanism with a specific mandate to regularly monitor and evaluate progress in the implementation of the Convention, either within the Ombudsman’s Office or as a separate institution, and which is empowered to receive and address individual complaints on behalf of, or from, children.

17. **In light of its General Comment No. 2 on national human rights institutions, the Committee encourages the State party to establish an independent and effective mechanism in accordance with the Paris Principles (General Assembly resolution 48/134, annex) that monitors the implementation of the Convention, deals with complaints from children or their representatives in a child-sensitive and expeditious manner, and provides remedies for violations of their rights under the Convention. Such a body should be provided with adequate human and financial resources and made easily accessible to children. The Committee also recommends that the State party consider seeking technical assistance from UNICEF and OHCHR in this regard.**

#### **Resources for children**

18. The Committee, aware of the economic difficulties facing the State party, is nevertheless concerned at the lack of sufficient budgetary allocation for children and the implementation of their rights.

19. **With a view to strengthening its implementation of article 4 of the Convention and in the light of articles 2, 3 and 6, the Committee recommends that the State party prioritize budgetary allocations to ensure the implementation of the rights of children to the maximum extent of available resources and where needed, within the framework of international cooperation and using a rights-based approach.**

#### **Data collection**

20. The Committee is concerned at the absence of comprehensive and up-to-date statistical data in the State party's report and the lack of an adequate national data collection system on all areas covered by the Convention, and notes that such data are crucial for the formulation, monitoring and evaluation of progress achieved and to assess the impact of policies with respect to children.

21. **The Committee recommends that the State party develop a system of data collection and indicators consistent with the Convention and disaggregated by gender, age and parishes of residence. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children living in poverty, children with disabilities and children from single-parent families. It further encourages the State party to use these indicators and data in the formulation of laws, policies and programmes for the effective implementation of the Convention. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF in this regard.**

#### **Dissemination**

22. While taking note of the efforts made by the State party to involve NGOs, young people and professionals in the preparation of the initial report and to disseminate information about the Convention, the Committee is concerned that these measures to raise awareness on the principles and provisions of the Convention are insufficient. The Committee is also concerned at the lack of a systematic plan to introduce training and awareness among professional groups working for and with children.

23. **The Committee recommends that the State party strengthen its efforts to ensure that the provisions and the principles of the Convention are widely known and understood by adults and children alike. It also recommends that the State party undertake systematic education and training on the rights of the Convention for children and their parents, as well as all professional groups working for and with children, in particular parliamentarians, judges, magistrates, lawyers, law enforcement officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel and social workers. In this regard, the Committee recommends that human rights education be included in the official curriculum at all levels of education.**

#### **Cooperation with civil society**

24. The Committee notes with concern that insufficient efforts have been made to involve civil society in the implementation of the Convention.

25. **The Committee recommends that the State party systematically involve communities and civil society, including children, throughout all stages of the implementation of the Convention.**

## **2. General principles**

### **Non-discrimination**

26. While noting that discrimination is prohibited under the Constitution, the Committee regrets that the grounds mentioned in the Constitution are not in full compliance with article 2 of the Convention and that no additional legislation exists that explicitly prohibits all forms of discrimination and in greater detail. The Committee is also concerned that some groups of children, in particular girls, children with disabilities, children living in poverty, children born out of wedlock and informally adopted children, suffer from discriminatory attitudes and disparities in accessing basic services.

27. **The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the principle of non-discrimination and that it adopt appropriate legislation, where necessary, to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2.**

28. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and taking account of General Comment No. 1 on the aims of education.**

### **Best interests of the child**

29. While noting that some legislation providing for the best interests of the child do exist, the Committee is concerned that principles laid down in article 3 are not fully applied and duly integrated into the policies and programmes of the State party.

30. **The Committee encourages the State party to pursue its efforts to ensure that the principle of the best interests of the child is reflected and implemented in all policies and programmes relating to children.**

### **Respect for the views of the child**

31. The Committee is concerned that the views of the child are not given sufficient consideration in all areas of children's lives and that the provisions of article 12 are not fully integrated into the State party's legislation and administrative and judicial decisions, or in policies and programmes relevant to children.

32. **The Committee recommends that the State party:**

(a) **Promote and facilitate respect for the views of children and ensure their participation in all matters affecting them in all spheres of society, particularly in the family, in school and in communities, in accordance with article 12 of the Convention;**

(b) **Provide educational information to, among others, parents, teachers, government administrative officials, the judiciary and society at large on children's rights to participate and to have their views taken into account; and**

(c) **Amend legislation so that the principle of respect for the views of the child is recognized and respected, inter alia, within custody disputes and other legal matters affecting children.**

### **3. Civil rights and freedoms**

#### **Right to identity**

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

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

#### **Corporal punishment**

35. The Committee is seriously concerned about the Corporal Punishment Act and the 1973 Education Act which provides for corporal punishment, which is in clear contravention of article 19 of the Convention. The Committee is concerned that corporal punishment is still widely practised in the family, in schools and in other institutions.

36. **The Committee recommends that the State party:**

(a) **Consider the immediate repeal of, or amendment to, the Corporal Punishment Act and the Education Act;**

(b) **Expressly prohibit corporal punishment by law in the family, schools and other institutions;**

(c) **Conduct awareness-raising campaigns to inform the public about the negative impact of corporal punishment on children and actively involve children and the media in the process; and**

**(d) Ensure that positive, participatory, non-violent forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28, paragraph 2, as an alternative to corporal punishment at all levels of society.**

#### **4. Family environment and alternative care**

##### **Parental responsibilities and recovery of maintenance for the child**

37. The Committee welcomes the Magistrates Code of Procedure (Amendment) Act of 1993 which revised the laws to ensure better provision of child maintenance by absent fathers. However, it remains concerned that the domestic laws of the State party only provide for obligations of fathers towards their children and do not fully reflect article 18 of the Convention, which stipulates that both parents have common responsibilities for the upbringing and development of the child.

38. **The Committee recommends that the State party:**

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

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

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

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

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

##### **Separation of children from parents**

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

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

##### **Children deprived of a family environment and alternative care**

41. The Committee is seriously concerned that no safe houses or places of alternative care exist for boys who suffer from parental neglect or who need to be removed from their family environment, and that they are generally placed in the facility for boys in conflict with the law.

42. The Committee is further concerned at the lack of legislation governing foster care, and that foster parents currently do not receive adequate support and training from the Government.

43. **The Committee recommends that the State party immediately review the current practice of placing boys in need of alternative care in the institution for juvenile offenders, and consider establishing a Government-run institution designed to accommodate boys in need of care, ensuring that their physical and psychological needs are appropriately met, including in the domains of health, education and safety.**

44. **The Committee further recommends that the State party consider adopting legislation governing foster care of children, and that financial support to foster parents be increased to a level that is fully adequate to cover the costs of childcare. In this connection, the Committee underscores the importance of coordination of the efforts and policies on foster care of different ministries and departments. The Committee further recommends that the State party allocate the necessary human and financial resources for the training of foster parents.**

#### **Adoption**

45. The Committee is concerned that the practice of informal adoption may not fully respect the principles and provisions of the Convention.

46. **The Committee recommends that the State party ensure that in the practice of informal adoption, the rights of the children involved are fully respected.**

#### **Abuse and neglect**

47. The Committee welcomes the adoption of the Sexual Offences Act of 1995 which protects the child against incest, but is concerned that the Offences Against the Person Act protects only girl children from rape and not boys, and that there are no local laws that specifically deal with the issue of protecting children against psychological violence. The Committee is further concerned that there are no officially designated places of safety for child victims of abuse where they can stay until their cases are heard by a magistrate, and that in practice, children are usually held at the police station, which is a cause of serious alarm. The Committee also expresses concern about the lack of adequate complaint filing mechanisms for child victims of abuse and neglect. The Committee is also concerned that prosecution for child abuse and neglect may be impeded as a result of major infrastructural problems in the legal system.

48. **The Committee recommends that the State party take the necessary measures to prevent child abuse and neglect by, inter alia:**

(a) **Carrying out public education campaigns that raise awareness of the consequences of ill-treatment of children and alternative measures of disciplining children, addressing sociocultural barriers that inhibit victims from seeking assistance;**

(b) **Introducing legislation making it mandatory for all professionals working for and with children to report suspected cases of abuse and neglect, and train them in the identification, reporting and management of ill-treatment cases;**



(c) **In addition to existing procedures, establishing effective mechanisms to receive, monitor and investigate complaints in a child-sensitive manner and ensuring proper prosecution of perpetrators of child abuse and neglect;**

(d) **Providing services for the physical and psychological recovery and social reintegration to victims of sexual abuse and any other child victims of abuse, neglect, ill-treatment, violence or exploitation, and taking appropriate measures to prevent the criminalization and stigmatization of victims, including through cooperation with NGOs;**

(e) **Seeking technical assistance from, inter alia, UNICEF and WHO.**

## **5. Basic health and welfare**

### **Children with disabilities**

49. While noting the existence of the State-run special programme, institutions and special units for children with disabilities and the “Early Intervention Programme” instituted in 1990, and the information that making public buildings accessible for persons with disabilities is under consideration, the Committee remains concerned at the lack of:

- (a) A comprehensive government policy for children with disabilities;
- (b) Legislation specifically addressing the rights of disabled children and adults;
- (c) Quality in the delivery and management of services for children with disabilities; and
- (d) Full integration of children with disabilities into the regular schooling system.

50. **The Committee recommends that the State party:**

- (a) **Establish a comprehensive policy for children with disabilities;**
- (b) **Review the situation of these children in terms of their access to suitable health care, education services and employment opportunities, and allocate adequate resources to strengthen services for children with disabilities, support their families and train professionals in the field;**
- (c) **In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and the Committee’s recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339), further encourage the integration of children with disabilities into the regular educational system and their inclusion into society, inter alia by giving more attention to special training for teachers and making the physical environment, including schools, sports and leisure facilities and all other public areas, accessible for children with disabilities;**
- (d) **Ensure the accessibility not only of public buildings but also of the transport system for children with disabilities; and**

**(e) Seek technical cooperation for the training of professional staff, including teachers, working with and for children with disabilities from, among others, UNICEF and WHO.**

### **Health and health services**

51. The Committee welcomes the initiative taken by the State party to make baby products, including medicine, tax free. It further notes the high level of immunization coverage and that health services are free and cover all areas of the country. It also notes the establishment of the AIDS secretariat and welcomes the information that antiretroviral drugs will be provided free of charge to patients with HIV/AIDS. However, the Committee notes that, as recognized by the State party, the social services are under a tremendous resource strain, in particular the health service. The Committee also shares the concern of the State party at the rising incidence of obesity.

52. **The Committee recommends that the State party:**

**(a) Continue taking all appropriate measures to improve the health infrastructure, including through international cooperation, in order to ensure access to basic health care and services adequately stocked with appropriate resources, including basic medicines for all children;**

**(b) Strengthen the data collection system, inter alia with regard to important health indicators, ensuring the timeliness and reliability of both quantitative and qualitative data and using them for the formulation of coordinated policies and programmes for the effective implementation of the Convention; and**

**(c) Engage in efforts to educate children and their parents about healthy diets and lifestyles.**

### **Adolescent health**

53. The Committee is concerned that insufficient attention has been given by the State party to adolescent health issues, including developmental, mental and reproductive health concerns. The Committee further notes with concern that the adolescent outreach project focusing on fertility and sexuality funded by the United Nations Population Fund (UNFPA) has not been sustained. The Committee is also concerned that reproductive health education is not part of the official curriculum of primary and secondary education.

54. **The Committee recommends that the State party:**

**(a) Undertake a comprehensive study to assess the nature and extent of adolescent health problems and, with the full participation of adolescents, use this as a basis to formulate adolescent health policies and programmes with a particular focus on the prevention of sexually transmitted diseases (STDs), especially through reproductive health education and child-sensitive counselling services, and taking into account the Committee's General Comment No. 4 (2003) on adolescent health and development in this regard;**

**(b) Strengthen developmental and mental health counselling services as well as reproductive health counselling and make them known and accessible to adolescents;**

**(c) Take measures to incorporate reproductive health education in the school curriculum, particularly at the secondary level, in order to fully inform adolescents about their reproductive health rights and the prevention of STDs, including HIV/AIDS, and early pregnancies;**

**(d) Consider means of providing particular support to pregnant teenagers, including through community structures and social security benefits; and**

**(e) Continue to work with international agencies with expertise in health issues relating to adolescents, inter alia UNFPA, UNICEF and WHO.**

### **Social security**

55. In view of the increasing number of children living in poverty, the Committee notes with regret the scarcity of information concerning the right of the child to benefit from social security, and expresses concern at the lack of a comprehensive legislative and regulatory social security system that is in full compliance with article 26 of the Convention.

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

### **6. Education, leisure and cultural activities**

57. The Committee welcomes the decision by the Board of Education to award scholarships and bursaries to children and the Board's Textbook Assistance Scheme, which provides children, free of cost, with all the textbooks used in school at the primary and secondary levels. It welcomes the provision of free uniforms as of September 2004 in both primary and secondary schools, and the plan to introduce free meals in primary schools. It also notes with appreciation that education is free at all levels of the public school system until the age of 16. However, it remains concerned about a variety of problems, including: shortage of schools and overcrowding; material shortages in schools; equality of access to education; drop-out of boys. The Committee is also concerned that, owing to the entrance examination system, not all students are guaranteed entry into the free public secondary schools.

58. The Committee is also concerned that a significant number of pregnant teenagers do not generally continue their education, and that the Golden Opportunity Programme initiated by the Ministry of Education seems to have had little success. The Committee is also concerned that girls and young women are often forced to leave school because of pregnancy.

**59. The Committee recommends that the State party carefully examine the budgetary allocations for and measures taken within the field with regard to their impact on the progressive implementation of the child's right to education and leisure activities. In particular, the Committee recommends that the State party:**

**(a) Take further measures to facilitate access to education by children from all groups in society by, inter alia, building more schools, improving the provision of school materials, and abolishing the entrance examination system so as to guarantee all students access to public secondary schools;**

**(b) Take appropriate measures, with the participation of children, to increase school attendance and reduce the high drop-out and repetition rates;**

**(c) Provide education opportunities for pregnant teenagers;**

**(d) In the light of the Committee's General Comment No. 1 on the aims of education, include human rights education, including the rights of children, in the school curriculum at all levels of education; and**

**(e) Seek further technical assistance from, inter alia, UNICEF and UNESCO.**

## **7. Special protection measures**

### **Economic exploitation**

60. The Committee notes with appreciation the State party's ratification in September 2002 of the Worst Forms of Child Labour Convention, 1999 (No. 182). The Committee expresses concern, however, about the atmosphere of complacency, which may reduce efforts to prevent and eliminate child labour.

**61. The Committee recommends that the State party make every effort, including taking preventive measures, to ensure that those children who engage in lawful domestic work do not work under conditions that are harmful to them and continue to have access to education, and that unlawful work is prevented and eliminated. The Committee further recommends that the State party take action to implement all policies and legislation relevant to child labour, inter alia through campaigns and education for the public on the protection of the rights of children.**

### **Substance abuse**

62. While noting the programmes and initiatives taken by the State party to eradicate trafficking and the illicit use of drugs, the Committee remains concerned at the growing incidence of substance abuse by children, including the use of crack, cocaine and marijuana. It is also concerned at the lack of specific legislation prohibiting the sale, use and trafficking of controlled substances by children, and also of treatment programmes in this regard. The Committee also notes with concern that alcohol consumption by children is common, especially during festivities.

**63. The Committee recommends that the State party take action to combat drug and alcohol abuse by children, including through public education awareness campaigns, and ensure that children who abuse alcohol and/or use drugs and other harmful substances have access to effective structures and procedures for treatment, counselling, recovery and reintegration.**

### **Sexual exploitation**

64. The Committee is concerned that the Sexual Offences Act of 1995 does not afford the same protection to boys as it does to girls. The Committee is also concerned at the low rate of prosecutions of those who sexually exploit children and that there is little in the way of public campaigns to educate the population about the laws governing sexual exploitation. The Committee notes that sexual exploitation of children should be a particular and growing concern for the State party, given its heavy reliance on commercial tourism.

65. **The Committee recommends that the State party:**

(a) **Take appropriate legislative measures and ensure protection from sexual abuse and exploitation for boys and girls under 18 years;**

(b) **Undertake a comprehensive study to examine the sexual exploitation of children, gathering accurate data on its prevalence;**

(c) **Take appropriate legislative measures and develop an effective and comprehensive policy addressing the sexual exploitation of children, including the factors that place children at risk of such exploitation;**

(d) **Avoid criminalizing child victims of sexual exploitation and ensure proper prosecution of perpetrators; and**

(e) **Implement appropriate policies and programmes for the prevention of this crime and the recovery and reintegration of its victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.**

### **Trafficking**

66. The Committee notes the lack of information in the State party's report on trafficking of persons, including children, and that there are no laws that specifically address this issue.

67. **The Committee recommends that the State party undertake a comprehensive study to examine the phenomenon of trafficking, including of children, gathering accurate data on its prevalence, and introduce legislation prohibiting it. The Committee also recommends that the State party consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.**

### **Juvenile justice**

68. The Committee is concerned at the very low minimum age of criminal responsibility, which is set at 8, and at the possibility that a person under 18 years can be sentenced to life imprisonment for murder. The Committee is further concerned that persons under 18 are not separated from adults when in detention, and that other problems in the administration of juvenile justice exist in the State party, including:

(a) A juvenile (defined as a person under the age of 16 years) can be tried as an adult if charged with an adult for a homicide;

(b) A juvenile as young as 8 can be requested to appear before the court;

(c) There are no separate facilities for persons under 18 and that they can be placed in adult prisons, which are reported to be overcrowded and in poor condition;

(d) Section 7 of the Juvenile Court Act stipulates that a juvenile can be detained in “any place of safety, including a prison” if he/she is deemed to be “of such an unruly character or so depraved a character”; and

(e) Persons under 18 years of age can be sent to prison, possibly for life, for murder or treason, since, by the State party’s own admission, the law does not stipulate the length of such incarceration.

**69. The Committee recommends that the State party review its legislation and policies to ensure the full implementation of juvenile justice standards, in particular article 37 (b) and article 40, paragraph 2 (b) (ii)-(iv) and (vii), of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), and in the light of the Committee’s 1995 day of general discussion on the administration of juvenile justice (see CRC/C/46). In this regard, the Committee recommends that the State party, in particular:**

**(a) Raise the minimum age of criminal responsibility to an internationally accepted level;**

**(b) Amend legislation so that juveniles are not brought before an adult court;**

**(c) Ensure that detained children are always separated from adults and that deprivation of liberty is used only as a last resort, for the shortest appropriate time and in appropriate conditions; and**

**(d) In cases where deprivation of liberty is unavoidable and used as a last resort, improve procedures of arrest and conditions of detention and establish special units within the police for the handling of cases of children in conflict with the law.**

## **8. Optional Protocols to the Convention on the Rights of the Child**

70. The Committee notes that the State party has not ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

**71. The Committee recommends that the State party ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.**

## **9. Follow-up and dissemination**

### **Follow-up**

72. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia by transmitting them to the members of the Council of Ministers or the Cabinet or similar body, the Parliament, and to provincial or state governments and parliaments, when applicable, for appropriate consideration and further action.

### **Dissemination**

73. The Committee further recommends that the initial report and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

## **10. Next report**

74. In light of the recommendation on reporting periodicity adopted by the Committee and described in the report on its twenty-ninth session (CRC/C/114), the Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention is ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by States parties is crucial. The Committee invites the State party to submit its second, third and fourth reports in one consolidated report by 3 May 2009, i.e. 18 months before the due date of the fourth periodic report. This consolidated report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.

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