



**Convention on the  
Rights of the Child**

Distr.  
GENERAL

CRC/C/45/3  
3 December 2007

Original: ENGLISH

---

COMMITTEE ON THE RIGHTS OF THE CHILD  
Forty-fifth session  
21 May-8 June 2007

**REPORT ON THE FORTY-FIFTH SESSION  
(Geneva, 21 May-8 June 2007)**

**CONTENTS**

	<i>Paragraphs</i>	<i>Page</i>
I. ORGANIZATIONAL AND OTHER MATTERS .....	1 - 15	3
A. States parties to the Convention .....	1 - 2	3
B. Opening and duration of the session .....	3	3
C. Membership and attendance .....	4 - 9	3
D. Agenda .....	10	4
E. Pre-sessional working group .....	11 - 13	5
F. Organization of work .....	14	6
G. Future regular meetings .....	15	6
II. REPORTS SUBMITTED BY STATES PARTIES .....	16 - 24	6
III. CONSIDERATION OF REPORTS OF STATES PARTIES .....	25 - 606	7
IV. COOPERATION WITH UNITED NATIONS AND OTHER COMPETENT BODIES .....	607	130
V. GENERAL COMMENTS .....	608	131
VI. FUTURE DAY OF GENERAL DISCUSSION .....	609	131
VII. FUTURE MEETINGS .....	610	131
VIII. ADOPTION OF THE REPORT .....	611	131

**Annex**

Membership of the Committee on the Rights of the Child .....	132
--	-----

## I. ORGANIZATIONAL AND OTHER MATTERS

### A. States parties to the Convention

1. As at 8 June 2007, the closing date of the forty-fifth session of the Committee on the Rights of the Child, there were 193 States parties to the Convention on the Rights of the Child. The Convention was adopted by the General Assembly in its resolution 44/25 of 20 November 1989 and opened for signature and ratification or accession in New York on 26 January 1990. It entered into force on 2 September 1990, in accordance with the provisions of its article 49. An updated list of States that have signed, ratified or acceded to the Convention is available at [www.ohchr.org](http://www.ohchr.org) and <http://untreaty.un.org>.

2. As at the same date, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict had been ratified or acceded to by 116 States parties and signed by 122 States. The Optional Protocol entered into force on 12 February 2002. Also as at the same date, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography had been ratified or acceded to by 121 States parties and signed by 115 States. It entered into force on 18 January 2002. The two Optional Protocols to the Convention were adopted by the General Assembly in its resolution 54/263 of 25 May 2000 and opened for signature and ratification or accession in New York on 5 June 2000. A list of States that have signed, ratified or acceded to the two Optional Protocols is available on [www.ohchr.org](http://www.ohchr.org) and <http://untreaty.un.org>.

### B. Opening and duration of the session

3. The Committee on the Rights of the Child held its forty-fifth session at the United Nations Office at Geneva from 21 May to 8 June 2007. The Committee held 27 meetings. An account of the Committee's deliberations at its forty-fifth session is contained in the relevant summary records (see CRC/C/SR.1229 to SR.1255).

### C. Membership and attendance

4. All the members of the Committee attended the forty-fifth session. A list of members, together with an indication of the duration of their terms of office, is provided in the annex to the present report.

5. At the opening meeting (1229th) of the forty-fifth session, held on 21 May 2007, four new members of the Committee made their solemn declaration: Ms. Agnes Akosua Aidoo (Ghana), Mr. Luigi Citarella (Italy), Ms. Maria Herczog (Hungary) and Mr. Dainius Puras (Lithuania).

6. At the same meeting, the Committee adopted a new Bureau composed of the following members:

Chairperson:	Ms. Yanghee Lee	(Republic of Korea)
Vice-Chair:	Mr. Kamel Filali	(Algeria)
Vice-Chair:	Ms Rosa Maria Ortiz	(Paraguay)

Vice-Chair:	Mr. Awich Pollar	(Uganda)
Vice-Chair:	Mr. Jean Zermatten	(Switzerland)
Rapporteur:	Mr. Lothar Krappmann	(Germany)

7. The following United Nations offices and funds were represented at the session: Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations Children's Fund (UNICEF), Office of the United Nations High Commissioner for Refugees (UNHCR).

8. The following specialized agencies were also represented at the session: International Labour Organization (ILO), World Health Organization (WHO) and United Nations Educational, Scientific and Cultural Organization (UNESCO).

9. Representatives of the following non-governmental organizations also attended the session:

*General consultative status*

International Confederation of Free Trade Unions, International Council of Women, International Movement ATD Fourth World, International Save the Children Alliance, Zonta International.

*Special consultative status*

Amnesty International, Arab Organization for Human Rights, Coalition against Trafficking in Women, Defence for Children International, International Commission of Jurists, International Confederation of Social Workers, International Federation of Women in Legal Careers, International Federation Terre des Hommes, International Service for Human Rights, World Federation of Methodist and Uniting Church Women, World Organization against Torture.

*Others*

NGO Group for the Convention on the Rights of the Child, Geneva Institute for Human Rights (GIHR), International Baby Food Action Network.

#### **D. Agenda**

10. At its 1229th meeting, on 21 May 2007, the Committee adopted the following agenda on the basis of the provisional agenda (CRC/C/45/1):

1. Solemn declaration by the newly elected members of the Committee
2. Adoption of the agenda
3. Election of officers

4. Organizational matters
5. Submission of reports by States parties
6. Consideration of reports of States parties
7. Cooperation with other United Nations bodies, specialized agencies and other competent bodies
8. Methods of work of the Committee
9. General comments
10. Future meetings
11. Other matters.

#### **E. Pre-sessional working group**

11. In accordance with a decision of the Committee at its first session, a pre-sessional working group met in Geneva from 5 to 9 February 2007. All members except Ms Al-Thani; Ms Aluoch; Ms Anderson; Ms Khattab and Mr Krappmann participated in the working group. Representatives of OHCHR, ILO, UNICEF and UNHCR also participated. A representative of the NGO Group for the Convention on the Rights of the Child, as well as representatives from various national and international non-governmental organizations, also attended.

12. The purpose of the pre-sessional working group is to facilitate the Committee's work under articles 44 and 45 of the Convention, article 12 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement on children in armed conflict, primarily by reviewing State party reports and identifying in advance the main questions that would need to be discussed with the representatives of the reporting States. It also provides an opportunity to consider questions relating to technical assistance and international cooperation.

13. Mr. Jakob Egbert Doek chaired the pre-sessional working group, which held 9 meetings, at which it examined lists of issues put before it by members of the Committee relating to the second periodic reports of three countries (Kazakhstan, Slovakia and Uruguay) and one second and third periodic report (Maldives); three initial reports submitted to the Committee on the Optional Protocol on the involvement of children in armed conflict (Monaco, Norway, Sweden), three reports on the Optional Protocol on the sale of children, child prostitution and child pornography (Bangladesh, Sudan and Ukraine) and for both Optional Protocols two reports from one State party (Guatemala). The lists of issues were transmitted to the Permanent Missions of the States concerned with a note requesting written answers to the issues raised in the list, if possible before 2 April 2007.

### **F. Organization of work**

14. The Committee considered the organization of its work at its 1229th meeting, held on 21 May 2007. The Committee had before it the tentative programme of work for the forty-fifth session, prepared by the Secretary-General in consultation with the Chairperson of the Committee.

### **G. Future regular meetings**

15. The Committee decided that its forty-sixth session would take place from 17 September to 5 October 2007 and that its pre-session working group for the forty-seventh session would meet from 8 to 11 October 2007.

## **II. REPORTS SUBMITTED BY STATES PARTIES**

### **Submission of reports**

16. The Committee had before it the note by the Secretary-General on States parties to the Convention and status of the submission of reports (CRC/C/45/2).

17. The Committee was informed that between its forty-fourth and forty-fifth sessions, the Secretary-General had received the initial reports of Timor-Leste and Serbia and the second periodic reports of the Dominican Republic and Bhutan.

18. The Committee was also informed that the following initial reports under the Optional Protocol on the involvement of children in armed conflict had been received: Timor-Leste, Republic of Korea, United States of America, Philippines.

19. It was also informed that the initial reports under the Optional Protocol on the sale of children, child prostitution and child pornography from Timor-Leste, the Republic of Korea and the United States of America have been received.

20. As at 8 May 2007, the Committee had received 193 initial reports, 106 second periodic reports and 21 third periodic reports. The Committee further received 26 initial reports under the Optional Protocol on the sale of children, child prostitution and child pornography and 37 under the Optional Protocol on the involvement of children in armed conflict. A total of 345 reports have been considered by the Committee. To date, the Committee considered 21 initial reports under the Optional Protocol on the involvement of children in armed conflict and 18 initial reports under the Optional Protocol on the sale of children, child prostitution and child pornography.

21. At its forty-fifth session, the Committee examined four periodic reports submitted by States parties under article 44 of the Convention. It also considered four initial reports under the Optional Protocol on the sale of children, child prostitution and child pornography and four initial reports under the Optional Protocol on the involvement of children in armed conflict.

22. The following reports, listed in the order in which they were received by the Secretary-General, were before the Committee at its forty-fifth session: Bangladesh (CRC/C/OPSC/BGD/1); Monaco (CRC/C/OPAC/MCO/1); Norway (CRC/C/OPAC/NOR/1), Sweden (CRC/C/OPAC/SWE/1); Maldives (CRC/C/MDV/3); Sudan (CRC/C/OPSC/SDN/1); Ukraine (CRC/C/OPSC/UKR/1); Guatemala (CRC/C/OPSC/GTM/1 and CRC/C/OPAC/GTM/1); Slovakia (CRC/C/SVK/2); Kazakhstan (CRC/C/KAZ/3) and Uruguay (CRC/C/URY/2).

23. In accordance with rule 68 of the provisional rules of procedure of the Committee, representatives of all the reporting States were invited to attend the meetings of the Committee at which their reports were examined. In accordance with its decision no. 8 related to the consideration of reports under the two Optional Protocols, the Committee conducted a technical review of reports of Monaco, Norway and Sweden under the Optional Protocol on the involvement of children in armed conflict.

24. The following sections, arranged on a country-by-country basis according to the sequence followed by the Committee in its consideration of the reports, contain concluding observations reflecting the main points of discussion and indicating, where necessary, issues that require specific follow-up. More detailed information is contained in the reports submitted by the States parties and in the summary records of the relevant meetings of the Committee.

### **III. CONSIDERATION OF REPORTS OF STATES PARTIES**

#### **Concluding observations: Slovakia**

25. The Committee considered the second periodic report of Slovakia (CRC/C/SVK/2) at its 1231st and 1232nd meetings (see CRC/C/SR. 1231 and 1232), held on 22 May 2007, and adopted, at the 1255th meeting, held on 8 June 2007, the following concluding observations.

#### **A. Introduction**

26. The Committee welcomes the submission of the second periodic report, though delayed, as well as the detailed comprehensive written replies (CRC/C/SVK/Q/2/Add.1). It welcomes also the participation of a high-level multisectoral delegation.

#### **B. Follow-up measures undertaken and progress achieved by the State party**

27. The Committee welcomes the adoption of a number of acts relating to children's rights, including, inter alia, Act No. 36/2005 Coll. on the family (hereinafter "the Family Act"), Act No. 305/2005 on social and legal protection of children and social guardianship, Act No. 301/2005 Coll. the Criminal Procedure Code and the revision to the Civil Procedure Code. The Committee also welcomes the adoption of legislation providing protection for the rights of unaccompanied minors seeking asylum.

28. The Committee also welcomes the initiation of the Rights of the Child Monitoring Project of the Slovak National Centre for Human Rights.

29. The Committee notes with appreciation that since consideration of its initial report in 2000, the State party has ratified, inter alia:

(a) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 7 July 2006;

(b) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child pornography and child prostitution on 25 June 2004;

(c) The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption on 6 June 2001;

(d) The Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect to Parental Responsibility and Measures for the Protection of Children on 21 September 2001; and

(e) The Council of Europe Convention on Action against Trafficking in Human Beings on 27 March 2007.

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

#### **1. General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention)**

##### **Committee's previous recommendations**

30. The Committee welcomes efforts by the State party to implement the Committee's concluding observations on the State party's initial report (CRC/C/15/Add.140). Nevertheless, the Committee notes with regret that these concluding observations, including on such issues as the rights of minorities, juvenile justice and police brutality, have not been significantly addressed.

**31. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the initial report that have not yet been implemented or sufficiently implemented. In this context, the Committee draws the attention of the State party to general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child.**

##### **Legislation**

32. The Committee appreciates the State party's efforts to harmonize its national legislation with the Convention and the inclusion of the right of the child to be heard and the best interests of the child, in some of the legislation. However, the Committee remains concerned that the principles of the Convention are not duly taken into account in all laws, including the Criminal Code.

**33. The Committee recommends that the State party take measures to ensure that all legislation is in conformity with the letter and spirit of the Convention.**



34. **The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and/or witnesses of crimes, e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, are provided with the protection required by the Convention and that it take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).**

#### **Coordination**

35. The Committee notes that the Ministry of Education is the umbrella organization for implementing the State policy relating to children and adolescents until 2007 under the Children and Youth Policy Action Plan. The Committee also notes the efforts of the State party to set up a ministerial committee for children and youth, which will serve as the coordinating mechanism for activities, programmes and policies on the protection of child rights.

36. **The Committee recommends that the State party take measures to ensure the establishment of the ministerial committee for children and youth as a matter of priority. The State party should also ensure that this new body has sufficient human and financial resources to effectively fulfil its mandate.**

#### **National Plan of Action**

37. The Committee notes the approval in August 2002 of the National Plan of Action for Children (2002-2004). The Committee is concerned, nevertheless, at the absence of assessment and evaluation of implemented plans and the lack of further plans for the ensuing period.

38. **The Committee recommends that the State party adopt a new time-bound national plan of action for children, covering at least a five-year period, and that this plan of action be based on a solid assessment of the implementation of the 2002-2004 Plan and cover in a comprehensive manner the rights of the child enshrined in the Convention, and take into account the outcome document of the 2002 Special Session of the General Assembly of the United Nations "A World Fit for Children". The Committee also recommends that the State party ensure a specific and adequate budget allocation and follow-up and evaluation mechanisms for the full implementation of the plan of action to regularly assess progress achieved and identify possible deficiencies.**

#### **Independent monitoring**

39. While welcoming efforts of the Office of the Public Defender of Rights in the area of protection of children's rights, the Committee is nevertheless concerned that monitoring of all areas of concern covered under the Convention is not adequate and coordinated.

40. **The Committee recommends that the State party expedite the establishment of an independent mechanism for monitoring the implementation of the Convention, in accordance with the Paris Principles, and that this mechanism be mandated to receive and**

**investigate complaints from or on behalf of children on violations of their rights and work in coordination with other relevant bodies. Such a mechanism should be provided with the necessary human and financial resources. In this regard, the Committee draws the attention of the State party to its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child.**

#### **Allocation of resources**

41. The Committee welcomes the information that families with children which are unable to obtain or increase the resources necessary to satisfy their basic needs through their own efforts are provided social assistance by the State. Nevertheless, the Committee is concerned that allocated resources still fall short of meeting the needs of marginalized children.

42. **In view of the positive economic performance of the State party and in the light of article 4, paragraph 2, of the Convention, the Committee recommends that the State party prioritize and increase budgetary allocations for children at both national and local levels to ensure the full implementation of the rights of the child, with a special emphasis on the most vulnerable groups, including Roma children.**

#### **Data collection**

43. The Committee, while noting the State party's policy regarding the collection of data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs and other personal data, remains concerned at deficiencies in the collection and analysis of disaggregated data. The Committee is concerned that the lack of such data will negatively impact the ability of the State party to accurately assess the situation of marginalized populations vis-à-vis health, education and employment sectors. The Committee observes, nevertheless, that such data has been collected in certain situations, such as criminal proceedings. The Committee is, moreover, concerned that the State party's policy concerning the collection of data based on ethnicity hampers the adequate collection and analysis of reliable disaggregated data on vulnerable groups, inter alia, the Roma community.

44. **The Committee calls upon the State party to strengthen its data collection system as a basis for assessing progress achieved in the realization of children's rights and to help design policies to implement the Convention. The State party should ensure that data collected is disaggregated and contains information on a wide-range of vulnerable groups including, inter alia, children belonging to minority groups such as the Roma, children living in poverty and children living or working in the street. Data should be gathered using methods compatible with the principles of data collection and should guide policies so as to ensure the full implementation of the rights of all children, with special emphasis on marginalized children. In this context, the Committee calls the attention of the State party to paragraph 8 of the general guidelines (CERD/C/70/Rev.5) regarding the form and content of reports to be submitted by State parties to the Committee on the Elimination of Racial Discrimination. The Committee also encourages the State party to further cooperate with UNICEF in this regard.**

### **Dissemination, training and awareness-raising**

45. The Committee notes with interest the State party's efforts to raise awareness of the principles and provisions of international human rights instruments, including the Convention, through tasks and activities contained in the Action Plans for the Prevention of All Forms of Discrimination, Racism, Xenophobia, anti-Semitism and Other Expressions of Intolerance. The Committee expresses its concern, however, that awareness-raising of the Convention in the context of the Action Plans does not cover all areas of the Convention, but only those related to the prevention of discrimination, racism, etc.

46. **The Committee recommends that the State party strengthen its efforts, in collaboration with non-governmental organizations (NGO) and UNICEF, to ensure that all of the provisions of the Convention are widely known and understood by adults and children. It also recommends the reinforcement of adequate and systematic training of all professional groups working for and with children, in particular law enforcement officials, teachers, health personnel, social workers and personnel of childcare institutions.**

### **Cooperation with civil society**

47. The Committee welcomes the cooperation between the State party and civil society when policies, strategies, action plans, and legal acts are being drafted and implemented in the fields of alternative family care, social and legal protection of children, and social guardianship.

48. **The Committee recommends that the State party continue and further strengthen its collaboration with civil society and widen the scope of cooperation so as to cover all areas related to the promotion and protection of the rights of the child. The Committee also recommends that the State party encourage and empower the active participation of civil society, including NGOs, in the follow-up to the concluding observations of the Committee.**

## **2. Definition of the child (art. 1 of the Convention)**

49. The Committee notes with concern that, according to the State party's report, the Family Act allows a parent who is a minor to act before the court in cases of paternity determination only upon consent of the minor's parents.

50. **The Committee urges the State party to modify the provisions of the Family Act in order to allow a minor parent to bring a motion before the court regarding the determination of paternity, without the necessity for parental consent.**

## **3. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **Non-discrimination**

51. The Committee welcomes the reform of legislation, the adoption of action plans and the monitoring and information collection work carried out on the issue of discrimination. Nevertheless, the Committee expresses its concern that **Act No. 136/2003 Coll. and Act**

**No. 365/2004 Coll. on equal treatment in certain areas and on protection against discrimination, and on amendments to certain acts (“the Anti-Discrimination Law”)** do not provide protection from discrimination in the areas of social security, healthcare, education and provision of goods and services on the grounds of ethnicity, disability, religion or belief, and sexual orientation. The Committee also notes that the action plans are the only comprehensive and systematic tools of the State party’s Government in the area of preventing discrimination and intolerance. The Committee remains concerned that in practice certain groups continue to experience discrimination. The Committee is also concerned that, parents do not want their children to have any contact with Roma children from residential homes and that in some cases, citizens have rejected by referendum the existence of a children’s home in the municipality and have caused the home to be relocated.

**52. The Committee urges the State party to ensure full protection under the Anti-Discrimination Law against discrimination on the grounds of, ethnicity, disability, religion or belief, or sexual orientation. The Committee also urges the State party to strengthen its awareness-raising and other preventive activities against discrimination and, if necessary, to take affirmative actions for the benefit of certain vulnerable groups of children, especially the Roma. The State party should ensure that its action plans to prevent discrimination and intolerance are comprehensive, addressing all forms of discrimination against individuals or groups. The Committee further urges the State party to take all necessary measures to ensure that cases of discrimination against children in all sectors of society are addressed effectively.**

**53. 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 Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Committee’s general comment No. 1 (2001) on the aims of education.**

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

54. The Committee welcomes the fact that under the Family Act, the court shall consider the child’s interests when deciding on divorce, the exercise of parental rights and duties, or when approving parental agreements governing the exercise of parental rights and duties. The Committee also notes the State party’s declaration that parents have the duty to exercise their parental rights and duties in such a way as to protect the minor’s rights. Nevertheless, the Committee remains concerned that the general principle of the best interests of the child (art. 3 of the Convention) is not explicitly included in all legislative and administrative measures and programmes relevant to children.

**55. The Committee recommends that the State party take all appropriate measures to ensure that the best interests of the child, in accordance with article 3 of the Convention, are adequately integrated in all legal provisions as well as in judicial and administrative decisions and in projects, programmes, and services which have an impact on children.**

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

56. The Committee notes with appreciation the State party's indication that the right of the child to express his/her views has been reflected in several newly adopted provisions including regarding adoption. The Committee also notes that in the educational process, students have the possibility to form their own views and express them to teachers and school management through student school councils. Nevertheless, the Committee remains concerned that the weight given in practice to the views of the child is limited, owing to traditional societal attitudes towards children, especially within the family.

**57. The Committee recommends that, in accordance with article 12 of the Convention, the State party promote, facilitate and implement, in practice, within the family, schools, and the community as well as in institutions and in administrative and judicial proceedings, the principle of respect for the views of the child. The Committee also recommends that such views be adequately taken into account in all matters affecting the child. Furthermore, the Committee draws the attention of the State Party to the recommendations adopted on the Committee's day of general discussion on the right of the child to be heard, held on 15 September 2006. The Committee encourages the State party to further cooperate with UNICEF in this regard.**

### **4. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)**

#### **Torture and inhuman or degrading treatment or punishment**

58. The Committee welcomes the creation of the Commission for Coordinating Action in the Elimination of Racially Motivated Crime and notes that since 2001, stricter sanctions have been imposed for racially motivated crime. The Committee also welcomes the State party's efforts to improve cooperation between the police and Roma communities. Nevertheless, the Committee remains concerned at the continuing incidents of excessive use of force by police personnel, including police brutality against the Roma community and other vulnerable groups.

**59. The Committee reiterates its previous recommendations (CRC/C/15/Add.140, para. 26) that the State party expand State preventive programmes to curb racially motivated violence. It urges the State party to continue and further strengthen cooperation between the police and the Roma community and to ensure that clear guidelines are available for police and prosecuting authorities on how to handle such crimes.**

#### **Corporal punishment**

60. The Committee notes with appreciation that corporal punishment in schools, alternative care contexts, and the penal system is unlawful and notes that the new Penal Code protects children from physical and psychological violence, insults, abuse, neglect and mistreatment without referring explicitly to corporal punishment. While the Committee welcomes the Government's stated intention to prohibit corporal punishment in the home, it nevertheless expresses its concern that, to date, corporal punishment within the home remains lawful.

**61. The Committee recommends that the State party, taking into account the Committee's general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, take steps to ensure that corporal punishment is explicitly prohibited by law in all settings, including the home, and that the State party intensify its awareness-raising campaigns, in order to promote the use of alternative non-violent forms of discipline in a manner consistent with article 28, paragraph 2, of the Convention.**

#### **Child abuse and violence**

62. The Committee notes with appreciation the expansion of the "Child Security" telephone hotline and the State party's policy papers and legislative proposals, the systematic attention given to the protection of the rights of the child. The Committee notes, however, that the helpline operates only four hours per day and is not operational on a national scale. The Committee regrets that no information has been provided as to whether or not reporting child abuse or other forms of violence against children is mandatory, and as to whether or not steps have been taken to ensure that child victims of violent acts such as trafficking or prostitution, are not criminalised. The Committee further notes that, while the Code of Criminal Procedure contains special provisions relating to the interrogation of witnesses under 15 years of age, juvenile witnesses between the age of 15 and 18 do not seem to have such protection. Finally, the Committee notes with concern that while the law prohibits violence against women and children, it is not effectively enforced. The Committee is concerned that domestic violence is often underreported and that statistics do not adequately reflect the extent of the problem or the lack of services for victims of domestic violence.

**63. The Committee recommends that the State party take all appropriate measures to ensure that the hotline uses a three digit number, is toll-free and provides 24-hour service. The Committee further recommends that the State party introduce mandatory reporting of abuse, including sexual abuse, of children and that it take the necessary measures to ensure that child victims of abuse and other forms of violence are not victimized once again during legal proceedings.**

**64. With reference to the United Nations Study on Violence against Children (A/61/299),<sup>1</sup> the Committee recommends that the State party:**

**(a) Take all necessary measures for the implementation of the overarching and setting-specific recommendations contained in the report of the independent expert for the United Nations study on violence against children, while taking into account the outcome and recommendations of the regional consultations for Europe (held in Slovenia from 5 to 7 July 2005);**

---

<sup>1</sup> Available online at <http://www.violencestudy.org/r25>.

**(b) Use these recommendations as a tool for action in partnership with civil society, and in particular with the involvement of children, to ensure that every child is protected from all forms of physical, sexual and mental violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence;**

**(c) In this regard, seek further cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNICEF and the World Health Organization (WHO).**

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

**(arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)**

##### **Parental responsibilities**

65. The Committee expresses its concern over the existence of the incubator programme which gives parents the possibility to abandon their new born children in incubators outside hospitals and that these children are usually adopted shortly after their birth without any effort being made to identify the parents and try to maintain familial links.

**66. The Committee urges the State party to reform the incubator programme in order to provide families with psychosocial and economic support to avoid the separation of children from their families. The Committee recommends that the State party take measures to ensure that material poverty alone is not used as a justification for the separation of a child from his/her family.**

##### **Children without parental care**

67. The Committee notes with appreciation the State party's indication that alternative care or foster care is preferred over institutional care and the adoption of a new Act on allowances promoting alternate custody. The Committee is, however, concerned that the already large number of children in institutional care has increased and that the Roma constitute the majority of this population, and that the number of children in foster care has decreased. The Committee also notes with concern that in facilities such as youth diagnostic centres, youth re-education homes and children's re-education homes, relaxation or protection rooms are often misused as a form of punishment and that guidelines in this regard are missing. The Committee is also concerned that most government residential homes are long-term rather than short-term facilities and that children from such homes have difficulty integrating into society at age 18 and are at increased risk of falling victim to trafficking.

**68. The Committee recommends that the State party, taking into account the Committee's recommendations issued at the day of general discussion on Children without parental care, held on 16 September 2005, take steps to ensure the protection of children's rights in alternative care facilities, inter alia, by:**

**(a) Taking steps to monitor the situation of child rights within facilities;**

**(b) Developing guidelines to be used by such facilities in elaborating their internal regulations on issues such as the employment of education and protective measures and the placement of children in relaxation/protection rooms;**

**(c) Carrying out awareness-raising and educational activities in order to eliminate negative stereotypes in society about Roma children and increase their chances of being adopted by families within the country;**

**(d) Taking steps to end the practice of municipalities of refusing by referendum the presence of children's homes just because of their high population of Roma children;**

**(e) Providing a child accessible complaint mechanism; and**

**(f) Providing training and education programs to prepare children for adult life.**

### **Adoption**

69. The Committee notes with appreciation that the new Family Act provides for the adopted child to have access to information on his/her biological parents. The Committee welcomes the ratification by the State party of the Hague Convention on the Protection of Children and Cooperation in Respect of Country Adoption. However, the Committee notes with concern the difficulties in finding foster or adoptive families for children of Roma origin within the State party.

**70. The Committee urges the State party to ensure that its legislation on adoption is in full conformity with article 21 of the Convention and also that children of Roma origin are not discriminated against in the adoption process. It also urges the State party to ensure that the child's best interests are being met in all areas. Finally, the Committee recommends that the State party establish programmes to reduce misconceptions related to the adoption of Roma children.**

### **6. Basic health and welfare**

**(arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)**

#### **Children with disabilities**

71. The Committee welcomes the adoption by the State party of the National Programme for the Development of Living Conditions for Citizens with Disabilities in All Areas of Life. The Committee also notes with appreciation the existence of social service homes that provide basic care for children with disabilities. Nevertheless, the Committee expresses its concern that such services are still not adequate, particularly access to buildings and transportation, and that the majority of primary and secondary schools lack sufficient financial, material and human resources for the inclusive education of children with disabilities. The Committee is also concerned that Roma children with disabilities experience double discrimination.

**72. 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 general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party:**

**(a) Take all necessary measures to ensure that legislation providing protection for persons with disabilities, as well as programmes and services for children with disabilities, are effectively implemented;**



- (b) **Develop early identification programmes to prevent disabilities;**
- (c) **Undertake awareness-raising campaigns on the rights and special needs of children with disabilities, encourage their inclusion in society and prevent discrimination and institutionalization;**
- (d) **Provide training for professional staff working with children with disabilities, such as medical, paramedical and related personnel, teachers and social workers; and**
- (e) **Consider signing and ratifying the International Convention on the Rights of Persons with Disabilities and its Optional Protocol.**

#### **Right to health and access to health services**

73. The Committee welcomes reform of the healthcare sector and recognizes that there is a good level of healthcare services for children in the area of physical health. The Committee also welcomes the implementation by the Ministry of Health of the PHARE **2003-004-995-01-06** project called “Improved Roma Minority Access to Health Care in the Slovak Republic” (CRC/C/SVK/2, para. 97) and training events for Roma health assistants as well as the allocation of money for educational projects to increase the knowledge of the Roma community on reproductive health issues. However, the Committee is concerned at the inadequate infrastructure of community-based and family focused child mental health services and psychological services in the State party. The Committee is also concerned that the health condition of the Roma population remains worse than that of the majority of the population and that segregation of Romani patients in hospital facilities remains common practice. Additionally, the Committee expresses its concern that newly adopted regulations regarding immunizations which transfer the responsibility for storing vaccines and keeping track of vaccination dates onto parents, could be particularly disadvantageous for families living in poverty.

74. **The Committee recommends that the State party increase considerably both human and financial resources to develop an effective infrastructure of community-based and family-focused mental health services for children and families at risk. The Committee also recommends that the State party take all necessary measures, including the continued training of health workers, particularly those working in the Roma communities, to improve access to health services by the Roma population. The State party should also take the necessary steps to end segregation in hospital facilities. The Committee further recommends that the State party implement activities to educate and raise awareness of the population, particularly in disadvantaged communities, as to the necessity and benefits of immunization of children. The Committee encourages the State party to consider further cooperation with UNICEF and WHO, among others.**

#### **Adolescent health**

75. The Committee regrets the absence of data from the State party in the areas of adolescent health.

76. **The Committee recommends that the State party, taking into account the Committee's general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, gather sufficient data on adolescent health. The Committee also recommends that the State party allocate adequate resources to the area of adolescent health. A special emphasis should be placed on the area of mental health of adolescents.**

#### **HIV/AIDS**

77. The Committee notes that no HIV-positive cases have been recorded in the 14 and under age group and that no cases of transmission of HIV infection from mother to child have been recorded. The Committee welcomes the National Programme of HIV/AIDS Prevention for the Period of 2004-2007.

78. **The Committee urges the State party, taking into account the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights,<sup>2</sup> to take measures to decrease the overall rate of HIV/AIDS infection in its territory and, in particular, to ensure protection with regard to children and young people from the virus.**

#### **Right to an adequate standard of living**

79. The Committee notes with appreciation that measures have been adopted to improve the living conditions of Roma children living in segregated Roma settlements and that funds have been allocated to municipalities with such settlements in their territory to build centres of personal hygiene and laundry rooms. The Committee remains concerned, however, that some Roma communities do not have equal access to adequate housing, have limited or no access to basic public services, live in substandard, racially segregated slum settlements exposed to environmental hazards and do not have access to clean drinking water. The Committee also expresses concern at reports of local vigilante action, sometimes carried out with the active or passive complicity of local authorities, to block persons belonging to the Roma community trying to rent or purchase property outside segregated settlements.

80. **The Committee recommends that the State party take all necessary measures to ensure that all communities, including Roma communities, are given equal access to adequate housing, sanitation and infrastructure, are protected from environmental hazards and given access to clean air, land and water. The Committee also urges the State party to continue and strengthen programmes that ensure the inclusion of Roma communities, including Roma children, in all aspects of society life.**

---

<sup>2</sup> HR/PUB/06/9, United Nations publication (sales No. E.06.XIV.4) (also available online at [http://www.ohchr.org/english/issues/hiv/docs/consolidated\\_guidelines.pdf](http://www.ohchr.org/english/issues/hiv/docs/consolidated_guidelines.pdf)).

## **7. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

81. The Committee notes with appreciation the educational reform underway emphasizing the active participation of the child and supporting disadvantaged groups, including Roma children. The Committee also welcomes the establishment of “zero classes”. Nevertheless, the Committee remains concerned that:

- (a) Not all children from socially marginalized groups regularly attend school and regrets the lack of data on these children;
- (b) Efforts to adapt instruction and schools to the learning conditions of children living far from schools, particularly Roma children, have not been completed;
- (c) Strategies of awareness-raising and information dissemination among parents on the importance of education are not effectively used;
- (d) Adolescents have difficulties finding an occupation upon completion of school education as they may not be adequately qualified to meet the requirements of the labour market;
- (e) Participation of children in schools and classrooms remains limited;
- (f) Human rights curricula aiming at the elimination of intolerance, xenophobia and racism have not contributed so far to ease the tense relations between ethnic groups.

**82. The Committee recommends that the State party, taking into account its general comment No. 1 (2001) on the aims of education:**

- (a) Take all necessary measures to ensure that children have equal opportunities for access to schools, including the possibility to receive an education in their mother tongue;**
- (b) Ensure that measures and policies adopted to facilitate access to the education of children, particularly children belonging to the Roma, are given adequate human and financial resources to allow their effective implementation;**
- (c) Take steps to ensure that the educational curriculum and teaching material take into account the culture and history of children belonging to different minority groups, particularly the Roma, while at the same time ensuring that this does not lead to the creation of separate curricula or separate classes;**
- (d) Carry out awareness-raising and information dissemination activities targeted at making parents aware of the importance of education;**
- (e) Expand vocational training programmes for young people in order to facilitate their access to the labour market;**
- (f) Include human rights education, including the rights of the child, in the official curriculum at all levels of education.**

**8. Special protection measures**  
**(arts. 22, 38, 39, 40, 37 (b) and (d), 30, 32-36 of the Convention)**

**Children belonging to minority groups**

83. The Committee notes with appreciation the improvement in the status of the Hungarian minority and the attempt to improve attitudes towards the Roma. In this regard, the Committee notes with appreciation the number of strategies, policies and action plans adopted over the past years, aimed at addressing the challenges faced by the Roma ethnic minority in the areas of education, housing, health and human rights. Nevertheless, the Committee notes that there is no general legal act protecting the rights of persons belonging to minority groups. The Committee is concerned that persons, including children, belonging to minority groups, particularly the Roma population, are subjected to discrimination in, inter alia, education, health, and public services. The Committee also notes that, despite legislation prohibiting, in principle, the processing of personal data revealing racial or ethnic origin and religious or philosophical beliefs, legislation authorizes the police force to collect such data, and that non-voluntary collection of ethnicity data could have been carried out in other areas as well, including governmental employment offices and the military forces. (See also paragraph 19 above.) Finally, the Committee notes with concern the continued negative stereotypes of, and attitudes towards, the Roma minority, including their children, in all aspects of society; some of which have additionally been manifested in some of the State party's references to the Roma community in its report to the Committee.

**84. The Committee urges the State party to recognize the rights of persons, including children, belonging to minority groups and to consider adopting a comprehensive legal act providing protection of the rights of such persons. In particular, the Committee urges the State party to ensure that children belonging minority groups have equal access to education, health and other services. Finally, the Committee encourages the State party to undertake education, awareness-raising and other activities to improve intercultural dialogue and tolerance and to overcome negative stereotypes of and attitudes towards minority groups, including Roma communities.**

**Economic exploitation, including child labour**

85. The Committee notes that the law prohibits forced or compulsory labour, including by children, and also notes the Government's efforts to implement and enforce the Labour Code and policies to protect children from exploitation in the workplace. However, the Committee is concerned about reports indicating that such practices still occur and that child labour, primarily in the form of begging, is a problem in some communities.

**86. The Committee urges the State party to intensify its efforts to implement and enforce laws and policies protecting children from economic exploitation, including child labour and begging. The Committee also urges the State party to monitor the situation of children involved in all forms of economic exploitation, including child labour.**

### **Sexual exploitation and abuse**

87. The Committee welcomes the various measures taken by the State party to strengthen protection against sexual exploitation and abuse. The Committee is concerned, however, at the high level of rape of children between the ages of 7 and 18, especial girls, even in protective environments such as families and schools. The Committee is also concerned at the fact that the Slovak judicial legislation and practice do not explicitly penalize sexual exploitation of children. The Committee is further concerned that despite its legal prohibition, child prostitution remains a problem in Romani settlements with the worst living conditions.

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

(a) **Take adequate legislative measures to ensure the explicit prohibition of sexual exploitation and abuse of children under criminal law;**

(b) **Ensure that child victims of sexual exploitation and abuse are not criminalized or penalized;**

(c) **Implement appropriate policies and programmes for the prevention, recovery and social reintegration of child 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;**

(d) **Carry out gender awareness-raising campaigns to combat sexual exploitation.**

### **Drug abuse**

89. The Committee notes the information that drug abuse is an increasing problem in the State party. The Committee also notes that the offender who commits a criminal offence relating to narcotics against a protected person - including a child - is liable to a prison sentence of up to 15 years. The Committee notes with appreciation the State party's commentary that special attention is devoted to the prevention of drug addiction, in particular prevention that targets school populations, and welcomes the fact that primary and secondary schools have coordinators for the prevention of drug addiction and other sociopathic phenomena.

90. **The Committee recommends that the State party take measures to prevent and reduce drug abuse among children and to support recovery programmes for child victims of drug abuse. The Committee further recommends that the State party seek technical cooperation from, inter alia, WHO, UNICEF and the United Nations Office on Drugs and Crime (UNODC).**

### **Juvenile justice**

91. The Committee notes with appreciation that an advisory board is set up within each correctional institution for juveniles with a view to enhancing the educational impact of detention and that special emphasis is placed upon the treatment of sentenced juveniles in order

to minimize negative consequences of their isolation from society. The Committee reiterates, however, its previous concern (CRC/C/15/Add.140, para. 51-52) that insufficient information is available on prevailing conditions in detention facilities for juveniles and with respect to complaints mechanisms.

**92. The Committee urges the State party to ensure that juvenile justice standards are fully implemented, in particular articles 37 (b), 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), and in the light of the Committee's general comment No. 10 (2007) on children's rights in juvenile justice. In particular the Committee recommends that the State party:**

**(a) Take all necessary measures to ensure that children are held in detention only as a last resort and for as short a time as possible, and that when such detention is carried out it is in compliance with the law and respects the rights of the child as set out under the Convention;**

**(b) Ensure regular review of detention;**

**(c) Set up a programme to train specialized judges for children;**

**(d) Take all necessary measures to ensure that children are not ill-treated in detention and their rights not violated, and that cases involving juveniles are promptly brought to trial;**

**(e) Seek technical assistance and other cooperation from the United Nations Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR and NGOs.**

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

93. The Committee welcomes the ratification by the State party of the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

**94. The Committee invites the State party to submit as soon as possible its initial report on the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography that was due in 2006, and looks forward to the timely submission of the initial report of the Optional Protocol to the Convention on the involvement of children in armed conflict, due in 2008.**

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

### **Follow-up**

95. **The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, inter alia by transmitting them to the members of the Parliament, and to regional and territorial Governments and Parliaments, when applicable, for appropriate consideration and further action.**

### **Dissemination**

96. **The Committee further recommends that the second periodic report and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available in the languages of the country, 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.**

## **11. Next report**

97. **The Committee invites the State party to submit its consolidated third, fourth and fifth periodic report, by 30 June 2013 (that is 18 months before the due date of the fifth periodic report). This report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Committee.**

98. **The Committee invites the State party to submit an updated core document in accordance with the requirements regarding the common core document in the harmonized guidelines on reporting under international human treaties, approved by the Fifth Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3 and Corr.1).**

## **Concluding observations: Maldives**

99. **The Committee considered the combined second and third periodic report of the Maldives (CRC/C/MDV/3) at its 1233rd and 1234th meetings (see CRC/C/SR.1233 and 1234), held on 23 May 2007, and adopted at the 1255th meeting, held on 8 June, the following concluding observations.**

### **A. Introduction**

100. **The Committee welcomes the submission of the State party's combined second and third periodic report as well as the written replies to its list of issues (CRC/C/MDV/Q/3/Add.1), which allowed for a clearer understanding of the situation of children in the State party.**

101. **The presence of a high-level delegation enabled the Committee to engage in a frank and constructive dialogue with those directly responsible for the implementation of the Convention.**

## **B. Follow-up measures undertaken and progress achieved by the State party**

102. The Committee welcomes the ratification/accession of the State party to the following international instruments which positively impact the implementation of the rights of the child:

(a) The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its Optional Protocol on 19 September 2006;

(b) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on 13 March 2006;

(c) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 20 April 2004 and to its Optional Protocol on 15 February 2006; and

(d) The Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 10 May 2002 and on the involvement of children in armed conflict on 29 December 2004.

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

103. The Committee acknowledges the particular nature of the geographical configuration of the State party, which is comprised of 1,190 coral islands grouped into 26 atolls, and the challenges faced by the State party in implementing adequate programmes and services for children living in atolls, which are in many instances isolated and difficult to reach.

**104. The Committee acknowledges that an exceptional natural disaster caused by the Indian Ocean tsunami of 26 December 2004 has largely devastated the State party's low-lying islands, giving rise to a number of economic and social difficulties and affecting the lives of many children.**

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

### **1. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)**

#### **Committee's previous recommendations**

105. The Committee notes the State party's efforts to address various concerns and recommendations (CRC/C/15/Add.91) made upon the consideration of the State party's initial report (CRC/C/8/Add.33 and 37) through legislative measures and policies. However, some of the concerns it expressed and recommendations it had made regarding, inter alia, the State party's reservations, harmonization of domestic legislation to fully comply with the provisions and principles of the Convention, discrimination against children with disabilities, children born out of wedlock and girls, the prevention of ill-treatment of children, including sexual abuse, the prevalence of malnutrition, the issue of drug abuse and the administration of juvenile justice, have not been sufficiently addressed.



106. **The Committee urges the State party to make every effort to address the recommendations issued in the concluding observations on the initial report that have not yet been implemented, and to address the list of concerns contained in the present concluding observations on the combined second and third periodic report. It also recommends that the State party ratify or accede to relevant Hague conventions and conventions of the International Labour Organization (ILO) regarding the rights of the child.**

#### **Reservations**

107. The Committee, while noting with interest that the Ministry of Gender and Family has requested the Attorney General to review the existing reservations to the Convention with a view to withdrawing them, regrets the broad nature of the State party's reservation to article 14, paragraph 1, of the Convention. With regard to the State party's reservation to article 21 of the Convention, the Committee notes that concerns expressed by the State party in its reservation are well taken care of by article 21 which expressly refers to States parties which "recognize and/or permit the system of adoption".

108. **The Committee reiterates, in the light of article 51, paragraph 2, of the Convention, and its previous recommendations (see CRC/C/15/Add.91, paras. 6 and 25), that the State party review the nature of its reservations with a view to withdrawing them in accordance with the Vienna Declaration and Plan of Action of the World Conference on Human Rights of 1993. The Committee further recommends that the State party seek inspiration from other Muslim countries which have either withdrawn similar reservations or not entered any reservations to the Convention.**

#### **Legislation**

109. The Committee notes with appreciation the State party's efforts to bring domestic laws into compliance with the Convention, for example, by ensuring the entry into force in July 2001 of the Family Law, which sets the minimum age for marriage at 18 years as recommended by the Committee (CRC/C/15/Add.91, para.33). However, the Committee reiterates its concern regarding the need to amend the Law on the Protection of the Rights of the Child (Law No. 9/91) to fully comply with the provisions and principles enshrined in the Convention.

110. **The Committee recommends that the State party incorporate the Convention into domestic law and continue to review and strengthen its efforts to ensure that all domestic laws concerning children as well as administrative regulations are rights based and conform to the provisions and principles of the Convention, its Optional Protocols and other international human rights instruments and standards. It recommends that the State party take immediate measures to amend the Law on the Protection of the Rights of the Child (Law No. 9/91), as also recommended in the report on "The application of the CRC in the Republic of the Maldives from the perspective of Islamic law", and make available all necessary human and financial resources for the most effective implementation of this Law as well as other laws and administrative regulations concerning children.**

**111. As regards the protection of child victims and witnesses at all stages of the criminal justice process, the Committee draws the State party's attention the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20).**

#### **National Plan of Action**

112. The Committee welcomes the adoption of the National Plan of Action for the Well-being of the Maldivian Child 2001-2010 but regrets the lack of information on the concrete measures taken to implement this Plan of Action and on the progress achieved since its adoption.

**113. The Committee recommends that sufficient human and financial resources are provided for the full and effective implementation at all levels of the National Plan of Action for the Well-Being of the Maldivian Child 2001-2010. The Committee also encourages the State party to ensure the wide participation of civil society, including children, in all aspects of the implementation process. It requests the State party to provide information in its next periodic report on the implementation, outcomes and evaluation of the National Plan of Action.**

#### **Coordination**

114. With regard to the implementation of the Convention, the Committee notes with interest that the restructured Ministry of Gender and Family is charged with the main task of coordination and that also a Multi-Sectoral Working Group on Child Protection has been established to increase coordination among various stakeholders and services available. It also takes note of the plans to establish Child Protection Systems/Centers in the atolls.

**115. The Committee recommends that the State party use the restructuring of the Ministry of Gender and Family not only to strengthen its functions, but also to establish a single inter-sectoral 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. The Committee recommends that the State party involve members of the civil society, child rights experts and other professionals in the coordination and evaluation of the implementation of the Convention. It further recommends that the State party expedite its efforts to establish Child Protection Systems/Centers with adequate human and financial resources in the Atolls to strengthen local level coordination.**

#### **Independent monitoring**

116. The Committee welcomes the establishment of the Human Rights Commission of the Maldives in 2003 and the strengthening of its powers by adopting amendments to the Human Rights Commission Act in 2006. It notes with appreciation the Human Rights Commission's mandate to receive complaints regarding alleged human rights violations. Nevertheless, the Committee notes with concern the challenges faced by the Human Right Commission, including its difficulties in attaining a fully independent status and to recruit staff for certain positions.

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

(a) **Continue its efforts to ensure that the Human Rights Commission of the Maldives is a fully independent monitoring mechanism in accordance with the Paris Principles (General Assembly resolution 48/134, annex) for the promotion and monitoring of the implementation of the Convention as well as to receive, investigate and address complaints from individuals, including children;**

(b) **Ensure that the Human Rights Commission is provided with adequate human and financial resources and that its personnel is provided with regular human rights training in order to carry out the tasks of the Commission's mandate;**

(c) **Ensure that the Human Rights Commission, particularly its individual complaint mechanism, is easily accessible to children;**

(d) **Continue to seek advice and assistance, among others, from the Office of the United Nations High Commissioner for Human Rights (OHCHR) in order to ensure greater compliance of the Commission with the Paris Principles and that the Commission seek accreditation through the International Coordinating Committee of National Human Rights Institutions.**

118. **The Committee encourages the State party to take into account the General Comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child (CRC/GC/2002/2).**

#### **Allocation of resources**

119. The Committee is concerned 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". It regrets that the State party's recent allocations to health and welfare as well as to education sector are on the decrease in percentage terms.

120. **In the light of articles 2, 3, and 6 of the Convention, the Committee encourages the State party 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". The Committee encourages the State party to undertake a comprehensive budget review, particularly regarding the social sector, from a child-rights perspective, with a view to monitoring budget allocations for children and defining the level of efficiency in meeting children's actual needs.**

#### **Data collection**

121. The Committee welcomes the establishment of "Maldives Info" and it notes with appreciation the efforts of the Ministry of Gender and Family to gather information, in collaboration with the United Nations Children's Fund (UNICEF), on the situation of children and the significant improvements in data collection, particularly in Malé. Nevertheless, the

Committee regrets the lack of a national data collection system in respect of all areas covered by the Convention, which limits the State party's capacity to adopt adequate policies and programmes and assess the impact of policies adopted, in particular with regard to children living in atolls which are isolated. The Committee notes with concern that the progress in data collection is impeded by the lack of adequately trained personnel and insufficient coordination between State authorities and child welfare agencies.

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

**(a) Intensify its efforts to establish a national central database on children and develop indicators consistent with the Convention in order to ensure that data are collected on all areas covered by the Convention and that they are disaggregated, for example, by age, sex, urban and remote areas, and by those groups of children who are in need of special protection (i.e. children living in underserved geographical areas, children with disabilities, children born out of wedlock, child victims of violence, abuse and exploitation, malnourished children, child victims of substance abuse, children in conflict with the law, etc.);**

**(b) Use these indicators as well as collected data to facilitate the formulation of policies and programmes for the implementation of the Convention;**

**(c) Continue providing relevant professional groups with training on data collection and strengthen coordination between the various governmental bodies and mechanisms involved in children's rights both the national and local level;**

**(d) With regard to the current UNICEF Country Programme of Cooperation, continue to seek technical cooperation for improving the collection and management of disaggregated data from UNICEF.**

**Dissemination/training of the Convention**

123. The Committee is encouraged by the efforts of the State party to disseminate information about the Convention, for example in the format of a quiz programme during the month of Ramadan in 2005. However, the Committee is concerned that insufficient measures have been taken to disseminate and raise awareness of the civil rights and freedoms of children, and international human rights standards in general, in a systematic and targeted manner. The Committee further regrets that the State party has neither published nor disseminated its initial report and/or the Committee's concluding observations among the public at large.

**124. The Committee recommends that the State party continue its efforts to systematically disseminate information about the Convention among children, their parents and other caregivers and all relevant professional groups working with and for children. It recommends that the State party provide professionals with targeted and regular training on the provisions and principles of the Convention and the international human rights standards in general. The Committee also recommends that the State party encourage the media to disseminate information on the rights of the child and in that way promote the awareness of the rights of the child among the public at large. The Committee further**

**recommends that the State party take specific measures to make the Convention available to and known by all children in the Maldives, paying attention to the civil rights and freedoms of children, and that the State party continue its cooperation with UNICEF in this regard.**

#### **Cooperation with non-governmental organizations**

125. The Committee, while noting examples of collaboration between governmental institutions and non-governmental organizations, such as financial and technical support provided to Journey (the Maldives' first community-based after-care and relapse-prevention NGO for recovering drug addicts), it nevertheless notes that cooperation with non-governmental organizations should be further promoted and reinforced.

**126. 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, and encourages closer cooperation with non-governmental organizations. The Committee recommends that the State party promote the establishment of civil society organizations and involve and empower non-governmental organizations, especially rights-based ones, and other sectors of civil society working with and for children more systematically throughout all stages of the implementation of the Convention.**

#### **International cooperation**

127. The Committee notes that programmes and projects for families and children conducted by the Ministry of Gender and Family are almost exclusively funded by UNICEF, the United Nations Population Fund (UNFPA), the United Nations Development Programme (UNDP) and other international governmental and non-governmental organizations and bilateral partners.

**128. In this respect, the Committee recommends that the State party continue to undertake measures within the framework of international, regional and bilateral cooperation, while at the same time seek to strengthen, through it, its institutional structure for the implementation of the Convention. The Committee requests the State party to identify on a yearly basis the amount and proportion of international support earmarked for the implementation of children's rights.**

### **2. Definition of the child (art. 1 of the Convention)**

129. The Committee, while noting with satisfaction that the State party has raised the legal age of definition of the child as well as the minimum legal age for marriage from 16 years to 18 years, is concerned that the State party's legislation is not in full conformity with the Convention and other relevant international standards, particularly regarding the minimum age of criminal responsibility and the minimum age for admission to employment.

**130. The Committee urges the State party to establish clearly defined minimum ages by law, with regard to all domains related to children, in particular, regarding the minimum age of criminal responsibility and the minimum age for admission to employment.**

### 3. General principles (arts. 2, 3, 6 and 12 of the Convention)

#### Non-discrimination

131. The Committee notes with concern that children born out of wedlock are not entitled to equal rights and that they face both *de facto* and *de jure* discrimination in their everyday life. The Committee notes with particular concern that these children are denied legal access to information on their biological father and that they can neither have their father's name nor inherit from the paternal side. It also notes with concern the existing naming practice, which further stigmatizes children born out of wedlock.

**132. In accordance with article 2, the Committee recommends that the State party make greater efforts to ensure that all children within its jurisdiction enjoy all the rights enshrined in the Convention without discrimination. The Committee recommends that the State party amend its legislation in order to eliminate any discrimination against children born out of wedlock, in particular, with regard to access to information on their biological father, the right to a father's family name and the right to inheritance from the paternal side. In addition, the Committee encourages the State party to use legislative, policy and educational measures, including sensitization and awareness-raising, to end stigmatization of children born out of wedlock.**

133. Despite the efforts of the State party to address the issue of equality between sexes, including through Maldives Vision 2020, the Committee continues to be disappointed that the persistence of stereotypical attitudes concerning the roles and responsibilities of women and men still constitute an impediment to the full enjoyment of all human rights and fundamental freedoms by girls. In particular, the Committee notes with concern that there is an emerging trend amongst certain religious groups to keep girls out of school.

**134. The Committee recommends that the State party continue to address the problems faced by the girl child and to campaign and create awareness among the population of the equality of girls and boys. The Committee suggests that local, religious and other leaders be invited to take a more active role in supporting the efforts to prevent and eliminate discrimination against the girl child and to provide guidance to communities in this regard. It also recommends that the State party promote the inclusive role of women in society, among other things, by developing textbooks and educational materials in schools, as recommended by the Committee on the Elimination of Discrimination against Women (CEDAW/C/MDV/CO/3, paras. 17-18) in January 2007.**

135. The Committee remains concerned about the *de facto* discrimination faced by children with disabilities. It notes with concern that children with disabilities have limited access to social and health-care services and that they have very few opportunities for inclusive education. In addition, the Committee shares the State party's concern that social stigma continues to influence the treatment of children with disabilities and limits their ability to participate in society.

**136. The Committee recommends that the State party, taking into account the United Nations Standard Rules on the Equalization of Opportunities for Persons**

**with Disabilities (General Assembly resolution 48/96) and the Committee's General Comment No. 9 (2006) on the rights of children with disabilities (CRC/C/GC/9), prevent and prohibit all forms of discrimination against children with disabilities and ensure equal opportunities for their full participation in all spheres of life by implementing the Section 5 of Law No. 9/91 and other relevant provisions of domestic laws. The Committee further recommends that the State party include disability aspects in all relevant policymaking and national planning.**

137. **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 in 2001 at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking into account the Committee's General Comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).**

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

138. While noting that the Law on the Protection of the Rights of the Child (Law No. 9/91) embodies the spirit of article 3 of the Convention, the Committee is nevertheless concerned that this principle is not given adequate attention in national legislation and policies and that this principle is not a primary consideration in decision-making regarding children, for example custody decisions. The Committee also notes with concern that awareness of its significance is low among policymakers, lawmakers and judicial and administrative officials enforcing provisions, regulations and policies.

139. **The Committee recommends that the State party fully incorporate article 3 of the Convention into all legislation and practices concerning children and raise awareness of the meaning and practical application of the principle of the best interests of the child. The Committee recommends that the State party review its legislation critically to ensure that the main thrust of the Convention, namely that children are subjects of their own rights, is adequately reflected in domestic legislation and that the best interests of the child be a primary consideration in all decision-making regarding children, including custody decisions.**

#### **Right to life, survival and development**

140. The Committee notes with concern reports suggesting that the strong social condemnation of pregnancies out of wedlock has led to abortions in unhygienic conditions and to an increasing degree to infanticide.

141. **The Committee recommends that the State party seek to fully implement article 6 of the Convention and take measures to prevent and discourage infanticide and protect infants born out of wedlock, including by supporting their mothers. In this regard, the Committee further recommends the introduction of education and awareness raising programmes to eliminate any negative consequences arising from pregnancies out of wedlock and to change societal attitudes.**

**Respect for the views of the child**

142. The Committee notes with appreciation that the State party has introduced family conferencing to facilitate participation of all parties, particularly children, in the discussions during the administration of juvenile justice and that the draft Education Act encourages children to participate in decisions affecting their education. While noting that the Family Law (No. 4/2000) provides children with the right to be heard at any proceeding that may impact his or her right, the Committee is concerned that there exists a gap between the law and practice. It notes with concern that the child's right to be heard in judicial proceedings is basically limited to custody cases. It also notes with concern that general practices in the Maldives do not encourage the freedom of expression of children.

**143. In the light of article 12 of the Convention, and drawing the State party's attention to the Committee's recommendations adopted on its day of general discussion on the right of the child to be heard, held on 15 September 2006, the Committee recommends that the State party:**

**(a) Take all necessary measures to strengthen the implementation of the Family Law (No. 4/2000) in order to provide children with the right to be heard, in accordance with the child's age and maturity, at any proceeding which may impact their right, particularly in actions taken by social welfare institutions, courts of law and administrative authorities, including at the local level;**

**(b) Seek to develop a systematic approach and policy, with the involvement of professionals working with and for children, in particular teachers and social workers, and civil society, including community and religious leaders and non-governmental organizations, to increase public awareness of the participatory rights of children and encourage respect for the views of the child within the family, schools and generally in society.**

**4. Civil rights and freedoms  
(arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)**

**Birth registration**

144. While welcoming the State party's efforts to improve the system of birth registration, including by establishing a birth-registration database and by raising awareness among parents, the Committee notes with concern that the current birth-registration system continue to encounter difficulties.

**145. In the light of article 7 of the Convention, the Committee recommends that the State party continue to improve the system of birth registration, inter alia, by strengthening its efforts to sensitize and mobilize public opinion on the need for birth registrations as well as by developing the birth-registration database and training registry personnel. Meanwhile, children whose births have not been registered and who are without official documentation should be allowed to access basic services, such as health and education, while waiting to be properly registered.**



### **Freedom of religion**

146. The Committee notes that the State party's Constitution and other legislative provisions are based on religious unity, prohibiting the practice of any religion other than Islam. With reference to the findings of the Special Rapporteur on freedom of religion or belief during her visit to the Maldives in August 2006 (see A/HRC/4/21/Add.3) and the reservation of the State party to article 14 of the Convention, the Committee is concerned that the right of the child to freedom of thought, conscience and religion is not fully respected and protected.

**147. In the light of articles 2 and 14 of the Convention, the Committee recommends that the State party respect the right of the child to freedom of thought, conscience and religion by taking effective measures to prevent and eliminate all forms of discrimination on the grounds of religion or belief and by promoting religious tolerance and dialogue in society.**

### **Freedom of association and peaceful assembly**

148. The Committee is concerned that the right of the child to freedom of association and peaceful assembly is not fully guaranteed in practice.

**149. The Committee recommends that the State party take all necessary measures to ensure the full implementation of the right of the child to freedom of association and peaceful assembly, in accordance with article 15 of the Convention, and encourage children to form associations on their own initiatives.**

### **Access to information**

150. The Committee is concerned that access to information and material from a diversity of national and international sources is limited for children in the State party. It notes with particular concern that due to the lack of libraries in the atolls children have very restricted access to reading material.

**151. The Committee recommends that the State party improve children's access to appropriate information from a diversity of sources, especially those aimed at the promotion of the child's social, spiritual and moral well-being and physical and mental health. It further recommends that the State party provide children living in the atolls with access to children's books and magazines, including through online media.**

**152. The Committee recommends that the State party encourage the media to develop more child-oriented products to provide better coverage respecting the rights of the child, including the child's right to privacy, and to promote children's own participation in media programmes.**

### **Torture and cruel, inhuman or degrading treatment or punishment**

153. The Committee is concerned at the information that section 44 of the new draft Penal Code would legalize corporal punishment of children at home, schools and institutions. The Committee is also seriously concerned that, contrary to article 37 (a) of the Convention, under applicable law of the State party, persons who have reached puberty may be subject to flogging.

154. **In the light of the consideration of the new draft Penal Code, the Committee urges the State party to take all the necessary measures to ensure that persons who committed crimes while under the age of 18 are not subjected to any form of corporal punishment, including as a sentence for offences, and that corporal punishment as a disciplinary measure is prohibited by law in the home, alternative care settings and justice institutions, schools and workplace settings. It recommends that the State party take other appropriate measures, such as positive education and training programmes as well as public awareness-raising campaigns, to eliminate this practice which directly conflicts with the equal and inalienable rights of the child to respect for her/his human dignity and physical integrity. Finally, it draws the attention of the State party to the Committee's General Comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (CRC/C/GC/8).**

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

**(arts. 5; 18, paras. 1-2; 9-11; 19-21; 25; 27, para. 4; and 39 of the Convention)**

#### **Parental responsibilities**

155. The Committee is concerned that instability of families, for example, caused by a high rate of divorce, has an adverse impact on effective parenting of children.

156. **The State party is encouraged to increase its efforts in developing family education and awareness through, among other things, providing support, including training for parents, especially single parents, in parental guidance and joint parental responsibilities, in the light of article 18 of the Convention.**

#### **Alternative and institutional care**

157. The Committee welcomes the drafting of the "Guidelines for Institutions and Group Homes for Children under the age of 18 in the Maldives", which establish standards for all public and private institutions, services and facilities responsible for the care and protection of children as well as emphasize the principle of the best interests of the child. It notes the establishment of a new Children's Home in Villingili in 2004 and the feasibility assessment for considering adoption and fostering (*kafalah*) in the Maldives carried out by the Ministry of Gender and Family. The Committee notes with concern that the number of children in need of alternative care is increasing due to several reasons, including parents and guardians' incapacity of providing financial support, changing family structures caused by divorces, separations and remarriages, abuse and neglect of the child within the family, alcohol and drug abuse, etc. It also notes with concern that the State party's developing system of alternative care faces multiple challenges in responding to the needs of these children.

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

**(a) Develop and implement a comprehensive policy for the prevention of the placement of children in alternative care, one based on a multidisciplinary approach, including appropriate legislation, financial assistance to families and a complementary service system;**

**(b) Ensure that the placement of children in alternative care (foster care, residential care, other forms of alternative care) be based on a carefully conducted assessment of the needs and best interests of the child by a competent and multidisciplinary group of experts;**

**(c) Ensure that the decision to place the child in alternative care be taken by a competent authority and be based on the law and subject to judicial review to avoid arbitrary and discretionary placements and that the placement be regularly reviewed in accordance with article 25 of the Convention.**

159. **The Committee encourages the development of traditional foster care systems, such as family/community-based alternative care, paying particular attention to the rights recognized in the Convention, including the principle of the best interests of the child. Finally, the Committee draws the attention of the State party to the recommendations adopted on the Committee's day of general discussion on children without parental care in September 2005 (CRC/C/153, paras. 636-689).**

#### **Violence, abuse and neglect, maltreatment**

160. The Committee welcomes the information that the State party is in the process of establishing child helpline services. The Committee regrets that insufficient measures are being taken to address the serious problem of violence against children, child abuse, including sexual abuse, and ill-treatment of children in the State party. The Committee notes with concern that the legal framework fails to provide full protection against sexual abuse and that it also shifts responsibility on producing evidence to a victim. It also notes with concern that domestic violence is widely tolerated in Maldivian society and that Maldivian legislation does not expressly prohibit corporal punishment in the family. The Committee further notes with concern that professionals working with and for children are inadequately trained to identify, report and manage child abuse and ill-treatment cases and that the media sensationalize child protection issues, making the stigma and shame attached to victims worse.

161. **In the light of article 19, other relevant provisions of the Convention and taking into account the recommendations of the Committee adopted on its days of general discussion on children and violence (CRC/C/100, para. 866 and CRC/C/111, paras. 701-745), the Committee urges the State party to:**

**(a) Undertake a national study on domestic violence, ill-treatment of children and child abuse in the home assessing the scope and nature of this problem as well as the impact of legal measures to address violence against children with a view to prohibiting all forms of physical, sexual and mental violence against children, including sexual abuse in the family;**

**(b) As a part of the National Plan of Action for the Well-being of the Maldivian Child 2001-2010, develop a comprehensive national strategy to prevent and respond to domestic violence, ill-treatment of children and child abuse and further adopt adequate measures and policies to contribute to changing attitudes;**

- (c) Train parents and professionals working with and for children, such as teachers, law enforcement officials, health professionals, social workers and judges in identification, reporting and management of child abuse and ill-treatment cases;**
- (d) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervention where necessary, and to prosecute cases of ill-treatment, ensuring that the abused child is not victimized in legal proceedings and that his/her privacy is protected;**
- (e) Ensure that all child victims of violence and abuse have access to adequate care, counselling and assistance with recovery and reintegration services;**
- (f) Encourage and promote the positive involvement of the media in the reporting of child victims of violence, abuse and ill-treatment and ensure that the media fully respect the right of the child to privacy;**
- (g) Seek assistance from, among others, UNICEF and WHO.**

162. With reference to the United Nations study on violence against children, the Committee recommends that the State party:

- (a) Take all necessary measures for the implementation of the overarching and setting-specific recommendations contained in the report of the independent expert for the United Nations study on violence against children (A/61/299) taking into account the outcome and recommendations of the Regional Consultations for South Asia (held in Pakistan from 19 to 21 May 2005);**
- (b) Use these recommendations as a tool for action in partnership with civil society and in particular with the involvement of children to ensure that every child is protected from all forms of physical, sexual and mental violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse;**
- (c) Consider seeking technical cooperation from UNICEF, OHCHR and WHO.**

#### **6. Basic health and welfare**

**(arts. 6; 18, para. 3; 23; 24; 26; 27, paras. 1-3, of the Convention)**

#### **Children with disabilities**

163. The Committee is encouraged by the State party's efforts to draft a National Disability Policy with several stakeholders. However, it is concerned that efforts aimed at detecting disabilities and providing early-intervention services for children with disabilities may not be adequate in the State party. It notes with concern that the lack of adequate and appropriate services, financial resources as well as specialized, trained personnel continues to be a significant obstacle with respect to the full enjoyment of all human rights and fundamental freedoms by children with disabilities. It also notes with concern that the few services available are neither standardized nor adequately monitored or evaluated. The Committee regrets that a very limited

number of children with disabilities are included in the mainstream education. In addition, it notes with concern that civil society organizations providing recovery services do not have adequate human, technical and financial resources.

**164. The Committee recommends that the State party, taking into account the Committee's General Comment No. 9 (2006) on the rights of children with disabilities (CRC/C/GC/9), take all necessary measures:**

**(a) To collect adequate statistical data on children with disabilities and use such disaggregated data in developing a comprehensive and specific national policy on disability which promotes equal opportunities of persons with disabilities in society;**

**(b) To provide children with disabilities with access to adequate and standardized social and health services, including early-intervention, psychological and counselling services, and to adequate physical environment, information and communication;**

**(c) To monitor and evaluate the quality of services for children with disabilities and raise awareness about all services available;**

**(d) To ensure that public education policy and school curricula reflect in all their aspects the principle of full participation and equality and include children with disabilities in the mainstream school system to the extent possible and, where necessary, establish special education programmes tailored to their special needs;**

**(e) To support and expand the Community Rehabilitation Program (CBR) in collaboration with CARE Society and other civil society organizations in order to encourage and assist island communities to establish their own rehabilitation programs and parent support groups;**

**(f) To ensure that professionals working with and for children with disabilities, such as medical, paramedical and related personnel, teachers and social workers are adequately trained;**

**(g) To sign and ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol;**

**(h) To seek technical cooperation with, among others, UNICEF and WHO.**

#### **Health and health services**

165. The Committee welcomes the successful Expanded Programme of Immunization and it notes with appreciation the State party's progress in reducing under-five child mortality and infant mortality. However, the Committee notes with concern a significant gap between the rate of reduction between Malé and the atolls. While welcoming community-based nutrition education and growth-monitoring systems supported by UNICEF and an estimate that the State party is likely to meet the MDG target of halving the prevalence of underweight children by 2015, the Committee is concerned at the high rates of child malnutrition in the Maldives. The

Committee notes that the State party has one of the highest known incidences of Thalassemia (an inherited haematological disorder) anywhere in the world. In addition, the quality and accessibility of maternal health care, the prevalence of traditional medical practices, threats caused by communicable diseases and the unavailability of essential medicines on many of the small islands give cause to concern.

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

**(a) Ensure that appropriate resources are allocated for the health sector and that it develop and implement comprehensive policies and programmes for improving the health situation of children, so as to fully implement the Convention, in particular its articles 4, 6 and 24;**

**(b) Continue to take measures to reduce infant and under-five mortality, inter alia, by guaranteeing access to quality pre- and post-natal health services and facilities, including training programmes of midwives and traditional birth attendants;**

**(c) Strengthen efforts to improve the nutritional status of children through education and promotion of healthy feeding practices;**

**(d) Facilitate greater and equal access to quality primary health services by mothers and children in all areas of the country and establish a network of community health workers to ensure, inter alia, that children living in the smaller islands have access to health care and counselling as well as to essential medicines;**

**(e) Continue to provide children with Thalassemia with adequate treatment and health services, including by using mobile health teams, and to provide families and other caregivers with financial support to meet the high costs of Thalassemia treatment;**

**(f) Continue to cooperate and seek technical assistance in this matter with, inter alia, WHO and UNICEF.**

#### **Adolescent health**

167. In general, the Committee is concerned at the limited knowledge regarding adolescents' sexual development, behaviours, relationships and attitudes in the State party. It notes with concern the limited knowledge and access to information and services on how to prevent unwanted and too-early pregnancies as well as how to prevent sexually transmitted infections (STIs). The Committee also regrets that the age for legal and medical counselling without parental consent is 18 years.

**168. The Committee recommends that the State party, taking into account General Comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child (CRC/GC/2003/4):**

**(a) Conduct a comprehensive national youth study, including adolescents' sexual development, behaviours, relationships and attitudes, and provide adolescents based on the results of this study with tailored and youth-sensitive health services and counselling respecting the privacy of the adolescent;**

**(b) Promote adolescent health, including sex and reproductive health education, in schools and in other appropriate places frequented by adolescents and ensure that teachers are adequately trained to discuss sex and reproductive health topics.**

#### **HIV/AIDS**

169. The Committee notes with appreciation that a comprehensive National AIDS Control Program was launched in 1987 and that the National Plan of Action towards the Well-being of the Maldivian Child 2001-2010 aims at, among other things, reducing the incidence of HIV/AIDS among infants and adolescents and providing access to peer and youth-specific HIV/AIDS information. It also notes with appreciation the State party's joint efforts with the Supreme Council of Islamic Affairs to raise awareness of HIV/AIDS and its prevention. While noting that the prevalence of HIV/AIDS is low in the State party, the Committee is concerned about existing risk factors, such as mobility (many Maldivians go abroad for education and work), increasing drug abuse, growing external tourism and tourism employment as well as limited access to health services in the atolls.

**170. The Committee recommends that the State party, taking into account the Committee's General Comment No. 3 (2003) on HIV/AIDS and to the rights of the child (CRC/GC/2003/3) and the International Guidelines on HIV/AIDS and Human Rights:<sup>3</sup>**

**(a) Strengthen its efforts to implement the National AIDS Control Programme in order to prevent the incidence and spread of HIV/AIDS, for example, by updating the Programme to respond to all existing risk factors as mentioned above and by providing adolescents with accurate and comprehensive information about HIV/AIDS, its transmission channels, treatment and preventive measures, in schools and other places frequented by them;**

**(b) Ensure that children have access to adequate social and health services as well as ensure that children have access to child-sensitive and confidential HIV/AIDS counselling with full respect for the child's privacy when requested;**

**(c) Seek technical assistance from, among others, UNAIDS, WHO and UNFPA.**

#### **Standard of living**

171. The Committee is encouraged by the State party's successful efforts to reduce poverty in the Maldives and it welcomes the adoption of national strategies and plans to raise the standard of living among its population, including the Vision 20/20, the Seventh National Development Plan and the first Poverty Reduction Strategy Paper (PRSP). It also notes that the State party, in collaboration with the World Bank, is in process of developing a social safety net programme that would address the needs of children living in poverty. However, it is concerned about wide regional disparities in income levels - the northern atolls being the most economically

---

<sup>3</sup> HR/PUB/06/9, United Nations publication (sales No. E.06.XIV.4) (also available online at [http://www.ohchr.org/english/issues/hiv/docs/consolidated\\_guidelines.pdf](http://www.ohchr.org/english/issues/hiv/docs/consolidated_guidelines.pdf)).

disadvantaged areas. The Committee also notes with concern that households with many children are among the poorest and that many safety net programmes, often implemented on ad hoc basis and lacking strategic framework, fail to provide protection to low-income families.

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

- (a) Continue to allocate resources for effective poverty-reduction measures, particularly by addressing the regional disparities between Malé and the atolls and increasing disparities between the northern and southern atolls;**
- (b) Strengthen its efforts to address the standard of living among its population living in poverty, inter alia, through enhancing the capacity to implement and monitor poverty reduction strategies at the local and community level;**
- (c) Increase its efforts to provide earmarked funds and concrete assistance to support children and families living in poverty by increasing its annual expenditure on safety net programmes and by developing these programmes to target the most vulnerable groups;**
- (d) Ensure that children living in poverty are provided with access to social and health services, education and adequate housing;**
- (e) Provide children living in poverty with an opportunity to be heard and to express their views when planning and implementing poverty reduction programmes at the local and community level.**

#### **7. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

##### **Education, including vocational training and guidance**

173. The Committee acknowledges that hundreds of Maldivian schools, including school furniture, equipment and books, were damaged by the Indian Ocean tsunami in December 2004. The Committee commends the State party for prompt measures taken to rebuild and equip schools in collaboration with international community, the United Nations specialized agencies, particularly UNICEF and UNESCO, donor countries, non-governmental organizations and local community.

174. The Committee notes with satisfaction that free primary education is available in all inhabited islands and that the rate of primary school enrolment and the level of literacy are high. While taking note of the State party's intention to make primary education compulsory by law, the Committee regrets the slow legislative process in this regard. It notes with concern that, despite the voucher programme, the cost of school books and school uniforms burdens low-income families and dangers children's equal access to education. With regard to secondary education, the Committee is concerned at its limited availability and still unsatisfactory enrolment rate but it is encouraged by the State party's efforts to provide universal access for children to secondary school by the year 2010. It notes that vocational education has been



identified as a national priority and that it has been introduced as an option in secondary schools from 2006. The Committee is concerned that children who behave inappropriately at school may be excluded from school as a final resort.

175. The Committee is concerned that gender biases and stereotypes in school textbooks, curricula and school management as well as the lack of appropriate sanitary facilities, including separate toilets, impede the full participation of girls in education, particularly in secondary schools.

**176. In the light of article 28 of the Convention, Committee recommends that the State party continue to allocate adequate financial, human and technical resources in order to:**

**(a) Expedite the approval and enactment of the Education Act in order to make primary education compulsory and consider expanding compulsory education beyond the seven years of primary school;**

**(b) Ensure that all children have equal access to education without any financial obstacles, for example, by strengthening the voucher programme to cover additional fees;**

**(c) Remove gender biases and stereotypes from school textbooks and ensure the provision of girls' sanitary facilities in all schools, and also provide school management and personnel with gender training;**

**(d) Continue to take progressive measures to increase the availability of and enrolment rates in secondary education and facilitate access to secondary education, for example, by providing boarding school facilities;**

**(e) Expand the vocational training facilities at the secondary-school level;**

**(f) In order to ensure the right of the child to education, find ways and methods to discipline children with other means than excluding them from school;**

**(g) Seek cooperation with, among others, UNESCO and UNICEF to further improve the education sector.**

177. The Committee notes the Early Childhood Development Programme of UNICEF and that about half of the children are enrolled in pre-primary school. It shares the State party's concerns regarding the regional disparities in access to pre-primary education between Malé and the atolls, the informal status of the pre-school education and the lack of trained teachers.

**178. The Committee encourages the State party to formalize the status of pre-primary school education and to provide access to early childhood education for every child. It recommends that the State party raise awareness and motivation of parents with respect to pre-schools and early-learning opportunities by taking into account the Committee's general comment No. 7 on implementing child rights in early childhood (CRC/C/GC/7) and establish a national mechanism to promote, develop and coordinate early childhood education, including teacher training.**

### **Aims of education**

179. While noting with appreciation the Quality Education Programme and the establishment of Teacher Resource Centres by UNICEF, the Committee expresses its concern at the high percentage of untrained teachers which severely affects the quality of education and the regional disparities between Government and community schools as well as schools in Malé and in the atolls. The Committee also notes with concern that human rights education is not an integral part of the curriculum.

**180. In the light of article 29 of the Convention, and taking into account the Committee's General Comment No. 1 on the aims of education, the Committee recommends that the State party:**

**(a) Further strengthen efforts to improve the quality of education both in Government schools and community schools in Malé and all atolls through providing appropriate pre- and in-service training to teachers;**

**(b) Ensure a decent living wage for teachers and promote the reputation of the teaching profession, for example, through the media;**

**(c) Include human rights education, in particular on the rights of the child, in the official curriculum at all levels of education; and**

**(d) Continue to seek technical cooperation with, among others, UNESCO, UNICEF and non-governmental organizations.**

### **Leisure, recreation and cultural activities**

181. The Committee is concerned that, despite the measures taken by the Ministry of Youth and Sports to promote children's sports and cultural activities, play, rest and leisure for children is not generally supported in the State party.

**182. In the light of article 31 of the Convention, the Committee encourages the State party to pay greater attention and allocate adequate resources (both human and financial) to the implementation of the child's right to rest, leisure and play, including the creation of places for children to play. It recommends that the State party provide parents and other caregivers with training on the value of creative play and exploratory learning aimed at encouraging children to play.**

## **8. Special protection measures**

**(arts. 22, 38, 39, 40, 37 (b)-(d), 32-36 and 30 of the Convention)**

### **Economic exploitation, including child labour**

183. The Committee takes note of the information provided by the State party that the Maldives is considering joining the International Labour Organization (ILO) and ratifying ILO conventions. Regardless of the general prohibition of the employment of children under the age of 14 years (Law No. 9/91), the Committee notes with concern the lack of legal framework

preventing the use of child labour and protecting children from economic exploitation, in particular from hazardous work. However, it notes that the newly drafted Labour Law has been submitted to Parliament in February 2006.

184. In the absence of the legal framework protecting children from economic exploitation, the Committee is seriously concerned about many children who come from the atolls to Malé to search for a job or to work as domestic servants. In addition, the Committee notes with concern that the insufficient number of boarding schools providing secondary education in Malé forces children to reside with families and in return for a room and board to perform household duties.

**185. In accordance with article 32 and other relevant articles of the Convention, the Committee encourages the State party to join ILO and ratify the ILO Conventions concerning Minimum Age for Admission to Employment (No. 138) and concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182) as well as to:**

**(a) Expedite the approval and enactment of the Labour Law and ensure that the provisions of the Labour Law fully comply with the provisions and principles of the Convention as well as with international labour standards on the minimum age of employment and conditions of work;**

**(b) Ensure that the provisions of the new Labour Law also cover children working in the informal sector where the phenomenon is more prevalent;**

**(c) Improve the labour inspection system in order to safeguard that the work performed by children is light work and not exploitative, and, in particular, that it empower the system to monitor and report on the practice of domestic and rural labour by children;**

**(d) In order to prevent economic exploitation and abuse of studying children in return for family accommodation in Malé, provide children with access to appropriate and good quality boarding schools and to safe and monitored family accommodation as well as build boarding school facilities outside Malé on other atolls;**

**(e) Seek technical assistance from ILO/IPEC.**

#### **Illicit use of narcotic drugs and psychotropic substances**

186. The Committee is seriously concerned at the rapidly growing drug addiction problem in the Maldives. It notes with concern the information that the average age of first use of drugs is 12 years but even younger children are known to have started using drugs and, in particular, that heroin is the drug of first use for many children. The Committee regrets the State party's approach to address the problem of child drug addiction by treating children as criminals and not as victims. It also regrets that the National Narcotics Control Bureau (NNCB) does not currently have a mandate to address the drug abuse issues specifically involving children below the age of 16 and that there is a lack of child specific recovery and reintegration services for children

using narcotic drugs and psychotropic substances. In addition, the high-risk sexual behaviour among children using narcotic drugs and gang violence related to narcotic drugs give cause to serious concern.

**187. In the light of article 33 of the Convention, the Committee recommends that the State party:**

**(a) Review and update national legislation on narcotic drugs and psychotropic substances in order to adopt a more child-sensitive and recovery-oriented approach to children misusing drugs;**

**(b) Take all appropriate measures, including administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and to prevent the use of children in the illicit trafficking of such substances;**

**(c) As a matter of urgency, introduce multidisciplinary reintegration and recovery programmes tailored for child victims of drug and substance abuse;**

**(d) Introduce child-specific prevention programmes which also include the family and the community at large to reinforce the information that is communicated to children;**

**(e) Adopt comprehensive strategies which are not limited to penal measures but also address the root causes of gang violence and crime related to drugs among adolescents, including policies for social inclusion of marginalized adolescents;**

**(f) Seek guidance and technical assistance, inter alia, from the United Nations Office on Drugs and Crime (UNODC), UNICEF and WHO.**

### **Sexual exploitation**

188. In the light of the fact that tourism is a major source of income in the Maldives, the Committee is concerned about the potential vulnerability of children to sexual exploitation, including child prostitution and child pornography, and the inadequate legal framework for the prevention and criminalization of sexual exploitation. For example, it notes with concern the vulnerability of children living alone or visiting Malé to different form of exploitation. The Committee also notes with concern inadequate reporting as well as selective reporting on sexual exploitation of children, particularly if expatriate workers have been involved. It notes that production, distribution and possession of pornography is generally prohibited but it regrets the absence of specific law provisions prohibiting child pornography.

189. The Committee notes with appreciation that the Family and Child Protection Unit (FCPU) of the Police deals with all cases relating to sexual exploitation of children but it notes with concern that the presence of FCPU is limited to Malé and that police officers at the Atoll Police Stations have limited resources and, in particular, insufficient training to identify and to respond to serious cases of sexual exploitation of children, child prostitution and child pornography.

190. **In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake a national study on sexual commercial exploitation of children with a view to designing and implementing appropriate policies and measures, including promoting the physical and psychological recovery and social reintegration of child victims of sexual exploitation, and to preventing and combating the sexual exploitation of children in a more targeted way avoiding the criminalization of child victims. In this regard, the Committee encourages the State party to take into account the Declaration and Agenda for Action and the Global Commitment adopted at the First (Stockholm 1996) and Second (Yokohama 2001) World Congresses against Commercial Sexual Exploitation of Children.**

191. **The Committee recommends that the State party pay particular attention to the existing risk factors, such as the increasing sex tourism in the region, and continue to collaborate with the Maldives Tourism Promotion Board (MTPB) and tourism service providers in this respect in order to better meet the Code of Conduct set up by the World Tourist Organization on the protection of children from sexual commercial exploitation in travel and tourism.**

192. **The Committee recommends that the State party strengthen its efforts to investigate cases of sexual exploitation by providing adequate resources and training to the police in all atolls. Finally, the Committee encourages the State party to consider adopting specific legislation on the obligations of internet service providers in relation to child pornography on the Internet.**

#### **Trafficking in children for exploitative purposes**

193. The Committee regrets the State party's persistent view that trafficking in children is not an issue in the Maldives and the lack of preventive measures, including legislative measures, in this regard.

194. **The Committee urges the State party to conduct research and provide comprehensive statistical data on the extent, nature and changing patterns of trafficking in children in the Maldives. It also recommends that the State party enact a comprehensive anti-trafficking law to criminalize all forms of trafficking as defined in the Protocol to Prevent, Suppress, and Punish Trafficking Persons.**

#### **Administration of juvenile justice**

195. The Committee notes that the State party is in the process of reforming the administration of juvenile justice, including the plans to draft a Juvenile Justice Act, and that the State party has introduced a "family conferencing" programme and established a Family and Child Protection Unit within the police department. The Committee also notes that the State party, with the support of UNICEF, has set up databases on the administration of juvenile justice in Addu, at the Juvenile Court and police offices and further categorized and disaggregated the data collected within these databases. It also takes note of the National Criminal Justice Action Plan 2004-2008.

196. Despite these positive steps taken, the Committee notes with concern that:

- (a) The administration of juvenile justice is still based on the principle of punishment and detention rather than on the restorative model providing measures for rehabilitation and reintegration of children in conflict with the law;
- (b) The minimum age of criminal responsibility, which is set at 10 years, is still too low;
- (c) Children from the age of 7 years can be held liable for haddu offences and consequently they can be exposed to a death penalty;
- (d) Corporal punishment is lawful as a sentence for crime and for disciplinary purposes;
- (e) Despite the introduction of a family conferencing programme, the lack of alternative measures and sentencing options to the deprivation of liberty;
- (f) A Juvenile Court only exists in Malé and that there is a lack of trained juvenile judges;
- (g) Existing juvenile justice regulations do not provide for hearing of the child during the criminal proceedings;
- (h) Regardless of the outcome of the family conferencing or the court decision, schools are forced to expel children in conflict with the law from school as they need to comply with regulations set by the Ministry of Education;
- (i) Children are detained in very poor conditions in Dhoonidhoo Detention Center.

**197. The Committee recommends that the State party continue and strengthen its efforts to ensure the full implementation of juvenile justice standards, in particular articles 37, 40 and 39 of the Convention and other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules), taking into account the Committee's newly adopted General Comment No. 10 on children's rights in juvenile justice (CRC/C/GC/10). It recommends that the State party:**

- (a) Expedite its efforts to draft and enact a Juvenile Justice Act and ensure that the provisions of this Act fully comply with the provisions and principles of the Convention as well as other international standards on the administration of juvenile justice, including the hearing of the child during criminal justice proceedings;**
- (b) Continue to develop and implement a comprehensive system of alternative measures such as community service orders, family conferencing and interventions of restorative justice in order to ensure that deprivation of liberty is used only as a measure of last resort;**
- (c) Raise the minimum age of criminal responsibility at least to the age of 12 years;**

- (d) Abolish the death penalty related to haddu offences perpetrated by persons under the age of 18 years;**
- (e) Abolish the use of corporal punishment as a sentence for crime and for disciplinary purposes;**
- (f) Establish specialized juvenile courts with adequately trained professionals, such as specialized judges, prosecutors and police officers, to the extent possible, and consider establishing mobile courts;**
- (g) Review the regulations set by the Ministry of Education in order to provide children in conflict with the law with access to education;**
- (h) Take effective measures to improve the condition of detention and prison facilities for children in conflict with the law and provide children with separate detention facilities from adults;**
- (i) Ensure independent monitoring of detention conditions and access to effective complaints, investigation and enforcement mechanisms;**
- (j) Seek technical assistance from the United Nations Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR and non-governmental organizations.**

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

198. The Committee reminds the State party that its initial report under the Optional Protocol on the sale of children, child prostitution and child pornography has been due since June 2004 and the initial report under the Optional Protocol on the involvement of children in armed conflict has been due since January 2007. The Committee underlines the importance of a regular and timely reporting practice and therefore encourages their speedy submission, if possible, at the same time, to facilitate the review process.

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

### **Follow-up**

199. 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 Cabinet of Ministers and the People's Council (Majlis), and to all atolls, when applicable, for appropriate consideration and further action.

### **Dissemination**

200. The Committee further recommends that the combined second and third periodic report and written replies submitted by the State party and related recommendations (concluding observations) that it adopted be made widely available in the languages of the country, including through the Internet (but not exclusively), 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.

## 11. Next report

201. **The Committee invites the State party to submit a consolidated fourth and fifth periodic report by 12 September 2011 (that is, 18 months before the due date of the fifth periodic report). This is an exceptional measure due to the large number of reports received by the Committee every year. This report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.**

202. **The Committee also invites the State party to submit its core document in accordance with the requirements regarding the common core document in the harmonized guidelines on reporting under international human treaties, approved by the Fifth Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3 and Corr.1).**

### Concluding observations: Uruguay

203. The Committee considered the second periodic report of **Uruguay** (CRC/C/URY/2) at its 1235th and 1236th meetings (see CRC/C/SR.1235 and CRC/C/SR.1236), held on 24 May 2007, and adopted at the 1255th meeting, held on 8 June 2007, the following concluding observations.

#### A. Introduction

204. The Committee regrets the late submission of the State party's second periodic report and that it did not follow the reporting guidelines, however it welcomes the detailed written replies to its list of issues (CRC/C/URY/Q/2/Add.1) and the frank and open dialogue with a high-level, cross-sectoral delegation which enabled the Committee to have a better understanding of the situation of children in the State party.

#### B. Follow-up measures undertaken and progress achieved by the State party

205. The Committee notes with appreciation the adoption of many legislative and programmatic measures taken with a view to implementing the Convention, including:

- (a) The adoption of the National Code on Childhood and Adolescence through act No. 17.823 in September 2004;
- (b) The adoption of the Sexual Exploitation act No. 17.815 of September 2004;
- (c) The adoption of the Refugee Law No. 18.976 in December 2006;
- (d) The establishment of the Consultative Honorary Council for Children and Adolescents in February 2007;
- (e) The programmes *Infamilia* and PANES (Programa de Atención a la Emergencia Social).



206. The Committee also wishes to welcome the ratification of or accession to:

(a) The Hague Convention on the Civil Aspects of International Child Abduction on 16 November 1999;

(b) The Convention on the Protection of the Rights of All Migrant Workers and Members of their Families on 15 February 2001;

(c) International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour on 8 March 2001;

(d) The Rome Statute of the International Criminal Court 1998 on 28 June 2002;

(e) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 3 July 2003;

(f) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 9 September 2003;

(g) The Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Intercountry Adoption on 1 April 2004;

(h) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime on 4 March 2005;

(i) The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment on 8 Dec. 2005.

### **C. Main subjects of concern and recommendations**

#### **1. General Measures of Implementation (arts. 4, 42 and 44 (para. 6) of the Convention)**

##### **Committee's previous recommendations**

**207. The Committee notes that several concerns and recommendations made upon the consideration of the State party's initial report (CRC/C/3/Add.37) have been addressed. However, it regrets that some of its concerns and recommendations have not been addressed or insufficiently attended to, including those related to legislation, coordination, independent monitoring, physical and sexual abuse of children within and outside the family, reproductive health, sexual exploitation and trafficking, and juvenile justice.**

208. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the initial report that have not yet been implemented or sufficiently implemented and to provide adequate follow-up to the recommendations contained in the present concluding observations on the second periodic

report. The Committee also recommends that the State party take into account the recommendations of the sub-regional workshop on the implementation of the concluding observations of the Committee on the Rights of the Child held in Buenos Aires from 28 to 30 November 2005.

### **Legislation and implementation**

209. The Committee welcomes the adoption of the Code on Childhood and Adolescence in 2004 and the fact that the new legal framework incorporates an integrated system of protection and the principles of the Convention on the Rights of the Child. However, the Committee notes that the practical application of the Code remains a significant challenge, that several legislative reform proposals are pending and that further efforts are required to harmonize different branches of legislation.

**210. The Committee urges the State party to ensure the effective implementation of the Code of Childhood and Adolescence through adequate institutional structures and the provision of adequate human and financial resources. The Committee recommends that pending legislative reform proposals be adopted as soon as possible, while ensuring harmonization of all legislation in accordance with the Convention and its two Protocols.**

**211. The Committee also recommends the State party to ensure, through adequate legal provisions and regulations, that all child victims and or witnesses of crimes e.g. child victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes are provided with the protection required by the Convention and to take fully into account the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).**

### **National plan of action**

212. The Committee notes the existence of sector specific plans, however regrets that the State party has not elaborated a comprehensive national plan of action to promote the implementation of children's rights.

**213. The Committee encourages the State party to elaborate and assign adequate budget allocations to a comprehensive national plan of action for children in consultation with civil society, non-governmental organizations (NGOs), children and all sectors involved in the promotion and protection of children's rights, while taking into account the principles and provisions of the Convention, its two Protocols and the Plan of Action "A World Fit for Children" adopted by the General Assembly special session in May 2002.**

### **Coordination**

214. The Committee recognizes the establishment in February 2007 of the Consultative Honorary Council, created pursuant to the Code on Childhood and Adolescence. The Committee is concerned that the Institute of the Child and Adolescent (INAU) does not receive adequate funding to effectively provide comprehensive services throughout the country and that coordination is lacking between INAU and the programme *Infamilia*.

215. **The Committee recommends that the State party ensure that the Consultative Honorary Council be assigned stable and adequate financial and human resources in order to fulfil its mandate of policy coordination for the promotion of the rights of children. Furthermore, the Committee also recommends that efforts be undertaken to decentralize INAU in order to provide services throughout the whole country and that it be assigned stable and adequate financial and human resources. Finally, the Committee recommends that measures are undertaken to ensure adequate coordination between policy entities and service providers.**

#### **Independent monitoring**

216. The Committee, while noting the draft law presented to Parliament in 2006, regrets the absence of an independent national human rights institution (NHRI) in order to provide an accessible complaint and monitoring mechanism for the implementation of children's rights.

217. **The Committee recommends that the State party establish an independent national human rights institution, in light of its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child and the Paris Principles (General Assembly resolution 48/134, Annex). This institution should have expertise in children's rights, extend its presence nationwide and be provided with well-trained staff capable of dealing with complaints in a child-sensitive manner and should ensure that all children have easy access to this independent complaints mechanism in case of violations of their rights.**

#### **Allocation of resources**

218. The Committee, while recognising the affirmative measures undertaken since 2005, remains concerned that allocations for social expenditure still do not sufficiently benefit children. In particular, the poor and vulnerable sections of society, such as children of female headed households and Afro-descendants, still do not receive enough allocations, despite new poverty reduction programmes. The Committee notes that the State party recognizes an over-representation of children among the population affected by poverty, as well as by extreme poverty, and the Committee regrets that social expenditure is primarily for protective measures, fails to disaggregate the proportion allocated for children and lacks a child rights-based perspective.

219. **The Committee strongly recommends that the State party, in accordance with article 4 of the Convention, further increase budget allocations for the implementation of the rights recognized in the Convention, ensure a more balanced distribution of resources throughout the country and prioritize and target budgetary allocations to alleviate disparities and ensure implementation of the economic, social and cultural rights of all children, in particular the most vulnerable. The Committee encourages the State party to introduce budget tracking from a child rights-based perspective with a view to monitoring budget allocations for children and to seek technical assistance for this purpose from the United Nations Children's Fund (UNICEF) and the Inter-American Children's Institute in this regard.**

### **Data collection**

220. The Committee, while welcoming increased efforts to systematize information on the situation of children, remains concerned over the lack of disaggregated data, in particular regarding vulnerable sections in society and disparities between urban and rural areas.

**221. The Committee recommends that the State party continue and strengthen its efforts to develop a comprehensive system of collection of data on the implementation of the Convention. The data should cover all children below the age of 18 years and be disaggregated by sex, region and those groups of children who are in need of special protection. The Committee encourages the State party to further its cooperation with UNICEF and the Inter-American Children's Institute in this regard.**

### **Training/dissemination of the Convention**

222. The Committee recognizes measures undertaken to disseminate information about the content of the Convention and the Code on Childhood and Adolescence to the general public and in particular to children themselves, however it notes that training is lacking for professionals working in areas related to child rights, in particular on the duties and responsibilities stemming from the Convention and the Code.

**223. The Committee recommends that the State party strengthen its efforts to disseminate the Convention throughout the country and to raise public awareness about its principles and provisions as well as about the Code on Childhood and Adolescence, in particular among children themselves and parents. Cooperation with civil society organizations, academic centres, media and NGOs should be developed for this purpose.**

**224. Furthermore, the Committee encourages the State party to strengthen its efforts to provide adequate and systematic training and/or sensitization on children's rights to professional groups working with and for children, in particular law enforcement officials, as well as parliamentarians, judges, lawyers, health personnel, teachers, school administrators and others as required. The Committee encourages the State party to seek technical assistance from UNICEF and the Inter-American Children's Institute for the training of professionals.**

### **Cooperation with civil society**

225. The Committee, while recognising the cooperation between State institutions and civil society in the provision of services in order to implement children's rights, regrets that the cooperation between State entities and civil society at the policy planning and evaluation stage is limited.

**226. The Committee recommends that the State party encourage the active and systematic involvement of civil society, including NGOs and associations of children in the promotion and implementation of children's rights, including, inter alia, their participation in the planning stage of policies and cooperation projects, as well as in the follow-up to the concluding observations of the Committee and the preparation of the next periodic report.**

## **2. Definition of the child (art. 1 of the Convention)**

227. The Committee regrets that the minimum age for marriage remains too low and discriminatory in its application, as the age of 14 years applies to boys, while it is only 12 for girls.

**228. The Committee recommends that the State party further review its legislation with a view to establishing the minimum age for marriage at 18 years of age, equally applicable to both boys and girls.**

## **3. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **Non-discrimination**

229. The Committee, while recognising anti-discrimination provisions in the Code on Childhood and Adolescence of 2004, remains concerned that children born out of wedlock continue to be stigmatized and discriminated against, as unmarried under age parents may not have custody over their children, and that these children are not assigned the names of their biological parents. Furthermore, the Committee is concerned that children are discriminated against because of their appearance (including their way of dressing) and that Afro-descendant children also suffer discrimination.

**230. The Committee recommends that the State party increase its efforts to monitor and ensure implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and adopt a proactive and comprehensive strategy to eliminate discrimination on gender, ethnic, appearance or any grounds and against all vulnerable groups throughout the country. Particular attention should be given to eliminating discrimination against Afro-descendants as well as children born out of wedlock, by taking measures to ensure that decisions on their custody takes into account their best interests and that they carry the names of their biological parents.**

**231. The Committee also requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to provide special protection to vulnerable groups and to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, also taking into account general comment No. 1 (2001) on the aims of education and general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child.**

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

232. The Committee welcomes the fact that the Code on Childhood and Adolescence of 2004 affirms the best interests of the child as a general principle yet remains concerned that institutional practices still do not comply with this principle.

233. **The Committee recommends that the State party fully incorporate the principle of the best interests of the child in all programmes, policies and judicial and administrative procedures, notably those that affect children in conflict with the law and children in institutions. The principle should also be taken into account in the implementation of the Code on Childhood and Adolescence of 2004, the evaluation of relevant programmes and the development of a future national plan of action.**

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

234. The Committee notes that the Code on Childhood and Adolescence of 2004 affirms the right of the child to be heard as a general principle. The Committee welcomes efforts to encourage child participation within the school environment. However, the Committee remains concerned that the State party fails to ensure this right at the community level and in judicial and civil proceedings.

235. **The Committee recommends that the State party further promote, facilitate and implement in practice, within the family, schools, at the community level, in institutions and in the media, as well as in judicial and administrative procedures, the right of the child to be heard, by respecting the views of children and their right to be heard in all matters affecting them, in accordance with article 12 of the Convention, while taking into account the recommendations adopted by the Committee after the day of general discussion on the right of the child to be heard in 2006. In particular, the Committee notes that the right to legal assistance should not deprive the child of his or her right to be heard. The Committee encourages the State party to seek further cooperation inter alia with NGOs and UNICEF in this regard.**

#### **4. Civil rights and freedoms (arts. 7, 8, 13-17 and 37 (a) of the Convention)**

##### **Torture and other cruel, inhuman or degrading treatment or punishment**

236. The Committee is concerned over the high number of children deprived of liberty and over reports indicating cases of torture and degrading treatment by law enforcement officials of children while held in detention.

237. **The Committee urges the State party to take effective measures, in accordance with article 37 of the Convention, to protect children from torture and other cruel, inhuman or degrading treatment. The Committee emphasizes the need to investigate and sanction all reported cases committed by law enforcement officials or any person acting in an official capacity. The Committee recommends that the State party ensure that all child victims of torture, cruel, inhuman or degrading treatment are provided with access to physical and psychological recovery support measures and social reintegration as well as compensation, giving due consideration to the obligations enshrined in articles 38 and 39 of the Convention.**

## **Corporal punishment**

238. The Committee, while recognising pending legislative amendments, regrets that article 16 of the Code on Childhood and Adolescence of 2004 allows for corporal punishment of children. The Committee is concerned over the lack of statistics on the number of reported cases and that corporal punishment continues to occur in the home, as well as schools and childcare institutions.

**239. The Committee recommends that the State party adopt pending legislation as soon as possible, explicitly prohibiting all forms of corporal punishment of children in all settings, including the home. The State party should also take all measures to ensure the enforcement of the law, conduct capacity building of professionals working with children, carry out awareness raising and public education campaigns against corporal punishment and promote non-violent, participatory methods of child-rearing and education, while taking due account of general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.**

### **5. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4), and 39 of the Convention)**

#### **Family support**

240. The Committee, while welcoming the initiatives taken to focus on the family as part of social policy, notes that family support measures still require strengthening, in particular in favour of female headed households, and that maternity leave periods are insufficient.

**241. The Committee recommends that the State party provide further measures and support to families (nuclear and extended and with special emphasis on female headed households) in order to prevent separation of children, e.g. in the form of extended maternity leave, counselling, and financial support, including at the local level, throughout the country.**

#### **Alternative care**

242. The Committee is concerned over the high rate of children in institutions and the insufficient provision of family type alternative care measures. The Committee is also concerned over this imbalance in alternative care and that deprivation of liberty is used as a protective measure and not as a last resort.

**243. The Committee recommends that the State party regulate the system for alternative care, seek to de-institutionalize children, continue to promote foster care as a form of alternative care and suggests that institutionalization be used only as a measure of last resort, taking into account the best interests of the child. Furthermore, the Committee recommends adequate resource allocation, functioning and monitoring of the care institutions, including those run by NGOs, and of foster care as well as a periodic review of placement in conformity with article 25 of the Convention and the recommendations made after the day of general discussion on children without parental care in 2005.**

## **Adoption**

244. The Committee welcomes the ratification of the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption on the 3 December 2003, however is concerned that national legislation regulating its implementation is not in place and that “simple adoption” continues to exist.

**245. The Committee recommends that the State party approve legislation discontinuing the practice of “simple adoption” and take all legislative and administrative measures to ensure that domestic and intercountry adoptions comply with article 21 of the Convention, article 3 of the Optional Protocol on the sale of children, child prostitution and child pornography and the provisions of the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.**

## **Violence, abuse, neglect and maltreatment**

246. The Committee, while welcoming measures undertaken to combat domestic violence, regrets the lack of updated information on prevention measures; statistics relating to reported cases of violence, especially sexual and intra-family; the limited number of investigations and sanctions in relation to such cases; and the lack of available physical and psychological recovery and social reintegration measures for victims.

**247. The Committee urges the State party to:**

**(a) Reinforce mechanisms for monitoring the number of cases and the extent of violence, sexual abuse, neglect, maltreatment or exploitation considered by article 19, including within the family, in schools and in institutional or other care;**

**(b) Ensure that professionals working with children (including teachers, social workers, medical professionals, members of the police and the judiciary) receive training on their obligation to report and take appropriate action in suspected cases of domestic violence affecting children;**

**(c) Strengthen support for victims of violence, abuse, neglect and maltreatment in order to ensure their access to adequate services for recovery, counselling and other forms of reintegration;**

**(d) Extend national coverage of a 24-hour three digit toll free child helpline service, in order to be able to reach out to children throughout the country.**

**248. With reference to the Secretary-General’s study on violence against children, the Committee recommends the State party to:**

**(a) Take all necessary measures for the implementation of the overarching and setting-specific recommendations contained in the report of the independent expert for the United Nations study on violence against children (A/61/299) while taking into account the outcome and recommendations of the regional consultation for Latin America held in Argentina between 30 May and 1 June 2005;**



**(b) Use these recommendations as a tool for action in partnership with civil society and in particular with the involvement of children, to ensure that every child is protected from all forms of physical, sexual and mental violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse;**

**(c) Seek technical assistance from UNICEF, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the World Health Organization (WHO) for the above mentioned purposes.**

#### **6. Basic health and welfare**

**(arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)**

##### **Children with disabilities**

249. The Committee regrets the lack of information in relation to the situation of children with disabilities and is concerned that the resources available for these children are inadequate, in particular in order to ensure their access to education.

**250. The Committee recommends that the State party, taking into account general comment No. 9 (2006) on the rights of children with disabilities (CRC/C/GC/9):**

**(a) Ensure implementation of the Standard Rules for Equalizing the Possibilities for Persons with Disabilities, adopted by the United Nations General Assembly on 20 December 1993;**

**(b) Sign and ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol;**

**(c) Pursue efforts to ensure that children with disabilities may exercise their right to education, health, recreation and cultural development to the maximum extent possible. Furthermore, measures should be taken to ensure practical access to buildings and installations;**

**(d) Undertake greater efforts to make available the necessary professional and financial resources, especially at the local level, and to promote and expand community-based prevention and rehabilitation programmes, including parent support groups;**

**(e) Ensure that policies and decisions related to children with disabilities include them in the preparatory process and facilitate their right to express their views.**

##### **Health and medical services**

251. The Committee welcomes the overall high rate of access to health care services as well as the low incidence of infant mortality and the high vaccination rates among children. The Committee however notes that further affirmative measures are required in order to ensure equal access to health services in practice among low-income and rural populations.

**252. The Committee recommends that the State party continue and provide further resources for the public health system and enhance the access to medical services in rural areas and among low-income families.**

### **Adolescent health**

253. The Committee, while recognising initiatives taken by the State party to improve adolescent health, remains concerned over the high rate of teenage pregnancies and the criminalization of the termination of pregnancies in relation to the negative impact illegal abortions have on the health of girls. Furthermore, the Committee regrets the lack of adequate and accessible sex education and reproductive health services for adolescents, the persistence of traditional attitudes and the negative impact early pregnancies have upon the right of the girl child to access education. Furthermore, the Committee is concerned over the rapidly rising rate of drug abuse among adolescents.

**254. The Committee recommends that the State party further promote and ensure access to reproductive health services for all adolescents, including sex and reproductive health education in schools as well as youth-sensitive and confidential counselling and health-care services, taking into due account the Committee's general comment No 4. (2003) on adolescent health and development in the context of the Convention on the Rights of the Child. The Committee urges the State party to raise further awareness among adolescents of the importance of preventing early pregnancies and review its criminalization of the termination of pregnancies. Furthermore, the Committee urges the State party to allocate additional resources for preventive and rehabilitation measures in order to combat the increase of drug abuse among adolescents.**

### **HIV/AIDS**

255. The Committee welcomes the provision of free anti-retroviral treatment, however notes that prevention and awareness measures provided are insufficient for adolescents.

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

**(a) Conduct awareness raising campaigns among adolescents, in particular among those belonging to vulnerable groups, such as children living or working in the street, about measures to protect themselves from contracting HIV/AIDS;**

**(b) Provide adequate financial and human resources for prevention measures and information campaigns to combat discrimination against infected children, while taking into account the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child and the Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37);**

**(c) Seek technical assistance from inter alia the United Nations Joint Programme on HIV/AIDS and UNICEF.**

## **Standard of living**

257. The Committee is concerned over disparities in the standard of living and the number of children living in poverty, or extreme poverty, as these conditions represent serious obstacles to their enjoyment of the rights of the Convention. The Committee notes that poverty levels are disproportionately high among female headed households. The Committee regrets the lack of information on the results of the current poverty reduction policy and in particular of the results of the programmes PANES and Infamilia.

**258. The Committee recommends that the State party prioritize and allocate more funds in order to reduce disparities among the various income groups giving priority to families with children and those headed by females. The Committee recommends that the State party design a poverty reduction strategy and provide it with adequate resources (e.g. through a revised taxation policy) for implementation with a rights based perspective. The Committee invites the State party to report on progress achieved in its next periodic report.**

## **7. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

259. The Committee welcomes the nearly universal enrolment rates in primary school and programmes such as *maestros comunitarios*, however it is concerned at the relatively high repetition and dropout rates, in particular among children living in poverty, boys and Afro-descendants. The Committee regrets that insufficient public expenditure for schooling during the reporting period has affected the quality of education negatively e.g. through increased pupil-teacher ratios and a lack of training opportunities for teachers.

**260. The Committee recommends that the State party**

**(a) Focus on an overall improvement in the quality of education, including by providing increased budget allocations for the educational sector;**

**(b) Strengthen measures to reduce repetition and dropout rates and evaluate the outcome of such measures;**

**(c) Undertake affirmative action to improve equal access to education, in particular for children belonging to vulnerable groups, including children living in poverty, boys, Afro-descendants and children in rural areas;**

**(d) Compile statistics disaggregated by urban/rural areas, ethnicity and sex in order to monitor repetition and dropout rates as well as the impact of the measures undertaken to combat these problems;**

**(e) Effectively monitor discrimination against female students who are expelled due to pregnancy and sanction those responsible within the educational system;**

**(f) Invest further resources in incorporating human rights education at all levels in the school curricula.**

**8. Special protection measures**  
**(arts. 22, 30, 38, 39, 40, 37 (b)-(d) and 32-36 of the Convention)**

**Refugee, asylum-seeking and migrant children**

261. The Committee welcomes the adoption of the national refugee law in December 2006, however it notes that in order to implement the new law in practice, adequate material and human resources are required. The Committee regrets the paucity of information on the situation of refugee, asylum-seeking and migrant children in the State party report and in the State party reply to the list of issues.

**262. The Committee recommends that the State party;**

**(a) Ensure prompt implementation of legislation in accordance with international obligations for refugee protection, including by allocating adequate material and human resources;**

**(b) Ensure that refugee, asylum-seeking and migrant children are guaranteed speedy processing of their registration and identity documents and that they be guaranteed access to health services and education while in the territory of the State party;**

**(c) Take all measures to guarantee protection of refugee children in line with international human rights and refugee law, while taking into account the Committee's general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin;**

**(d) Provide adequate information on the situation of refugee, asylum-seeking and migrant children in its next periodic report under the Convention;**

**(e) Seek the advisory services of the Office of the United Nations High Commissioner for Refugees.**

**Economic exploitation, including child labour**

263. The Committee, while welcoming the ratification of ILO Convention No. 182 on 8 March 2001 and the fact that the minimum age for admission to employment or work has been raised to 15 years, expresses concern over the number of children, especially those living in poverty, who are still victims of economic exploitation.

**264. The Committee recommends that the State party undertake further efforts, including an assessment of the scope, nature and root causes of economic exploitation and by ensuring provision of adequate budget allocations in order to prevent and combat economic exploitation, and also seek the advisory services of the ILO International Programme on the Elimination of Child Labour (ILO/IPEC) and UNICEF for this purpose.**

### **Children living or working on the street**

265. The Committee is very concerned over the high number of children living or working on the street, the lack of social services and reintegration measures available and the stigma they continue to suffer due to their social condition.

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

**(a) Carry out a comprehensive study to assess the scope, nature and root causes of the presence of children living or working on the street throughout the country, in order to develop a policy for prevention and assistance;**

**(b) Provide children living or working on the street with adequate nutrition, housing, necessary health-care and educational opportunities, as well as recovery and social reintegration services, while taking into account gender aspects and the views of the children in accordance with article 12;**

**(c) Develop a policy for family reunification where possible and when in the best interests of the child;**

**(d) Conduct public awareness campaigns to address the stigma attached to children living or working on the street;**

**(e) Collaborate with NGOs and seek technical assistance from, inter alia, UNICEF;**

**(f) Provide the Committee with further information on the situation of children living or working on the street in the next periodic State party report.**

### **Sexual exploitation and sale of children**

267. The Committee, while welcoming the adoption of the Sexual Exploitation Law No. 17.815 of September 2004 and the statement by the delegation referring to the existence of a National Plan of Action against Sexual Exploitation, is concerned that sexual exploitation and the sale of children are growing problems in Uruguay, especially in tourist areas and along the borders. The Committee regrets the paucity of information on the situation of children victims of sexual exploitation in the State party report and in the State party reply to the Committee's list of issues.

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

**(a) Bring legislation fully into compliance with its international obligations under the Convention and the Optional Protocol on the sale of children, child prostitution and child pornography;**

**(b) Ensure enforcement of the law to avoid impunity, by assigning further financial and human resources in order to carry out investigations;**

**(c) Train law enforcement officials, social workers and prosecutors on how to receive, monitor and investigate cases, in a child-sensitive manner that respects the privacy of the victim, as well as prosecute and punish those responsible;**

**(d) Implement the National Plan of Action against Sexual Exploitation of children, taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;**

**(e) Dedicate further resources to prevention and gender sensitive public awareness raising, in particular on the need to prevent child sex tourism and child pornography and on the importance of protecting the victims;**

**(f) Undertake further in-depth studies on the sexual exploitation of children and sexual tourism in order to assess its scope and root causes and enable effective monitoring and measures to prevent, combat and eliminate it;**

**(g) Continue to provide assistance and social reintegration programmes for sexually exploited and/or trafficked children;**

**(h) Seek further technical assistance, from among others, UNICEF and ILO/IPEC.**

### **Administration of juvenile justice**

269. The Committee is concerned over the conditions in places of detention, extended periods of pre-trial detention, the absence of a specialized juvenile justice system, the lack of specialized professionals and that the deprivation of liberty of juvenile offenders is resorted to for protection of the public and not as a measure of last resort. The Committee notes that there is a lack of alternative socio-educational measures and further regrets that not all children are provided with free legal assistance and that they are not given the opportunity to express their views in all proceedings affecting them. Furthermore, the Committee notes the lack of recovery and social reintegration programmes for children and that stereotypical and stigmatizing images of juvenile offenders are portrayed in the media.

**270. The Committee reiterates its previous recommendation that the State party bring the system of juvenile justice fully in line with the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules); the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines); the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules); the Vienna Guidelines for Action on Children in the Criminal Justice System; and the recommendations of the Committee's general comment No. 10 (2007) on children's rights in juvenile justice. In this regard, the Committee recommends that the State party in particular:**

**(a) Develop and implement a specialized system of juvenile justice with adequately trained professionals;**

**(b) Ensure that deprivation of liberty is used only as a measure of last resort and that the use of pre-trial detention is minimized. When used as a last resort, detention facilities should comply with the international standards;**

(c) Take all necessary measures to ensure that every person below 18 deprived of his/her liberty be separated from adults, in accordance with article 37 (c) of the Convention;

(d) Ensure that parents or close relatives are informed when the child is detained;

(e) Provide the child with free legal assistance;

(f) Establish an independent child-sensitive and accessible system for the reception and processing of complaints by children and investigate alleged violations committed by law enforcement personnel and prisons guards, and prosecute and punish those responsible;

(g) Ensure that children deprived of their liberty remain in contact with the wider community, in particular with their families, as well as friends and other persons or representatives of reputable outside organizations, and are given the opportunity to visit their home and family;

(h) Provide a package of effective alternative socio-educational measures and a policy to implement them;

(i) Provide training for penitentiary staff on children's rights and special needs;

(j) Request further technical assistance in the area of juvenile justice and police training from the UN Interagency Panel on Juvenile Justice.

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

271. The Committee reminds the State party that its initial reports under both the Optional Protocols to the Convention were due in 2005 and encourages their speedy submission, if possible at the same time, to facilitate the review process.

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

### **Follow-up**

272. 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 relevant Ministries, the Congress and to departmental governments, for appropriate consideration and further action.

### **Dissemination**

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

## **11. Next report**

**274. The Committee invites the State party to submit a consolidated 3rd, 4th and 5th report, by 19 June 2011 (that is 18 months before the due date of the 5th report). This report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.**

**275. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved by the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).**

### **Concluding observations: Sudan**

276. The Committee considered the initial report of Sudan (CRC/C/OPSC/SDN/1) at its 1237th meeting (see CRC/C/SR.1237), held on 25 May 2007, and adopted at its 1255th meeting, held on 8 June 2007, the following concluding observations.

#### **A. Introduction**

277. The Committee welcomes the submission of the State party's initial report under this Protocol as well as the replies to the list of issues submitted in a timely fashion (CRC/C/OPSC/SDN/Q/1/Add.1). The Committee also appreciates the constructive dialogue held with the delegation, which included representatives of the Government of Southern Sudan.

278. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations (CRC/C/15/Add.190) adopted on the State party's second periodic report.

#### **B. Positive aspects**

279. The Committee notes with appreciation:

(a) The programmes for the return and reintegration of children working as camel jockeys from the Gulf States (notably Qatar and UAE) implemented by the National Council for Child Welfare in collaboration with non-governmental organizations;

(b) The restructuring of the Committee for the Eradication of the Abduction of Women and Children (CEAWC) in 2002, including the provision of additional resources to enhance its effectiveness;

(c) The implementation of the programme formulated by the National Council for Child Welfare in the framework of the National Plan of Action to Combat Violence Against Women, in November 2006;

(d) The establishment of a child and women protection unit in the Khartoum State police service and the plan to extend this project to other parts of the country;

(e) The criminalization of slavery and forced labour in the State party's legislation.



280. The Committee welcomes that the State party has ratified the following treaties:

(a) The Optional Protocol on the involvement of children in armed conflict on 26 July 2005;

(b) ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999, on 7 March 2003;

(c) The Convention Against Transnational Organized Crime, 2000, on 10 December 2004.

### **C. Factors and difficulties affecting the implementation of the Optional Protocol**

281. The Committee notes that the ongoing conflicts and widespread violence in different regions of the country combined with adverse climatic conditions, seriously aggravate the situation of extreme poverty and famine which affect a large part of the population. The Committee recognizes that this situation poses significant difficulties and challenges for the adequate implementation of the Optional Protocol, in particular due to the high level of vulnerability of children to the offences prohibited thereto.

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

#### **1. Data**

282. The Committee, while welcoming that a children's information centre is being set up by the National Council for Child Welfare to include all indicators related to different aspects of childhood, regrets that the information on the extent and prevalence of sale, trafficking, child prostitution and child pornography is insufficient, and that there is no centralized system of data collection on child protection issues.

**283. The Committee recommends that the State party ensure that data, disaggregated, inter alia, by age, sex, ethnic or minority group, are systematically collected and analysed throughout the country as they provide essential tools for measuring policy implementation. Data should also include information on the number of prosecutions and convictions for such offences, disaggregated by the nature of the offence. The State party should seek the assistance of the United Nations agencies and programmes, including UNICEF, in this regard.**

#### **2. General measures of implementation**

##### **Legislation**

284. The Committee notes that a wide-ranging legal review was conducted in 2005 leading to the establishment of the National Reform Committee and that various efforts have been undertaken to bring all domestic legislation in line with the Convention and the Protocols throughout the country. However, the Committee remains concerned at the inadequate implementation of the existing legislation.

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

**(a) Continue to take measures to adopt or strengthen, implement and disseminate legislation in conformity with the obligations undertaken by becoming a party to the Convention and the Optional Protocol;**

**(b) Ensure that all legal and administrative measures are taken to fully implement existing legislation in the area covered by the Optional Protocol;**

**(c) Ratify the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Rome Statute of the International Criminal Court.**

#### **Coordination and evaluation of the implementation of the Protocol**

286. The Committee notes that the National Council for Child Welfare is the body responsible for the implementation of the Optional Protocol and welcomes the information that this body is very active in all issues related to child protection and has taken an effective leadership role in coordinating various activities.

**287. The Committee recommends that the State party continue to strengthen and adequately empower the National Council for Child Welfare, including by providing it with the necessary authority as well as with human and financial resources. The Committee further recommends that the National Council for Child Welfare intensify its collaboration with NGOs and other civil society organizations in activities related to the implementation of the Optional Protocol.**

#### **Dissemination and training**

288. The Committee, while welcoming the programmes developed for the dissemination and training on the Protocol by the National Council for Child Welfare, notes that the level of awareness of the Optional Protocol and its provisions is still low.

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

**(a) Make the provisions of the Optional Protocol widely known, particularly to children and their families, as well as communities, women's groups and religious leaders through, inter alia, school curricula and long-term awareness-raising campaigns;**

**(b) Strengthen systematic education and training on the provisions of the Optional Protocol for all relevant professional groups working with and for children, including prosecutors, judges, lawyers, law enforcement officials and social workers;**

**(c) Promote, in light of article 9(2) of the Protocol, awareness among the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and the harmful effects of the offences referred to in the Protocol, including by encouraging the participation of the community and, in particular, children and child victims, in such information and education and training programmes;**

**(d) Continue to seek the assistance of the United Nations agencies and programmes, including UNICEF and ILO/IPEC.**

### **Resource allocations**

290. The Committee is concerned that the implementation of the Protocol is seriously hampered by the lack of adequate resources available for programmes and projects in the areas covered by the Optional Protocol.

**291. The Committee recommends that the State party intensify its efforts to provide adequate resources, including budget allocations, for all the activities aimed at implementing the Optional Protocol. To this end, the Committee recommends that in the development and implementation of poverty reduction strategies and policies which may affect the well-being of children, adequate attention is paid to human rights, and notably child's rights, and to specific measures aimed at their implementation.**

### **3. Prevention of the sale of children, child prostitution and child pornography**

292. The Committee notes that the conflict situation combined with extreme poverty, drought and famine has contributed to the significant number of street children and internally displaced children who are particularly vulnerable to all forms of exploitation, including acts covered by the Optional Protocol. In this regard, the Committee is concerned at the information that children may resort to prostitution and/or are forced into early marriages as a means for survival in exchange of food, money or basic goods.

**293. The Committee recommends that the State party adopt or strengthen, implement and disseminate laws, administrative measures, social policies and programmes to prevent the offences referred to in the present Protocol. Particular attention should be given to protect children who are especially vulnerable to such practices, including displaced children, children living in poverty and street children. The Committee also recommends that the State party intensify its efforts to protect children from early and forced marriages, which often may also have the elements of some of the practices prohibited under the Protocol, i.e. sale of children and/or child prostitution.**

294. While welcoming the setting up of a civil registration system with the Civil Registration Act of 2001, the Committee reiterates its concern, expressed upon consideration of the State party's second periodic report under the Convention, regarding the high number of children who are still not registered.

**295. The Committee recommends that the State party intensify its efforts in order to improve its system of birth registration, especially in more remote areas.**

296. The Committee notes the establishment of the family protection department within the Ministry of the Interior, which, inter alia, receives complaints about abuse, including sexual abuse and provides physical and psychological recovery to victims. However, the Committee is concerned that the competence of this department is limited to abuses occurring within the family environment.

**297. The Committee recommends that the State party, as an important preventive and protection measure against sale of children, child prostitution and child pornography, establish an effective, accessible and child-friendly complaint mechanism for children. It further recommends that such a mechanism be mandated to consider complaints regarding all forms of abuse of children, including those covered by the Protocol.**

#### **4. Prohibition and related matters**

##### **Prohibition of the sale of children, child pornography and child prostitution**

298. The Committee is concerned that the offences contained in article 3 of the Optional Protocol are not all adequately covered under the State party's legislation. In particular, it is concerned that:

(a) In the Criminal Code, sale of children is only considered as an offence complementary to other offences, though a provision prohibiting sale or exchange of children is contained in the Children's Act elaborated by the Government of Southern Sudan;

(b) While the use of children in pornography is generally prohibited by the Children's Act of 2004 (article 32), there do not seem to exist provisions criminalizing the production, distribution, dissemination, importation, exportation, offer, sale or possession of child pornography as defined in article 2 of the Protocol;

(c) Despite provisions covering abduction, luring and forced labour, the State party's Criminal Code does not contain a specific provision outlawing trafficking in persons;

(d) There is no provision criminalizing transfer of organs of the child for profit.

**299. The Committee recommends that the State Party amend its legislation in order to:**

**(a) Adequately define sale of children in accordance with article 2 of the Protocol and ensure that all the acts listed under article 3 (1)(a) of the Optional Protocol, including transfer of organs of the child for profit, are covered under its legislation;**

**(b) Include a provision in the Criminal Code defining and criminalizing child pornography in accordance with article 2 (c) and 3 (1)(c) of the Optional Protocol;**

**(c) Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the 2000 United Nations Convention against Transnational Organized Crime, and criminalize trafficking in persons accordingly;**

**(d) Ratify the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.**

## **Jurisdiction**

300. The Committee is concerned that the State party applies its jurisdiction to crimes committed by Sudanese abroad with the condition that the act constitutes a crime under both the State party's criminal law and under the law of the State in which it was committed.

**301. The Committee recommends that the State party amend its legislation by abolishing the principle of double criminality in order to allow in any case the prosecution of its nationals who have committed abroad an offence covered under the Optional Protocol.**

## **Extradition**

302. The Committee notes that the State party has some bilateral agreements on extradition and that it is a signatory to the Riyadh Convention on Judicial Cooperation.

**303. In light of article 5 of the Optional Protocol, the Committee recommends that the State party:**

**(a) Include the offences referred to in article 3, paragraph 1, of the Protocol as extraditable offences in any existing extradition treaty which it entered as well as in every extradition treaty which it will subsequently conclude;**

**(b) Consider the Optional Protocol as a legal basis for extradition in respect of the offences covered by it, in case a request for extradition is received from another State Party with which it has no extradition treaty.**

## **5. Protection of the rights of child victims**

### **Measures adopted to protect the rights and interests of child victims of offences prohibited under the Protocol**

304. The Committee notes that there are various articles in the 2004 Children's Act dealing with the protection of the rights of child victims as well as the establishment of Child Protection Working Groups both in North and Southern Sudan. However, the Committee is concerned that children victims of the offences under the Optional Protocol may not always be considered and treated as victims as provided for in article 8 of the Protocol.

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

**(a) Ensure that child victims of any of the offences under the Optional Protocol are as such neither criminalized nor penalized, and that all possible measures be taken to avoid their stigmatization and social marginalization;**

**(b) Take all necessary measure to ensure that, in the treatment by the criminal justice system of children who are victims of the offences described in the Protocol, the best interest of the child shall be a primary consideration;**

**(c) In light of article 8 (1) of the Protocol, protect child victims and witnesses at all stages of the criminal justice process and be also guided in this respect by the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (ECOSOC Resolution No. 2005/20).**

306. The Committee notes with appreciation that a Child Protection Unit offering assistance and rehabilitation has started its activities in January 2007, as well as the information that a committee has been recently set up to establish a mechanism of financial compensation for damages to be granted to children who have been used as camel jockeys. However, the Committee is concerned that services for the social reintegration and the full physical and psychological recovery of the victims of the offences covered by the Protocol are still limited, also due to the lack of resources and a sufficient number of adequately trained staff.

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

**(a) Give priority to allocating budgetary resources so that adequate services are available for child victims of the offences covered by the Protocol, including physical and psychological recovery and social reintegration, in accordance with article 9 (3) of the Protocol;**

**(b) Provide appropriate training and capacity building for all those professionals, including social workers, working with child victims of the abuses covered by the Protocol at the national, regional and local levels, in accordance with article 8 (4) of the Protocol;**

**(c) Ensure that all child victims of the offences described in the Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible, in accordance with article 9(4) of the Protocol.**

### **Camel racing**

308. The Committee welcomes the creation of a special Committee to combat the exploitation of children in camel racing, as well as the adoption of various legislative measures aimed at combating this phenomenon. It also notes various programmes as well as bilateral agreements aimed at protecting children used in camel racing abroad and ensure their physical and psychological recovery and social reintegration. However, the Committee is concerned that there continue to be cases where children, especially children belonging to particular tribes, are trafficked to the Middle East to be used as camel jockeys.

**309. The Committee recommends that the State party continue to combat the use of children in camel racing, including by taking preventive measures and adequately implementing the various programmes and bilateral agreements developed in this respect. It also recommends that the State party continue ensuring physical and psychological recovery and social reintegration to children returning home who have been involved in this activity.**

### **Children recruited in armed conflict**

310. The Committee notes with appreciation that the State party has ratified in 2005 the Optional Protocol on the Involvement of Children in Armed Conflict and that both the Government of National Unity and the Government of Southern Sudan have expressed their commitment to ensure that no children are recruited within their armed forces. However, the Committee is concerned at the information that recruitment of children continues to occur in the State party's territory, including with the promise or in exchange of money, goods or services.

**311. The Committee recommends that the State party take all necessary measures to prevent, prohibit and punish any act or transaction, which include the offering, delivering or accepting a child, whereby a child is transferred by any person or group of persons to another for the purpose of recruitment in armed conflict.**

### **Abduction of children**

312. The Committee welcomes the work of the Committee for the Eradication of the Abduction of Women and Children (CEAWC) in the identification retrieval, return and reunification of abducted women and children from the north to their communities in the South of Sudan. The Committee is concerned that, while the highest number of abductions took place during the conflict between 1983 and 2002, children continue to be abducted for purposes of forced recruitment, forced labour and, in some instances, sexual exploitation, especially in Darfur and South Sudan.

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

**(a) Intensify its efforts to prevent the abduction of children for any purpose or in any form;**

**(b) Provide adequate resources to CEAWC to continue its activities for the reunification of identified abductees with their families, when in their best interests;**

**(c) Enter into bilateral and multi-lateral agreements providing for prevention, reunification and rehabilitation of abducted children.**

## **6. International assistance and cooperation**

**314. The Committee believes that the elimination of the sale of children, child prostitution and child pornography will be facilitated by adopting a holistic approach, addressing the contributing factors, including, inter alia, underdevelopment, poverty, economic disparities, harmful traditional practices, armed conflicts and trafficking in children. In this respect, the Committee encourages the State party to continue and strengthen international cooperation in order to address the root causes contributing to the vulnerability of children to the sale of children, child prostitution, child pornography and child sex tourism.**

## **Law enforcement**

315. **The Committee encourages the State party to continue its efforts to strengthen its international judicial and police cooperation activities for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism.**

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

### **Follow-up**

316. **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 relevant Government' Ministries of the Government of National Unity as well as to the Government of Southern Sudan, the National Assembly and to local authorities, for appropriate consideration and further action.**

### **Dissemination**

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

## **8. Next report**

318. **In accordance with article 12, paragraph 2 of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its next periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.**

## **Concluding observations: Monaco**

319. The Committee, at its 1238th meeting, held on 25 May 2007, considered the initial report of Monaco (CRC/C/OPAC/MCO/1) without the presence of a delegation of the State party, which, in accordance with the Committee's decision number 8 adopted during the 39th session, opted for a technical review of the report. At its 1255th meeting, held on 8 June 2007, the Committee adopted the following concluding observations.

### **A. Introduction**

320. The Committee welcomes the submission of the State party's initial report under the Optional Protocol, which gives substantive information on the legislative, administrative, judicial and other measures applicable in Monaco in respect of the rights guaranteed by the Protocol.



321. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on 8 June 2001 in respect of the State Party's initial report under the Convention on the Rights of the Child (CRC/C/15/Add.158).

## **B. Positive aspects**

322. The Committee notes with appreciation that members of the Prince's Guard and the Fire Brigade, which are the only bodies having military status in the principality, must be at least 21 years of age.

323. Furthermore, the Committee notes with appreciation the State Party's activities in the area of international cooperation, including the provision of financial support for action to protect the rights of children in armed conflict.

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

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

#### **Dissemination**

324. The Committee notes the steps taken by the State Party to disseminate information on relevant human rights instruments and its efforts undertaken to raise public awareness of issues related to the respect for and promotion of human rights.

**325. The Committee recommends, however, that the State Party also disseminate specific information on the provisions of the Optional Protocol on the involvement of children in armed conflict.**

#### **Legislation and jurisdiction**

326. The Committee notes that, since the State party does not maintain an army, no legislative amendments have been made or are intended to be made in order to implement the Protocol.

**327. However, in order to strengthen international measures for the prevention of the recruitment of children and their use in hostilities, the Committee recommends that the State Party:**

**(a) In line with the minimum standards prescribed by the Convention on the Rights of the Child (article 38), and relevant instruments of international humanitarian law, consider establishing extra-territorial jurisdiction over war crimes which involve conscripting or enlisting children under the age of fifteen into the armed forces, or using them to participate actively in hostilities, if such crimes are committed by or against a Monegasque national or a person who otherwise has a close link with the State Party;**

**(b) Furthermore, noting that the State Party signed the Statute of the International Criminal Court on 18 July 1998, the Committee recommends that the State Party proceed to ratify the Statute. Given the potential connection between the sale of children and their**

**recruitment into armed groups, the Committee also recommends that the State Party proceed to ratify the Optional Protocol on the Sale of Children, which it signed on 26 June 2000. In addition, the Committee recommends that the State Party consider becoming a party to ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which, in article 3, urges the adoption of measures for the prohibition and elimination of forced or compulsory recruitment of children for use in armed conflict as one of the worst forms of child labour.**

## **2. International assistance and cooperation**

**328. The Committee encourages the State party to continue its activities in the area of international cooperation, including the provision of financial support for action to protect children in armed conflict.**

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

**329. 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 National Council and the Council of State for appropriate consideration and further action.**

**330. In the light of article 6, paragraph 2, of the Optional Protocol, the Committee recommends that the initial report submitted by the State Party and the concluding observations adopted by the Committee be made widely available to the public at large in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.**

## **D. Next report**

**331. In accordance with article 8, paragraph 2 of the Optional protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its next periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.**

## **Concluding observations: Norway**

332. The Committee considered the initial report of Norway (CRC/C/OPAC/NOR/1) at its 1238th meeting, held on 25 May 2007, without the presence of a delegation of the State party, which, in accordance with the Committee's decision number 8 adopted during the thirty-ninth session, opted for a technical review of the report. The Committee adopted at its 1255th meeting, held on 8 June 2007, the following concluding observations.

### **A. Introduction**

333. The Committee welcomes the submission of the State party's initial report, as well as the submission of the written replies to its list of issues (CRC/C/OPAC/NOR/Q/1/Add.1), which provide additional information on the legislative, administrative, judicial and other measures applicable in Norway in respect of the rights guaranteed by the Optional Protocol.

334. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted in the State party's third periodic report on 3 June 2005 (CRC/C/15/Add.263).

## **B. Positive aspects**

335. The Committee welcomes the State party's declaration made upon the ratification of the Optional Protocol that the minimum age for voluntary recruitment into the Norwegian armed forces is 18 years. It also welcomes the amendments made to the Home Guard Act and the Compulsory Military Service Act (act of 19 January 2001 No. 3) and to the Penal Code Act (act of 18 June 2002 No. 54) to ensure that the State party meets the minimum age requirements that apply for taking direct part in hostilities, compulsory recruitment to the armed forces, and recruitment and use of soldiers in armed groups that are distinct from the armed forces of the State.

336. The Committee commends the State party for its active role as facilitator in a number of peace and reconciliation processes around the world and its efforts to strengthen the realization of human rights in conflict and post-conflict situations and in peace processes. In this context the Committee welcomes the Norwegian Government's Action Plan of 8 March 2006 for the implementation of Security Council Resolution 1325 (2000) on women and peace and security.

337. The Committee welcomes the State party's strategy for children and young people in the south entitled "Three Billion Reasons" which reinforces Norway's extensive economic, political and diplomatic efforts in Africa, Asia and Latin America to prevent armed conflict, promote peaceful solutions to conflicts and build lasting and stable peace. It also welcomes the State party's commitment to preventing the recruitment of children into armed forces and to promoting the disarmament, demobilization and reintegration of child soldiers into their local communities, as well as their protection and rehabilitation.

338. The Committee notes with appreciation the State party's efforts to keep and strengthen the issue of children in armed conflict on the agenda of the United Nations Security Council.

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

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

#### **Legislation**

339. The Committee notes that the State party is in the process of reforming its Penal Code in order to introduce as separate criminal offences those crimes which are listed in articles 6, 7 and 8 of the Rome Statute of the International Criminal Court, in particular in article 8, paragraph 2(b)(xxvi), which criminalizes conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities as a war crime. In particular, the Committee welcomes the proposed section 103, first paragraph (e) of the draft Penal Code which would criminalize conscripting or enlisting children under the age of eighteen years into the armed forces or using them to participate actively in hostilities as a war crime and thus introduce a higher standard than in the Rome Statute of the International Criminal Court.

**340. The Committee recommends that the State party expedite its efforts to reform the Penal Code in order to strengthen the national and international measures for the prevention of the recruitment of children for armed forces or armed groups and their use in hostilities.**

341. The Committee takes note of the State party's assurance that volunteers under the age of 18 in the Home Guard Youth cannot be considered as recruited into the Norwegian armed forces. It notes that volunteers under the age of 18 shall not be subject to mobilization or enrolled as members of the armed forces, they do not take part in any practical training or in any other way in war-related activities. Despite the aforementioned safeguards of the Home Guard Act, the Committee is of the view that these kinds of activities with "a military element" for children are not in full conformity with the spirit of the Optional Protocol which emphasizes that conditions of peace and security are indispensable for the full protection of children. While noting that the volunteers of the Home Guard Youth are not subject to military discipline, the Committee, nevertheless, is concerned that this exemption from military disciplinary authority is based on practice and an interpretation of the Military Disciplinary Authority Act of 1988, but not clearly prohibited by law.

**342. The Committee encourages the State party to raise the minimum age of volunteers joining the Home Guard from 16 years to 18 years in order to fully respect the spirit of the Optional Protocol and to provide full protection for children in all circumstances. The Committee also recommends that the State party order by law that volunteers under the age of 18 in the Home Guard Youth are not subject to any kind of military discipline.**

#### **Dissemination and training**

343. The Committee is encouraged by the State party's efforts to raise awareness of the issue of child soldiers. For example, it notes with appreciation a national conference on child soldiers, including the scope of application of the Optional Protocol, hosted by the Minister of Defence on 26 March 2007 which brought together representatives of the State administration, the Armed Forces, non-governmental organizations (NGOs) and the media. It also notes with appreciation that the State party's armed forces provide training on the Optional Protocol and related issues in collaboration with Save the Children Norway. The Committee is, nevertheless, concerned that the State party's dissemination and training activities regarding the Optional Protocol at the national level are generally limited to the armed forces and military training.

**344. The Committee recommends that the State party continue providing its armed forces, as well as personnel to be deployed on international operations, with training on the provisions of the Optional Protocol and that it continue cooperating with civil society organizations in this respect. It also recommends that the State party develop systematic awareness raising, education and training programmes on the provisions of the Optional Protocol for all relevant professional groups working with and for children, such as health personnel, social workers, teachers, authorities working for and with asylum-seeking and migrant children coming from countries affected by armed conflict, lawyers and judges.**

## 2. International assistance and cooperation

### Protection of victims

345. The Committee commends the State party for including in the National Plan of Action for Children (Main Goal No. 9) the protection, rehabilitation and integration of children who have experienced war and conflict, as well as refugee children who come to Norway as unaccompanied minors. It notes that the majority of unaccompanied asylum-seeking children come to Norway from conflict areas and that, for example in 2004, 60 per cent of the applications examined were rejected. The Committee notes with concern that the State party does not provide an adequate follow-up strategy to asylum-seeking and refugee children, including children who have been recruited or used in hostilities, who are returned to their home countries from Norway.

346. **The Committee recommends that the State party continue to take concrete action to implement, in consultation and cooperation with relevant partners, including civil society, the National Plan of Action for Children, and that it provide adequate budget allocations and follow-up mechanisms for the its full implementation. With regard to asylum-seeking and refugee children who have been recruited or used in hostilities and returned from Norway to their home countries, the Committee recommends that the State party take measures, including appropriate bilateral measures, to follow up these cases. The Committee encourages the State party to provide these children with a personal follow-up strategy, when feasible. In this regard the Committee recommends that the State party take note of the Committee's general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin.**

### Financial and other assistance

347. The Committee commends the State party for its remarkable financial support to numerous United Nations agencies and to bodies which have programmes for children affected by war, in particular to UNICEF. It also welcomes the State party's support for the Special Representative of the Secretary-General for children and armed conflict and to various national and international non-governmental organizations, such as Save the Children, Norwegian Refugee Council and the NGO Coalition to Stop the Use of Child Soldiers. The Committee is also encouraged by the State party's bilateral activities in this field.

348. **The Committee recommends that the State party continue providing financial support as well as other assistance to a full implementation of the Optional Protocol, including its multi- and bilateral activities to address the rights of children involved in armed conflict, with a particular focus on preventive work as well as on the physical and psychological recovery and social reintegration of children who are victims of acts contrary to the Optional Protocol.**

### **3. Measures adopted with regard to disarmament, demobilization and social reintegration**

#### **Measures of social reintegration**

349. With regard to the physical and psychological recovery and social reintegration of children who are victims of acts contrary to the Optional Protocol, the Committee notes with appreciation that the State party provides asylum-seeking parents with guidance in some of the reception centres and that an instrument for the screening of traumas and post-stress syndromes among refugee children developed by the Centre for Crisis Psychology has entered the phase of clinical testing. Nevertheless, the Committee reiterates its concern about the insufficient supervision of and care provided to unaccompanied asylum-seeking children, including children who have been recruited or used in hostilities, as well as the insufficient psychological and psychiatric services provided to children living in reception centres (see the Committee's concluding observations on the State party's third periodic report adopted on 3 June 2005, CRC/C/15/Add.263, paras. 41-42). It notes with particular concern that, in some cases, children in need of health care but residing in the State party without a residence permit may have been denied access to health services because they have not been properly registered, and that among them there may have been children recruited or used in hostilities abroad. The Committee regrets that:

(a) There is no national guardian system for unaccompanied asylum-seeking and refugee children. Under the current guardian system, the quality of the recruitment and training of guardians may not be adequate in all municipalities;

(b) The responsibility for unaccompanied asylum-seeking children, including children who have been recruited or used in hostilities, will be divided between two authorities, the Norwegian Directorate of Immigration (unaccompanied asylum-seeking children from the age of 15 to 17 years) and the Child Welfare Services (unaccompanied asylum-seeking children under the age of 15 years) at the beginning of October 2007. The Committee is of the view that all unaccompanied asylum-seeking children, including children who are victims of acts contrary to the Optional Protocol, should be provided with appropriate protection and services, preferably under the same service authority.

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

**(a) Take measures to ensure that children who have been recruited or used in hostilities and living in reception centres are provided with adequate support and supervision as well as adequate psychological and psychiatric care;**

**(b) Take measures to expand the provision of parental guidance programmes in reception centres and expedite its effort to implement an instrument developed by the Centre for Crisis Psychology for the screening of traumas and post-stress syndromes among refugee children, including children who have been recruited or used in hostilities;**

**(c) Consider establishing a unified national guardian system for unaccompanied asylum-seeking and refugee children, including children who have been recruited or used in hostilities;**

(d) Consider centralizing the responsibility for all unaccompanied asylum-seeking children under one child-rights oriented authority, such as the Child Welfare Services, in order to secure an equal provision of services to all such children.

351. The Committee also recommends that the State party systematically collect data on refugee, asylum-seeking and migrant children within its jurisdiction who may have been recruited or used in hostilities in their home country.

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

##### **Follow-up**

352. 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 State Council, the Parliament (Storting) and to the counties and municipalities as well as to the Children's Ombudsman, the Norwegian armed forces and the Home Guard, when applicable, for appropriate consideration and further action.

##### **Dissemination**

353. The Committee recommends that the initial report submitted by the State Party and these concluding observations adopted by the Committee are made widely available to children and their parents through, inter alia, school curricula and human rights education. It also recommends that the State party make the Optional Protocol widely known to the public at large in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

#### **5. Next report**

354. In accordance with article 8, paragraph 2, of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its fourth periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.

#### **Concluding observations: Sweden**

355. The Committee considered the initial report of Sweden (CRC/C/OPAC/SWE/1) at its 1238th meeting, held on 25 May 2007, without the presence of a delegation of the State party, which, in accordance with the Committee's decision number 8 adopted during the thirty-ninth session, opted for a technical review of the report. The Committee adopted at its 1255th meeting, held on 8 June 2007, the following concluding observations.

##### **A. Introduction**

356. The Committee welcomes the submission of the State party's initial report, as well as the submission of the written replies to its list of issues (CRC/C/OPAC/SWE/Q/1/Add.1), which provide additional information on the legislative, administrative, judicial and other measures applicable in Sweden in respect of the rights guaranteed by the Optional Protocol.

357. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted in the State party's third periodic report on 28 January 2005 (CRC/C/15/Add.248).

## **B. Positive aspects**

358. The Committee welcomes the State party's declaration made upon the ratification of the Optional Protocol that the minimum age for voluntary recruitment into the Swedish National Armed Forces is 18 years.

359. The Committee commends the State party for contributing to projects for the rehabilitation and reintegration of child soldiers in many countries experiencing conflict or in post-conflict situations.

360. The Committee notes with appreciation the amended provision of the Penal Code, which entered into force on 1 July 2004, on the trafficking in human beings which extends the criminalization of all forms of trafficking in persons, including trafficking within national borders, to other forms of exploitation, such as war service and forced labour.

361. The Committee welcomes the State party's National Action Plan for Human Rights 2006-2009 (Government Communication 2005/06:95) which aims at promoting the rights of the child and the establishment of the Delegation on Human Rights to support the long-term task of securing full respect for human rights in Sweden based on the action plan (ToR 2006:27).

362. The Committee notes with appreciation the State party's active role in advocating a straight-18 ban on the use of children as soldiers in the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and subsequently promoting the universal ratification of the Optional Protocol.

363. The Committee also notes with appreciation that the State party contributes to the implementation of the guidelines on children and armed conflict adopted by the General Affairs and External Relations Council of the European Union in December 2003.

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

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

#### **Legislation**

364. The Committee notes that the State party is in the process of reforming its Penal Code and the provisions on so-called international crimes in order to introduce as separate criminal offences those crimes which are listed in articles 6, 7 and 8 of the Rome Statute of the International Criminal Court, in particular in article 8, paragraph 2(b)(xxvi), which designates conscripting or enlisting children under the age of fifteen years into the national armed forces, or using them to participate actively in hostilities, as a war crime.

**365. The Committee recommends that the State party expedite its efforts to reform the Penal Code in order to strengthen national and international measures for the prevention of the recruitment of children for armed forces or armed groups and their use in hostilities.**



## **Dissemination and training**

366. The Committee notes with appreciation that the State party's National Action Plan for Human Rights 2006-2009 aims at increasing knowledge and information on human rights, both within the educational system and among the public at large. It also notes with appreciation that the State party's armed forces provide training on the Optional Protocol and related issues in collaboration with Save the Children Sweden. The Committee is, nevertheless, concerned that the State party's dissemination and training activities regarding the Optional Protocol at the national level are generally limited to the armed forces and military training.

**367. The Committee recommends that the State party continue to provide its Armed Forces as well as personnel to be deployed to international operations with training activities on the Optional Protocol. It also recommends that the State party develop systematic awareness-raising, education and training programmes on the provisions of the Optional Protocol for all relevant professional groups working with and for children, such as teachers, authorities working for and with asylum-seeking and migrant children coming from countries affected by armed conflict, lawyers and judges.**

## **2. Recruitment of children**

### **Voluntary military youth activities**

368. The Committee takes note of the State party's assurance that volunteers under the age of 18 taking part in the Total Defence-oriented youth activities of the voluntary defence organizations cannot be considered as recruited into the Swedish armed forces. It also notes that volunteers under the age of 18 enrolling on these courses need the consent of their parents or other custodians. However, the Committee notes that volunteers under the age of 18 taking part in these youth activities undertake firearms training. The Committee is of the view that these kinds of activities with "a military element" for children are not in full conformity with the spirit of the Optional Protocol which emphasizes that conditions of peace and security are indispensable for the full protection of children.

**369. The Committee encourages the State party to raise the minimum age of volunteers participating in firearms training provided by voluntary defence organizations from 16 to 18 years in order to fully respect the spirit of the Optional Protocol and to provide full protection for children in all circumstances. It recommends that the State party provide all voluntary defence organizations providing firearms and military-type training to persons under the age of 18 with adequate information and training on the provisions of the Optional Protocol as well as other relevant international standards.**

## **3. International assistance and cooperation**

### **Protection of victims**

370. The Committee notes that the State party, which is one of the major European arms exporting countries, has actively participated in international and regional cooperation related to arms export control, including setting standards and principles to promote their responsible transfer, and has consistently promoted the importance of transparency with regard to military

expenditure and international export control commitments on arms production. The Committee also notes that the State party implements developed arms export control at the national level. Taking into account the State party's expanding arms export, the Committee regrets that Swedish laws and guidelines do not explicitly refer to the involvement of children in armed conflict, with a view to abolishing trade in war materiel with countries where persons who have not attained the age of 18 take a direct part in hostilities as members of their armed forces, or armed groups that are distinct from the armed forces of a State.

**371. The Committee recommends that the State party ensure that its domestic laws, guidelines and practice on exports of arms and other military equipment explicitly prohibit the direct and indirect export of arms and military equipment to countries where persons who have not attained the age of 18 may take a direct part in hostilities as members of their armed forces, or armed groups that are distinct from the armed forces of a State.**

#### **Financial and other assistance**

372. The Committee commends the State party for its remarkable financial support to multi- and bilateral activities aimed at protecting and supporting children who have been affected by armed conflict and, in particular, it welcomes the clear focus of the Swedish International Development Agency (SIDA) on the rights of the child. The Committee welcomes the State party's annual contributions to numerous United Nations agencies and bodies having programmes for children affected by war, in particular to UNICEF and to the Special Representative of the Secretary-General for children and armed conflict. It also notes with appreciation the financial support provided to various national and international non-governmental organizations.

**373. The Committee recommends that the State party continue and strengthen its financial support as well as other assistance to a full implementation of the Optional Protocol, including its multi- and bilateral activities to address the rights of children involved in armed conflict, with a particular focus on preventive work, as well as on the physical and psychological recovery and social reintegration of children who are victims of acts contrary to the Optional Protocol.**

#### **4. Measures adopted with regard to disarmament, demobilization and social reintegration**

##### **Measures of social reintegration**

374. The Committee welcomes the entry into force of the Special Representative for Unaccompanied Children Act (2005:429) on 1 July 2005, which provides all unaccompanied children applying for asylum in Sweden with a representative (*god man*). However, it notes with concern that the appointment of representatives may take long time and that the number of representatives is not sufficient to respond to the actual need.

**375. The Committee recommends that the State party consider amending the Special Representative for Unaccompanied Children Act (2005:429) in order to accelerate the appointment of a representative (*god man*) for unaccompanied children who have been recruited or used in hostilities and are applying for asylum in Sweden within 24 hours of**

**the child having arrived in Sweden. The Committee recommends that the State party provide all representatives on the roster with adequate training, paying particular attention to the psychosocial needs of children who have been recruited or used in hostilities.**

376. The Committee notes that responsibility for the accommodation of unaccompanied asylum-seeking children, including unaccompanied children who have been recruited or used in hostilities, was transferred in July 2006 from the Migration Board to the municipal authorities. It notes with concern that only a few municipalities have agreed to accommodate unaccompanied asylum-seeking children and that while waiting for placement these children are placed in temporary accommodation. Due to the fact that municipalities have extensive powers of self-governance and autonomy, the Committee is concerned that the service provision may not be adequate in all municipalities.

377. The Committee further notes that the Swedish Migration Board shall inform other Swedish authorities when they encounter asylum-seeking children who have been involved in armed conflict, so that they are able to provide support and care to these children.

**378. The State party should ensure that all unaccompanied asylum-seeking children have access to adequate services, including social and health services and accommodation, irrespective of the municipality in which they are accommodated. The Committee urges the State party to ensure that asylum-seeking children who have been involved in armed conflict receive all appropriate assistance for their physical and psychological recovery and social reintegration.**

379. **It also recommends that the State party systematically collect data on refugee, asylum-seeking and migrant children within its jurisdiction who have been recruited or used in hostilities abroad. In this regard the Committee recommends that the State party take note of the Committee's general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin.**

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

### **Follow-up**

380. **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 Government (*Regeringen*), the Parliament (*Riksdag*), and to counties and municipalities, as well as to the Children's Ombudsman, the Swedish armed forces, the Swedish Inspectorate of Strategic Products (ISP), the Home Guard and voluntary defence organizations for appropriate consideration and further action.**

### **Dissemination**

381. **The Committee recommends that the initial report submitted by the State Party and these concluding observations adopted by the Committee are made widely available to children and their parents through, inter alia, school curricula and human rights**

**education. It also recommends that the State party make the Optional Protocol widely known to the public at large in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.**

## **6. Next report**

**382. In accordance with article 8, paragraph 2, of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its fourth periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.**

### **Concluding observations: Kazakhstan**

383. The Committee considered the consolidated second and third periodic reports of Kazakhstan (CRC/C/KAZ/3) at its 1241st and 1242nd meetings (see CRC/C/SR.1241 and 1242), held on 30 May 2007, and adopted at its 1255th meeting, held on 8 June 2007, the following concluding observations.

#### **A. Introduction**

384. The Committee welcomes the State party's second and third periodic reports, which gave a clear overview of the situation of children in the State party and the written replies to its list of issues (CRC/C/KAZ/Q/3/Add.1). The Committee further notes with appreciation the open and constructive dialogue with the multisectoral high level delegation.

#### **B. Follow-up measures undertaken and progress achieved by the State party**

385. The Committee notes the enactment of:

- (a) The Government decision No. 36 of January 2006 establishing the Committee for Protection of Children's Rights;
- (b) Presidential decree No. 1438 of 13 September 2004 on the State programme for the reform and development of health care in the Republic of Kazakhstan for 2005-2010;
- (c) The State programme for the development of education in the Republic of Kazakhstan for 2005-2010, approved by Presidential decree No. 1459 of 11 October 2004; and
- (d) The programme to reduce poverty in the Republic of Kazakhstan for 2003-2005, approved by Government decision No. 296 of 26 March 2003.

386. The Committee also welcomes the ratification of the following international human rights instruments in January 2006:

- (a) The International Covenant on Economic, Social and Cultural Rights;
- (b) The International Covenant on Civil and Political Rights; and

(c) The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

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

#### **1. General measures of implementation (arts. 4, 42 and 44, paragraph 6 of the Convention)**

##### **The Committee's previous recommendations**

387. While the Committee notes that some of its previous recommendations (CRC/C/15/Add.213) have been implemented, it regrets that many of them have not been sufficiently addressed, including the recommendations regarding legislation, independent monitoring, a national plan of action, family environment, children deprived of a family environment/alternative care, refugee children, juvenile justice, economic exploitation, sexual exploitation and trafficking and street children.

**388. The Committee urges the State party to make every effort to implement the recommendations contained in the concluding observations on the initial report that have not yet been sufficiently addressed and to provide adequate follow-up to the recommendations contained in the present concluding observations.**

##### **Status of the Convention**

389. The Committee notes with appreciation that according to the State party's Constitution, international conventions prevail over national laws and are directly applicable at the national level. The Committee notes with concern that the Law on International Agreements (2005) may contradict this applicability; however, the Committee welcomes that the State party has indicated that this provision shall be removed by a presidential decree in the coming months. However, the Committee regrets that the Convention has not been invoked before domestic courts.

**390. The Committee recommends that the State party confirm the priority of the Convention over national law and speedily revise the Law on International Agreements (2005), which may hamper the direct applicability of the Convention in domestic law. Furthermore, the Committee recommends that the State party raise awareness within the judicial system in order to make clear that the Convention can be invoked in national courts.**

##### **Legislation and implementation**

391. While the Committee notes the efforts undertaken by the State party to harmonize legislation in order to ensure greater consistency with the Convention, it remains concerned that some aspects of domestic legislation are not consistent with the principles and provisions of the Convention such as in the area of child labour and sexual exploitation. Furthermore, the Committee is concerned that existing legislation is not effectively implemented.

**392. The Committee recommends that the State party continue harmonizing its legislation with the principles and provisions of the Convention and strengthening the implementation of domestic legislation.**

393. **The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes are provided with the protection required by the Convention, and to take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).**

#### **National Plan of Action**

394. The Committee notes the State party's efforts to develop a national plan of action and the foreseen adoption of the programme entitled "Children of Kazakhstan" for 2006-2011. However, the Committee is concerned that the programme mainly focuses on protection issues and does not cover the full range of child rights and that it can therefore not be considered as a National Plan of Action as required in the Committee's previous concluding observations and the outcome document of the General Assembly's Special Session on children held in May 2002 entitled "A World Fit for Children".

395. **The Committee recommends that the State party amend the "Children of Kazakhstan" programme, to ensure that it complies with the Convention on the rights of the child, to adopt it as a national comprehensive and cross-sectoral framework for the implementation of child rights and to provide it with adequate human and financial resources.**

#### **Coordination**

396. The Committee welcomes the establishment of the Committee for the Protection of Children's Rights in order to coordinate the implementation of the Convention. However, it remains concerned that the Committee's mandate, which should cover the full range of children's rights, might be limited as a consequence of its establishment under the Ministry of Education and Science.

397. **The Committee recommends that the State party ensure that the Committee for the Protection of Children's Rights has a mandate including the implementation of all children's rights incorporated in the Convention, and is provided with adequate financial and human resources in order to ensure an effective and comprehensive coordination of the implementation of children's rights. In this regard, the Committee refers the State party to its general comment No. 5 on general measures of implementation for the Convention on the Rights of the Child (CRC/GC/2003/5).**

#### **Independent monitoring**

398. While welcoming the establishment of the pilot project entitled "Protecting the rights of the child and establishing monitoring mechanisms" and its goal to have a children's rights Ombudsman in every region of Kazakhstan, the Committee is concerned that the Office of Human Rights Commissioner and the Office of the Ombudsman are not vested with the authority to receive and investigate individual complaints of violation of the rights of children. Furthermore, the Committee is concerned that the Ombudsman Office is not an independent institution and has not been established through the Constitution or legislation.

399. **The Committee urges the State party to vest the Office of Human Rights Commissioner and the Office of the Ombudsman with a clear mandate to monitor children's rights and implement the Convention at national, regional and local levels in accordance with the principles relating to the status of National Human Rights Institutions (the "Paris Principles", annexed to General Assembly resolution 48/134 of 20 December 1993). Furthermore, the Committee recommends the State party to provide the Ombudsman Office with the human and financial resources necessary to carry out its mandate and ensure that the Office has a child accessible complaint mechanism. In these actions the State party should fully take into account the Committee's general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child. The Committee also recommends that the State party seek assistance from, among others, United Nations Office of the High Commissioner for Human Rights and UNICEF.**

### **Resources for children**

400. The Committee notes the significant increase in budget allocations in the national budget to children's education, culture, health and social security and social assistance in monetary terms. The Committee is concerned, however, that the portion of GDP spent for these budget items has increased only modestly during the years 2003 to 2006 and that, notably, the GDP percentage of the budget for social security and assistance has been reduced. The Committee, therefore, remains concerned that the means provided for urgently needed improvements in the sectors of education, health, social security, and in particular, family assistance, are not available.

401. **The Committee recommends the prioritization of children's economic, social and cultural rights in the State party's budget policy. In this regard, the Committee recommends that the State party, in accordance with article 4 of the Convention, further increase budget allocations for the implementation of the rights recognized in the Convention and especially for health, education and family support by paying particular attention to disadvantaged, marginalized and neglected children with a view to alleviating disparities, deficits and inequalities. Furthermore, the Committee urges the State party to strengthen the skills of local governments in planning and management of budgets that address the needs of children and families.**

### **Data collection**

402. The Committee notes the extensive data provided in the report as well as in the written replies. However, the Committee regrets that disaggregated data in important areas of the Convention are not available such as on refugee children, child abuse and neglect, children involved in sexual exploitation, including prostitution, pornography and trafficking, substance abuse, child labour and children working and/or living in streets.

403. **The Committee recommends that the State party strengthen its efforts to develop a system for comprehensive collection of data on the rights of children up to the age of 18 with a specific emphasis on vulnerable groups of children and by making sure that data are disaggregated, inter alia, according to sex, age, urban/rural areas, socioeconomic backgrounds and geographical distribution.**

### **Dissemination of the Convention**

404. The Committee welcomes the efforts undertaken by the State party, with the support of UNICEF, to widely circulate the Convention throughout the country and to increase the awareness of the Convention. However, the Committee remains concerned that systematic teaching of the Convention's principles and provisions has not yet reached all professionals working with and for children, that human rights are still not included in the curricula at all educational levels, and that the level of awareness of the Convention seems low among the public at large and especially in rural areas and among children themselves.

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

**(a) Continue and strengthen its efforts to increase the awareness of the Convention and its principles and provisions and to disseminate the Convention throughout the country, in close cooperation with non governmental organizations (NGOs) and other stakeholders and by paying particular attention to the remote and rural areas;**

**(b) Pay particular attention to the systematic inclusion of teaching of the Convention's principles and provisions, at all levels of the school curricula; and**

**(c) Strengthen its efforts to provide adequate and systematic training and/or sensitization on children's rights to professional groups working with and for children, such as law enforcement officials, parliamentarians, judges, lawyers, health personnel, teachers, school administrators, academics, social workers and others as required.**

### **Cooperation with civil society**

406. The Committee notes that NGOs were involved in the data collection and are aware of the preparation of the State party's periodic report. However, the Committee is concerned that cooperation with NGOs and civil society is insufficient.

407. **The Committee recommends that the State party intensify its cooperation and collaboration with NGOs and civil society in the implementation and monitoring of the Convention.**

## **2. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **Non-discrimination**

408. The Committee appreciates the significant efforts undertaken to combat discrimination. However, the Committee is concerned at the fact that stigmatizing words, such as "invalid" and "illegitimate child", are consistently used in legislation and official literature produced by the State party.

409. **The Committee encourages the State party to continue and strengthen its efforts to combat all forms of discrimination including by passing the legislation on gender equality, and urges the State party to discontinue using vocabulary that stigmatizes children with disabilities and children born out of wedlock.**



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

410. While the Committee notes that the principle of the best interests of the child is taken into account in the Constitution and in several laws, it is concerned that this principle is not adequately respected and implemented in all regulations as well as in practice in all domains and for all children.

**411. The Committee recommends that the State party strengthen its efforts to ensure that the general principle of the best interests of the child is understood, appropriately integrated and implemented in all legal provisions and in projects, programmes and services that have direct or indirect impact on children, by paying particular attention to vulnerable children.**

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

412. The Committee notes that the principle of the respect for the views of the child is secured in the Constitution and in some legislation and that the State party considers abolishing the law setting the age-limit for a child to express his/her views at 10 years. The Committee is concerned that traditional practices and cultural attitudes might limit the full implementation of article 12 of the Convention.

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

**(a) Promote and facilitate, within the family and in schools as well as in judicial and administrative proceedings, respect for the views of children and their participation in all matters affecting them, in accordance with their ability to form their own views and in accordance with their age and maturity (rather than with the legal age-limit of 10 years);**

**(b) Develop a systematic approach to increase public awareness of the participatory rights of children and encourage respect for the views of children within the family, school, care institutions, community and the administrative and judicial system;**

**(c) Ensure the involvement of children and children-related organizations in the preparation and implementation of major developmental plans and programmes in the country, such as national development plans, action plans, annual budgets and poverty reduction strategies; and**

**(d) Take into account the recommendations adopted on the Committee's Day of General Discussion on the right of the child to be heard, held on 15 September 2006.**

## **3. Civil rights and freedoms (arts. 7, 8, 13-17 and 37(a) of the Convention)**

### **Access to appropriate information**

414. The Committee takes note of the efforts of the State party to provide additional computers for schools in all regions of the country and expand access to Internet. Furthermore, it welcomes the revision and the introduction of new textbooks in schools. The Committee is concerned,

however, at the extent of violence shown by several TV channels and at the slow progress made with regard to effective measures ensuring that children are not exposed to materials injurious to their well-being, including violence and pornography.

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

**(a) Promote the plan to equip schools with computer and internet access and to educate children to be competent and responsible users of abundant information provided; and**

**(b) Expedite the adoption of regulations which prevent the media from broadcasting and publishing materials which may have negative impact on children's mental, social and emotional development.**

#### **Torture and other cruel, inhuman or degrading treatment**

416. The Committee notes that the Government makes efforts to eradicate acts of maltreatment and degrading punishment in boarding schools, homes, remand and detention centres. However, the Committee is concerned about reports that such brutal and humiliating behaviour still exists and that the possibility of reporting such treatment and the compensation for such violations of child rights are still limited. Furthermore, the Committee is concerned at reports on bullying, insulting and blackmailing among children in schools, which often are a reaction to unbearable conditions in family and school settings.

**417. The Committee urgently recommends that the State party:**

**(a) Strengthen its efforts to eradicate all acts of degrading treatment and violation of children's dignity in schools, boarding schools, at home, remand and detention centres;**

**(b) Expand and facilitate children's facilities to file complaints about maltreatment in these institutions and enforce the prosecution of offences against the rights of the child;**

**(c) Intensely train staff of these institutions in order to raise their awareness and to impress upon them the rights of the child which has to be strictly ensured also in these institutions; and**

**(d) Raise teachers' awareness of peer mobbing and bullying in classroom and school and encourage schools to adopt action plans for combating these rude and humiliating behaviours.**

#### **Corporal punishment**

418. The Committee appreciates that corporal punishment is unlawful in schools, the penal system and alternative care. However, the Committee regrets that there is no specific legal prohibition of corporal punishment in foster care, military schools, kinship care and the workplace, and that despite legal prohibitions for some areas, the de facto situation is that children are still victims of corporal punishment.

419. **The Committee urges the State party, while taking into account its general comment No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (CRC/GC/2006/8), to:**

- (a) Explicitly prohibit in law corporal punishment of children in all settings;**
- (b) Undertake public and professional awareness-raising;**
- (c) Promote non-violent, positive, participatory methods of childrearing and education and knowledge among children of their right to protection from all forms of corporal punishment; and**
- (d) Seek assistance from, inter alia, UNICEF and WHO.**

#### **Follow-up to the Secretary-General's Study on Violence against Children**

420. **With reference to the United Nations Study on Violence against Children, the Committee recommends that the State party:**

- (a) Take all necessary measures for the implementation of the overarching and setting-specific recommendations contained in the report of the independent expert for the United Nations Study on Violence against children (A/61/299) while taking into account the outcome and recommendations of the Regional Consultations for Europe and Central Asia (held from 5-7 July 2005) hosted by Slovenia;**
- (b) Use these recommendations as a tool for action in partnership with civil society and in particular with the involvement of children to ensure that every child is protected from all forms of physical, sexual and mental violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse; and**
- (c) Seek technical assistance from UNICEF, OHCHR and WHO for the above-mentioned purposes.**

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

**(arts. 5; 18 (paras. 1-2); 9-11; 19-21; 25; 27 (para. 4); and 39 of the Convention)**

##### **Family environment**

421. The Committee welcomes the awareness-raising activities undertaken by the State party in order to sensitize and advise families on parenting issues. However, the Committee is concerned at the shortage of professional staff trained to identify and address family problems, as well as at the inadequate financial support and other benefits, including adequate housing, provided to families with children especially to families in crisis situation due to poverty, families caring for children with disabilities or children infected by HIV/AIDS and to single-parent households. Furthermore, the Committee is concerned that insufficient family support and crisis intervention gives rise to neglect and abandonment of children.

**422. The Committee recommends that State party:**

**(a) Continue with its awareness-raising activities on parenting issues in order to prevent and reduce separation of children from their families and their abandonment;**

**(b) Increase the number of well trained professionals, including social workers, providing assistance to parents in the upbringing of their children and provide them with continuous, gender sensitive and targeted training;**

**(c) Increase support, including financial allowances and adequate housing to families with children, in particular for those living in poverty, families caring for children infected by HIV/AIDS and to single-parent households; and**

**(d) Develop and financially support community-based and family-focused services for families at risk of social problems and families who care for children with developmental challenges, disabilities or health problems.**

**Alternative care**

423. The Committee welcomes the State party's initiative to move toward a family (foster) type of care. However, the Committee remains concerned that progress has still not been made in reducing the large number of abandoned and homeless children, the number of children placed in institutions, and the conditions in those institutions. The Committee is further concerned at the low attention paid to young children and their need to live in a family environment. The Committee is also concerned at reports that many children lacking parental care, in particular abandoned children, are apprehended and placed in the same closed facilities as children suspected or accused of criminal wrongdoing. The Committee is also concerned that some children who have "aged out" of State care are not well prepared to take on the responsibility of adult life and that not all of them are eligible for further services.

**424. The Committee recommends that the State party, while taking into account the recommendations of the Day of General Discussion on children without parental care (2005):**

**(a) Develop alternative care policies, regulations and practices placing greater emphasis on reunification and rehabilitation programmes and make sure that children without family care are never placed in prison-type institutions (Remand Centers) and young children are placed in family-like environments and that there be provisions for family visits;**

**(b) Develop a care plan for every child in need of out-of-family care, monitor the status of children placed in kinship homes, foster care, pre-adoptive homes and other care institutions, inter alia by regular visitations, and review care plans periodically;**

**(c) Take into account in all measures the views of the children, ensure their best interests and provide an independent child accessible complaints mechanism;**

**(d) Ensure properly trained staff for all facilities; and**

**(e) Redirect allocations in national and regional budgets, with increasing funding for programmes and services supporting living of children in family environment.**

### **Adoption**

425. The Committee welcomes the draft legislation mentioned in the State party's report on the ratification of the Convention on Protection of Children and Cooperation in respect of intercountry adoption. However, the Committee remains concerned at the fact that the previous Committee's recommendations in this respect have not been taken into consideration, that there is no comprehensive policy regarding domestic and intercountry adoption, including effective monitoring and follow-up to adoptions.

**426. The Committee reiterates its previous concluding observations and recommends that the State party:**

**(a) Speedily ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993 and take it as the framework for the new law on adoption;**

**(b) Create legal and other possibilities to implement the right of the child to know, to the extent possible, his/her origin; and make future adoptive parents aware of this right;**

**(c) Establish a comprehensive policy regarding adoption, including a mechanism to review, monitor and follow-up to adoption; and**

**(d) Allocate the central adoption authority with sufficient financial and human resources to enable fulfil its mandate in a proper manner throughout the country.**

### **Child abuse and neglect**

427. The Committee remains concerned that few steps have been taken to further protect children from abuse and neglect.

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

**(a) Develop and implement a comprehensive strategy for the prevention and reduction of child abuse and neglect particularly within the family, in schools and other institutions by, inter alia, undertaking awareness raising campaigns and providing adequate support to children and families at risk;**

**(b) Develop and implement an effective system for reporting of cases of child abuse and neglect;**

**(c) Strengthen the psychological and legal support for children victims of child abuse and neglect; and**

**(d) Provide a 3-digit, toll-free, 24-hour national helpline for children, in collaboration with UNICEF and the Union of Crisis Centres among others.**

**5. Basic health and welfare**  
**(arts. 6; 18, para. 3; 23; 24; 26; 27, paras. 1-3 of the Convention)**

**Children with disabilities**

429. The Committee notes the efforts undertaken by the State party to improve the situation of children with disabilities, such as the increase of budget allocations and the training provided to medical and educational staff. However, the Committee is deeply concerned that a large number of children with disabilities are in schools without special equipment and professional competence for the needs of these children. Furthermore, the Committee is concerned that the predominant method used to address these problems is still by establishing boarding schools. The Committee further notes the persisting shortage of resources for the development of educational, social and health services for children with disabilities and their families in their living environment.

430. **The Committee recommends that the State party, while taking into account the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's general comment No. 9 on the rights of children with disabilities, take all necessary measures to:**

**(a) Adopt an inclusive education strategy and elaborate a plan of action in order to increase the school attendance of children with special needs and focus on day care services for these children in order to prevent their institutionalisation;**

**(b) Ensure that all children with special needs are being taken care of;**

**(c) Support activities of NGOs (organisations of parents) and cooperate with them in the process of developing community based day care services for children with special needs; and**

**(d) Sign and ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol.**

**Health and health services**

431. The Committee appreciates the efforts undertaken in the area of health including the implementation of the National Programme of Health Reforms for 2005-2010, the increased budget allocation for the health sector and the increase in consumption of iodized salt and the decrease of infant and child mortality rates. However, the Committee remains concerned at the still limited access to adequate health-care services for children in rural areas, the lack of reliable statistics and at the still high mortality rates affecting especially children from rural areas.

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

**(a) Develop a comprehensive programme to improve mother and child health, including through basic health-care services for the most vulnerable children, in particular, children living in rural and remote areas;**

**(b) Seek assistance from UNICEF and WHO before the WHO Live Birth Definition is introduced in January 2008;**

**(c) Continue practices in salt iodization and flour fortification in order to decrease the rate of anaemia among women of childbearing age and children;**

**(d) Develop comprehensive policies and programmes to promote exclusive breastfeeding for an infant's first six months and adopt a national law on regulations for the marketing of breast-milk substitutes; and**

**(e) Continue with its efforts to combat the long-term negative impact of the former nuclear tests at the site of Semipalatinsk and of the Aral Sea disaster.**

### **Adolescent health**

433. The Committee notes that some efforts are being undertaken to promote healthy lifestyles through the "Youth well-being" programme. However, the Committee remains concerned at the high incidence of drug abuse and the widespread alcoholism and tobacco use. Furthermore, the Committee remains concerned about the prevalence of teenage pregnancy and the high abortion rate. The Committee is also concerned at the shortage of mental health services for children.

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

**(a) Take all necessary measures to fight substance abuse, and strengthen the programme of health education in schools;**

**(b) Take all necessary measures, including by providing information and education, with respect to adolescent reproductive health and strengthen measures aimed at the prevention of unwanted pregnancies through, inter alia, making a comprehensive range of contraceptives widely available and increasing knowledge about family planning;**

**(c) Develop effective outpatient and day-care mental health services for children with mental health problems and their families, including programmes directed to the prevention of suicide and violence;**

**(d) Undertake a comprehensive and multidisciplinary study to assess the scope of adolescent health problems including mental health issues; and**

**(e) Take into account the general comment No. 4 on adolescent health and development in the context of the Convention on the Rights of the Child (CRC/GC/2003/4) of 2003.**

### **HIV/AIDS**

435. The Committee notes the relatively low HIV/AIDS prevalence rate in the State party, however the Committee is concerned that the newly reported cases of HIV are rapidly increasing, including through mother-to-child transmission and at the stigmatization of children infected and affected by HIV/AIDS including cases of abandonment. Furthermore, the Committee is concerned at the fact that the State party remains a major trafficking conduit for heroin with a major impact on drug use and the HIV infection rate.

**436. The Committee recommends that the State party, while taking into account the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child and the international Guidelines on HIV/AIDS and Human Rights:**

**(a) Strengthen its preventive efforts by conducting campaigns and programmes in order to raise awareness on HIV/AIDS including on prevention methods;**

**(b) Strengthen preventive measures, including by providing awareness-raising campaigns, to prevent mother to child transmission;**

**(c) Provide psycho-social support to HIV/AIDS infected and affected children and their families as well as advocacy on early interventions and medical and social inclusion; and**

**(d) Take effective measures to counter stigma and discrimination faced by children and families infected and affected by HIV/AIDS.**

#### **Standard of living**

437. The Committee notes that the per capita income has remarkably increased over the last decade, however it remains concerned about the discrepancy between the steadily growing GDP and the low standard of living of a large section of the population, including many children and their families, and that in spite of the State party's Programme to Reduce Poverty 2003 - 2005, a large percentage of the population still lives in poverty, particularly in some less developed districts. The Committee is further concerned that adequate housing remains a problem for many families and for children after they have left homes and that access to clean drinking water and sanitation is not ensured in all regions of the country.

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

**(a) Take steps to improve the standard of living of families with children, in particular those living below the poverty line;**

**(b) Pay special attention to the impact of child poverty on children's exercise of their rights and develop targeted programmes which can compensate for such negative consequences;**

**(c) Make adequate housing available also for low-income families, including for large families and provide access to housing for former institutionalized children; and**

**(d) Ensure access to clean drinking water and sanitation in all regions of the country.**

#### **6. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

439. The Committee appreciates the importance that the State party gives to education through, inter alia, the increase of budget allocation, the adoption of the State programme for the development of education for 2005-2010, the expansion of compulsory education to grades 11



and 12 of secondary school, the efforts undertaken to increase the enrolment in kindergarten and other early childhood facilities and the introduction of a compulsory pre-school year. However, the Committee is concerned that education for many children is not free of cost, that a small, but significant percentage of children is not enrolled in schools or leave secondary school before completion. Furthermore, the Committee is concerned that the quality of education is not satisfactory, in particular in rural and remote areas.

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

**(a) Ensure that compulsory education is free of cost and accessible for all children, by undertaking targeted programmes that address children living in rural and remote areas, children with special needs, refugee children, children of migrant workers, and children with HIV/AIDS;**

**(b) Continue its efforts to increase the enrolment in early childhood facilities, with particular regard to the groups of children mentioned under (a);**

**(c) Ensure that preparatory education for pre-primary school children aged five to six is provided free of cost;**

**(d) Improve the quality of education on all levels of the educational system by, inter alia, building new schools and providing better equipment of all schools, introducing interactive teaching and learning methods, by teacher training and extending in-service training of teachers in order to actively involve them in the innovation and reform processes; and**

**(e) Seek technical assistance from UNICEF and UNESCO in this regard.**

#### **7. Special protection measures**

**(arts. 22, 38, 39, 40, 37 (b)-(d), 30, 32-36 of the Convention)**

#### **Refugee children**

441. The Committee regrets that no sufficient effort has been made to effectively improve the situation of refugee children. In particular, the Committee is concerned that many of them live in severe economic hardship and their access to education and health services remains limited. The Committee is further concerned that refugee children face difficulties to receive appropriate treatment and rehabilitation when needed.

**442. The Committee reiterates its previous recommendations and urges the State party to:**

**(a) Adopt a national law on the protection of and assistance to refugee children in conformity with article 22 of the Convention and other international standards;**

**(b) Make every effort to ensure that refugee children are able to benefit fully from the Convention's principles and provisions;**

**(c) Ensure that all refugee children are registered;**

**(d) Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness; and**

**(e) Strengthen its cooperation with UNHCR.**

#### **Children living and/or working on streets**

443. The Committee is deeply concerned that no adequate efforts have been made to respond to the highly problematic situation of street children. The Committee is particularly concerned at the violations of the rights of street children and their vulnerability to trafficking and economic and sexual exploitation.

**444. The Committee urges the State party to intensify its efforts to increase awareness of street children's rights, provide protection and assistance to children currently living on the streets, including by taking into account their views, and elaborate targeted programmes, on the basis of comprehensive studies, in order to prevent children from living in the streets.**

#### **Economic exploitation, including child labour**

445. The Committee welcomes the fact that the State party's legislation restricts child labour and provides for criminal prosecution of physical and legal persons for involving children in the worst forms of child labour. However, the Committee is concerned at the still large number of socially vulnerable children engaged in labour as, inter alia, within the tobacco and cotton industry and as domestic servants, and at the lack of information and adequately disaggregated data on the situation of child labour and economic exploitation of children within the State party.

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

**(a) Introduce monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation;**

**(b) Undertake a comprehensive study, by taking into account the views of working children, to assess the situation of child labour, in particular within the informal sector, work on the streets and domestic work, in order to strengthen awareness, prevention and assistance programmes;**

**(c) Take measures to ensure effective implementation of the ILO Conventions No. 138 on the Minimum Age for Admission to Employment and Work, and No. 182 on the Worst Forms of Child Labour, which the State party has ratified; and**

**(d) Seek technical cooperation from ILO and UNICEF.**

#### **Sexual exploitation and prostitution**

447. The Committee is concerned at the high instance of children engaged as sex workers, including a high number of very young children, who are also subjected to violence, abuse and trafficking. The Committee is further concerned that only a negligible number of cases reach the courts.

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

(a) **Increase awareness-raising campaigns and public education on sexual exploitation, prostitution and child abuse for children, their families, communities and the public at large and ensure the recognition of the gender perspective in these campaigns and in public education;**

(b) **Take measures to prosecute perpetrators of sexual exploitation of children and child abuse;**

(c) **Implement appropriate policies and targeted programs for the prevention, recovery and social reintegration of child 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; and**

(d) **Undertake in-depth studies and research to identify the scope, extent and root causes of sexual exploitation of children to facilitate the implementation of effective strategies.**

#### **Trafficking of children**

449. The Committee welcomes the efforts undertaken by the State party to combat trafficking such as the implementation of the Plan of Action to Combat and Prevent Offences Involving Trafficking in Persons for 2004-2005 and its subsequent Plan for 2006-2008, as well as the ongoing awareness-raising campaigns. Despite these efforts the Committee remains concerned at the prevalence of national and cross-border trafficking.

450. **The Committee encourages the State party to:**

(a) **Continue and further strengthen its awareness-raising campaigns including through education and the media;**

(b) **Increase protection provided to victims of trafficking, including prevention, social reintegration, access to health care and psychological assistance and free access to legal aid;**

(c) **Enter into bilateral and multilateral agreements for the prevention of trafficking and for the rehabilitation and repatriation of trafficked children; and**

(d) **Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000) and the Council of Europe Convention on Action against Trafficking in Human Beings (2005).**

#### **Juvenile justice**

451. The Committee notes the existence of the reform process, albeit slow, within the system of administration of juvenile justice, which shall amend the Penal Code and the Procedural Penal

Code. However, the Committee remains concerned that little progress has been made to implement the previous concluding observations (CRC/C/15/Add.213) in the area of juvenile justice, in particular, the lack of specialized judges and juvenile courts throughout Kazakhstan and the low quality of the current system of detention.

**452. The Committee recommends that the State party take prompt measures to fully bring the system of juvenile justice in line with the Convention, in particular with articles 37(b), 40 and 39, as well as with other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules), the Vienna Guidelines for Action on Children in the Criminal Justice System and the recommendations of the Committee's general comment No. 10 (CRC/C/GC/10) on children's rights in juvenile justice. In this regard, the Committee recommends that the State party:**

**(a) Implement the Committee's previous recommendations (CRC/C/15/Add.213) regarding juvenile justice;**

**(b) Accelerate the process of reform of the juvenile justice system, of its penal law and procedural penal law, taking into consideration the principles of the Convention;**

**(c) Set up an adequate system of juvenile justice, including juvenile courts throughout the country;**

**(d) Train judges and all law enforcement personnel who come into contact with children from the moment of arrest to the implementation of administrative or judicial decisions taken against them;**

**(e) Use deprivation of liberty as a means of last resort and, when used, regularly review it on the basis of the best interests of the child;**

**(f) Provide a set of alternative socio-educational measures to deprivation of liberty and a policy to effectively implement them;**

**(g) Ensure that children deprived of their liberty remain in contact with the wider community, in particular with their family, as well as friends and other persons or representatives of reputable outside organizations, and give opportunity to visit their home and family;**

**(h) Focus on the prevention of crimes strategy in order to support children at risk at an early stage; and**

**(i) Seek technical assistance from the United Nations Interagency panel on Juvenile Justice which includes UNODC, UNICEF, OHCHR and NGOs.**

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

### **Follow-up**

453. **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 relevant government ministries, Parliament members and the authorities of districts and communities for appropriate consideration and further action.**

### **Dissemination**

454. **The Committee further recommends that the consolidated second and third periodic report and written replies submitted by the State party and related recommendations (concluding observations) be made widely available in the languages of the country, 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.**

## **9. Next report**

455. **The Committee invites the State party to submit its fourth periodic report, which should include information on the implementation of the two Optional Protocols, by 10 December 2011. This report should not exceed 120 pages (CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.**

456. **The Committee also invites the State party to submit a core document in accordance with the requirements of the Common Core Document in the Harmonised Guidelines on Reporting, approved by the 5th Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).**

### **Concluding observations: Guatemala OPSC**

457. **The Committee considered the initial report of Guatemala (CRC/C/OPSC/GTM/1) at its 1245th meeting (see CRC/C/SR.1245) held on 1 June 2007, and adopted at its 1255th meeting, held on 8th of June, the following concluding observations.**

#### **A. Introduction**

458. **The Committee welcomes the submission of the State party's initial report, although regrets the delay in its submission. The Committee furthermore regrets that civil society was not adequately consulted in the drafting process of the report. The Committee however appreciates the constructive dialogue with a high-level and inter-sectoral delegation.**

459. **The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted in the State party's second periodic report on 8 June 2001, contained in CRC/C/15/Add.154.**

## B. Positive aspects

460. The Committee notes with appreciation:

(a) The adoption of the Integral Law for the Protection of Children and Adolescents in 2003;

(b) The adoption of a National Plan of Action to Combat Commercial Sexual Exploitation of Children in 2001.

461. The Committee further commends the State party's accession to or ratification of:

(a) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime on 1 April 2004;

(b) The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption on 1 March 2003;

(c) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 9 May 2002;

(d) International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour on 11 October 2001.

## C. Principal areas of concern and recommendations

### 1. General measures of implementation

#### Coordination and evaluation of the implementation of the Protocol

462. The Committee takes note of the information provided on the role of the *Secretaría de Bienestar Social* and the various ministries and governmental bodies involved in implementing the Protocol, but remains concerned about the insufficient coordination among these bodies to ensure comprehensive, intersectoral policies at both central and local levels to protect the rights covered by the Protocol. The Committee also regrets the lack of mechanisms for the periodic evaluation of the implementation of the Protocol.

**463. The Committee recommends that the State party strengthen and consolidate coordination in the areas covered by the Protocol and ensure that it is incorporated in the National Plan of Action for Children adopted in 2004. The Committee urges the State party to ensure that adequate financial and human resources are dedicated for the above mentioned purposes and that the role of the *Secretaría de Bienestar Social* be strengthened. Furthermore, the Committee recommends that mechanisms for periodic evaluation of the implementation of the Protocol be established, and that these ensure the participation of children.**

### **Dissemination and training**

464. The Committee notes with appreciation the awareness-raising and training activities on the provisions in the Protocol, targeting actors such as judges, local authorities and the police, yet is concerned that the increasing incidence of commercial sexual exploitation of children and the high number of victims, as recognized in the State party report, indicates an urgent need to undertake further and sustainable measures in this respect. The Committee notes that several relevant professional categories require further training, including the police, staff of the *Procuraduría General de la Nación* and of the migration authorities, due to their direct contact with victims and reported omission to prevent the sale of children, irregular adoption and trafficking.

**465. The Committee recommends that the State party continue and strengthen systematic gender-sensitive education and training on the provisions of the Protocol for all professional groups working with child victims of the abuses covered by the Optional Protocol, including police officers, public prosecutors, judges, border authorities and medical staff, with particular attention to staff of the *Procuraduría General de la Nación* and migration authorities.**

466. The Committee is concerned over the general lack of awareness-raising and prevention campaigns in Guatemala on the provisions and offences covered in the Protocol and notes with concern that the practices of purchasing sexual services from children and selling of child pornography materials continue to be common and socially tolerated.

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

**(a) Make the provisions of the Optional Protocol widely known, particularly to children, their families and communities, through, inter alia, school curricula and long-term awareness-raising campaigns;**

**(b) Promote, in line with article 9 (2) of the Protocol, awareness in the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the Protocol, including by encouraging the participation of the community, and in particular children and child victims, in such information and education and training programmes;**

**(c) Continue cooperating with civil society organizations and the media supporting them in their awareness-raising and training activities on issues related to the Protocol;**

**(d) Seek technical assistance from UN agencies and programmes, including the United Nations Children's Fund (UNICEF) and the ILO International Programme for the Elimination of Child Labour (ILO/IPEC).**

**Data collection**

468. The Committee notes with great concern the high numbers of children affected by commercial sexual exploitation, estimated by the State party at 15,000 victims, and regrets the lack of documentation and reliable data, disaggregated by age, sex, geographic region, indigenous and minority group, and research on the prevalence of sale, trafficking, child prostitution and child pornography.

**469. The Committee recommends that the State party undertake relevant situation analyses and ensure that data relating to areas covered by the Protocol, disaggregated inter alia by age, sex, geographic region, minority and indigenous group, are systematically collected and analysed as they provide essential tools for measuring policy implementation.**

**Budget allocations**

470. The Committee is concerned at the severe shortage of the resources needed for the implementation of the Optional Protocol.

**471. The Committee encourages the State party to intensify its efforts to provide adequate budget allocations for coordination, prevention, promotion, protection, care, investigation and suppression of acts covered by the Protocol including by earmarking funds for the implementation of programmes relating to its provisions, in particular for the National Plan of Action to Combat Commercial Sexual Exploitation. Furthermore, the Committee recommends that the State party allocate adequate resources for legal assistance and the physical and psychological recovery of victims to relevant authorities and through civil society organizations.**

**2. Prohibition of the sale of children, child pornography and child prostitution****Existing criminal or penal laws and regulations**

472. The Committee notes with great concern that Guatemala has failed to criminalize a number of the offences as required by article 3 of the Protocol. Although the Committee understands there are ongoing efforts to reform the Guatemalan Penal Code, the Committee is seriously concerned that the sale of children, adoption practices, organ transfer for profit, sexual and economic exploitation of children and the production and distribution of pornography have not been adequately addressed in the national legislation. The Committee is particularly concerned that the lack of incorporation of provisions of the Protocol into the Penal Code has resulted in extensive impunity for the crimes covered by the Protocol.

**473. The Committee recommends that the State Party urgently complete the reform of the Penal Code in order to bring it into full compliance with articles 2 and 3 of the Protocol. The Committee urges the State party to pay particular attention to the criminalization of irregular adoptions and the sale of children and to the need to ensure that adoption practices are in accordance with article 21 of the Convention on the Rights of the Child and its relevant Protocol, also taking due account of the fact that since 1 March 2003 Guatemala is a party to the 1993 Hague Convention on Protection of Children and**



**Co-operation in Respect of Intercountry Adoption. Furthermore, the Committee recommends that the State party take the necessary steps to adequately define and criminalize trafficking in persons in its criminal legislation, in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime.**

### **3. Penal and criminal procedure**

#### **Jurisdiction**

474. The Committee notes that the Guatemalan Penal Code allows for the establishment of extraterritorial jurisdiction, but is concerned that the lack of criminalization of numerous offences covered in article 3 of the Protocol constitutes a serious impediment for the establishment and practical implementation of such jurisdiction.

**475. The Committee recommends that the State party ensure within its efforts to reform the Penal Code that all provisions of the Protocol be included and that all practical measures necessary be undertaken in order to be able to effectively establish jurisdiction over offences in accordance with article 4 of the Protocol. Furthermore, the Committee recommends that the State party ensure that national legislation does not require double criminality for extradition and/or prosecution of offences committed abroad.**

#### **Extradition**

476. The Committee repeats its concern over the lack of criminalization of offences covered in article 3 of the Protocol and over the State party's interpretation of article 27 of the Constitution, which place serious limitations on extraditions, contrary to article 5 of the Protocol.

**477. The Committee recommends the State party, in line with article 5 of the Protocol, recognize the Protocol as an international treaty regulating extradition as foreseen by article 27 of the Guatemalan Constitution.**

### **4. Protection of the rights of child victims**

#### **Measures adopted to protect the rights and interests of child victims of offences prohibited under the Protocol**

478. The Committee is deeply concerned over the lack of investigations and prosecutions for offences covered by the Protocol. The Committee is particularly concerned that the State party has failed to undertake effective measures to protect child victims. The Committee notes reports that child victims are penalized and institutionalized during prolonged periods awaiting decisions in their cases, and is concerned over the lack of legal advisory services and compensation for victims. Furthermore, the Committee notes that resources for interdisciplinary social reintegration and physical and psychosocial recovery measures for child victims are insufficient. Finally, the Committee is concerned that during operations to rescue child victims of sexual exploitation, checks on the age of the victims are inadequate.

479. **The Committee recommends that the State party take all necessary measures, including legislative amendments, to ensure that child victims and witnesses of any of the crimes under the Protocol are protected at all stages of the criminal justice process, in accordance with article 8 of the Protocol. Furthermore, the Committee recommends that adequate financial and human resources be provided to the competent authorities in order to improve the legal representation for child victims; and ensure that all child victims of the offences described in the Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible, in accordance with article 9 (4) of the Optional Protocol. The State party should also ensure that resources are earmarked for strengthening social reintegration and physical and psychosocial recovery measures, in accordance with article 9 (3) of the Protocol, in particular by providing interdisciplinary assistance for child victims. Finally, the Committee urges the State party, if in doubt, to presume that young victims of sexual exploitation who have been rescued are children, and encourages it to resume the participation of the *Procuraduría de Derechos Humanos* and civil society organization in such raids.**

480. **The State party should be guided by the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20) and should in particular:**

**(a) Allow the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected;**

**(b) Use child-sensitive procedures to protect children from hardship during the justice process, including by the use of special interview rooms designed for children, child-sensitive methods of questioning, and by reducing the number of interviews, statements and hearings.**

### **Adoption**

481. The Committee welcomes the accession to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption in 2003, and despite the considerable delay in recognizing its application at the national level, the Committee acknowledges the efforts of the State party in this regard. The Committee, however, continues to have a number of serious concerns with regard to intercountry adoption and reiterates the concerns which prompted its recommendation to the State party in the concluding observations of 2001 to suspend adoptions. The Committee deeply regrets the lack of progress made in this area despite numerous recommendations from international human rights bodies. The major concerns of the Committee include the following:

(a) The national legislation regulating adoption practices remains inadequate;

(b) The continued existence of irregular practices driven by lucrative commercial interests in the administration of child adoption in Guatemala, especially in relation to the rising number of intercountry adoptions conducted by notaries;

(c) The widespread impunity in Guatemala for crimes relating to the sale of children for the purpose of adoption, especially as it implies considerable complicity by State authorities. Finally, the Committee is concerned over the social tolerance of these acts.

**482. The Committee reiterates its recommendation that the State party suspend all intercountry adoptions and urgently undertake measures to comply with the Protocol, article 21 of the Convention on the Rights of the Child and the provisions of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. The Committee urges the State party to investigate and prosecute individuals responsible for the sale of children for the purpose of adoption.**

**483. The Committee recommends that the State party adopt national legislation regulating adoption which:**

**(a) Ensures that the principle of the best interests of the child is always taken into account;**

**(b) Provides sufficient autonomy for the central authority in charge of regulating intercountry adoption for it to effectively carry out its control and supervisory functions. The work of the central authority should furthermore be subject to transparency control;**

**(c) Establishes strict criteria for and limits the number of national agencies accredited in the context of intercountry adoptions.**

**484. The Committee suggests that the State party seek urgent technical assistance from the Hague Conference on Private International Law on the development of national legislation, as well as its practical application. In addition, the Committee urges the State party to implement the recommendations of the 1999 mission report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2000/73/Add.2), since the majority of these recommendations have not yet been acted upon.**

### **Trafficking**

485. The Committee, while recognising the existence of relevant memorandums of understanding with neighbouring countries, is concerned that undocumented foreign children, including victims of trafficking, are subject to deportation and must leave the country within 72 hours.

**486. The Committee recommends that the State party review its legislation and improve its practice in relation to the deportation of foreign children who have been victims of cross-border trafficking, and suspend the implementation of such measures pending investigations. Furthermore, the Committee urges the State party, if in doubt, always to presume that young victims of trafficking are children, guarantee that the best interest of the child is taken into account and ensure that they receive adequate physical and psychological assistance and care. In this regard, the Committee urges the State party to take into account the Committee's general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin.**

## **5. Prevention of the sale of children, child prostitution and child pornography**

### **Measures adopted to prevent offences referred to in the Optional Protocol**

487. The Committee welcomes the National Plan to Combat the Commercial Sexual Exploitation of Children adopted in 2001, however it is concerned that adequate resources have not been provided with to ensure its implementation, in particular in view of the increasing incidence of sexual exploitation in Guatemala. Furthermore, the Committee notes that documentation and research are lacking on the root causes, nature and extent of the commercial sexual exploitation of children, including prostitution and pornography.

**488. The Committee recommends that the State party provide adequate resources for the implementation of the National Plan against the Commercial Sexual Exploitation of Children, including at the local level, and that the Plan be carried out in collaboration with ILO/IPEC, NGOs and civil society organizations. The Committee encourages the State party to carry out further documentation and gender-sensitive research on the nature and extent of commercial sexual exploitation of children, including prostitution and pornography, in order to identify the root causes, the extent of the problems and prevention measures.**

489. The Committee, while acknowledging certain initiatives, regrets that insufficient preventive measures have been taken in the tourism sector to combat the increasing incidence of child pornography and sexual exploitation of children.

**490. The Committee recommends that the State party undertake additional measures to prevent sex tourism, in particular by earmarking funds for the national tourism authority (INGUAT) for this purpose and by promoting responsible tourism through awareness campaigns specifically directed at tourists. The State party should, through the relevant authorities, cooperate closely with travel operators, NGOs and civil society organizations in order to better meet the Code of Conduct set up by the World Tourist Organization on the protection of children from sexual commercial exploitation in travel and tourism. Furthermore, the Committee encourages the State party to consider adopting specific legislation on the obligations of internet service providers in relation to child pornography on the Internet.**

## **6. International assistance and cooperation**

### **Technical assistance**

491. **The Committee encourages the State party to seek further international technical assistance and continue its cooperation with the United Nations, including the Office of the United Nations High Commissioner for Human Rights, as well as other relevant agencies, in order to further the practical implementation of the provisions of the Optional Protocol. The Committee furthermore urges the State party to take responsibility for ensuring the sustainability of such technical assistance.**

## **Law enforcement**

492. **The Committee encourages the State party to strengthen its international judicial and police cooperation activities for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism.**

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

### **Follow-up**

493. **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 relevant Government Ministries, the Congress and departmental as well as local authorities, for appropriate consideration and further action.**

### **Dissemination**

494. **The Committee recommends that the report and written replies submitted by the State party and related recommendations (concluding observations) adopted be made widely available, including through the internet (but not exclusively), to the public at large, civil society organizations, the media, youth groups, professional groups in order to generate debate and awareness of the Convention, its implementation and monitoring. Furthermore, the Committee recommends that the State party make the Optional Protocol widely known to children and their parents through, *inter alia*, school curricula and human rights education.**

## **8. Next report**

495. **In accordance with article 12, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its combined third and fourth periodic report under the Convention on the Rights of the Child.**

## **Concluding observations: Guatemala OPAC**

496. The Committee considered the initial report of Guatemala (CRC/C/OPAC/GTM/1) at its 1246th meeting (see CRC/C/SR.1246), held on 1 June 2007, and adopted the following concluding observations at the 1255th meeting, held on 8 June 2007.

### **A. Introduction**

497. The Committee welcomes the submission of the State party's initial report, although regrets the delay in its submission. The Committee furthermore regrets that civil society was not consulted in the drafting process of the report. The Committee appreciates the constructive dialogue with a high-level and intersectoral delegation, but regrets the absence of a representative of the Ministry of Defence.

498. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's second periodic report on 8 June 2001, contained in CRC/C/15/Add.154.

## **B. Positive aspects**

499. The Committee notes with appreciation:

(a) The State party's declaration made upon the ratification of the Optional Protocol that the minimum age for compulsory recruitment into the armed forces of Guatemala is 18 years;

(b) The adoption of the Integral Law for the Protection of Children and Adolescents in 2003;

(c) The stated intention of the State party to ratify the Rome Statute of the International Criminal Court.

500. The Committee further commends the State party's accession to or ratification of:

(a) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 9 May 2002;

(b) ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour on 11 October 2001.

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

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

#### **Legislation and implementation measures**

501. The Committee, while recognising the reference to the right of persons under 18 years old not to be recruited, even in case of armed conflict, in the Integral Law for the Protection of Children and Adolescents of 2003, is concerned that there is no clear prohibition of the recruitment of children below the age of 18 and no specific provision in the Criminal Code criminalizing forced recruitment below the age of 18. Furthermore, the Committee is concerned that the State party has not provided the necessary information about safeguards adopted in order to ensure that children are not recruited or involved in armed conflict.

**502. In order to strengthen national and international measures for the prevention of the recruitment of children into armed forces or armed groups and their use in hostilities, the Committee recommends that the State party:**

**(a) Explicitly prohibit by law the recruitment of children under the age of 18 years into armed forces and armed groups and their direct participation in hostilities;**

**(b) Explicitly criminalize by reform of the Penal Code violations of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities;**

**(c) Establish extraterritorial jurisdiction for these crimes when they are committed by or against a person who is a citizen of or has other links with the State party;**

**(d) Stipulate explicitly that military personnel should not undertake any act that violates the rights enshrined in the Optional Protocol, regardless of any military order to that effect;**

**(e) Ensure that adequate safeguards are in place to prevent the recruitment of children and to include information in this respect in the next periodic report;**

**(f) Ratify the Rome Statute of the International Criminal Court.**

### **Coordination of the implementation of the Protocol**

503. The Committee regrets the lack of information on the national coordination of the implementation of the Protocol and in particular of the role of the Secretaría de Bienestar Social in this respect.

**504. The Committee recommends that the State party strengthen and consolidate coordination in the areas covered by the Protocol, and that it be taken into account in the development of the National Plan of Action for Children adopted in 2004.**

### **Budget allocations**

505. The Committee commends the State party for reducing budget allocations for the military and for transferring resources to the social sector, however it is concerned that significant resources are dedicated to interventions resulting in the repression of adolescents living or working on the street.

**506. The Committee recommends that further human and financial resources (e.g. through a revised taxation policy) be provided for the social sector, including for the implementation of the provisions of the Protocol.**

### **Dissemination and training**

507. The Committee, while recognising certain efforts to train professionals, is nevertheless concerned that the State party's dissemination and training activities regarding the Optional Protocol are limited. Little information is given regarding initiatives specifically aimed at raising awareness of the Optional Protocol. In particular, information is lacking regarding its dissemination among certain professional categories, in particular among the armed forces, including forces for international peacekeeping operations, and medical professionals who treat refugee, asylum-seeking and migrant children as well as among children at large.

**508. The Committee recommends that the State party develop systematic awareness raising, education and training on the provisions of the Optional Protocol for children through the educational curricula, and for all relevant professional groups working with asylum-seeking, refugee and migrant children from countries affected by armed conflict,**

**such as teachers, medical professionals, lawyers, judges, immigration officials, police and military personnel. The Committee emphasises the need to train the armed forces, taking into account the extensive forced recruitment by the military and paramilitary groups of children, especially indigenous children, that took place during the armed conflict, between 1962 and 1996.**

## **2. Recruitment of children**

### **Compulsory and voluntary recruitment**

509. The Committee notes that Guatemala maintains compulsory military service and that the minimum age for both compulsory and voluntary recruitment is set at 18 years, which according to the State party report cannot be lowered even during states of emergency. However the Committee remains concerned that due to the number of children who lack birth registration, uncertainty about the age of young recruits may result in the recruitment of children under the age of 18. Finally, the Committee notes the high prevalence of and easy access to arms for persons under the age of 18.

**510. The Committee recommends that the State party ensure, in case of lack of a birth certificate, that the age of the recruit is determined by other reliable means, including medical examination. The State party should seek to ensure that all children are provided with reliable birth registration and identification documentation. If in doubt the State party should consider recruits to be children and not accept them for military service. The State party is recommended to establish an inspection mechanism to ensure that all military recruits are over 18 years of age. Finally, the Committee recommends that the State party adopt measures to restrict access to arms for persons under the age of 18.**

### **Role of military schools**

511. The Committee is concerned about reports of the use of corporal punishment in military schools and that such punishment is not explicitly prohibited by law. In view of this, the Committee is concerned that adequate impartial complaints mechanisms for children attending military schools appear to be lacking.

**512. The Committee recommends that the State party;**

**(a) Ensure that all children in military schools receive education according to articles 28, 29 and 31 of the Convention on the Rights of the Child, taking into account its general comment No. 1 (2001) on the aims of education. In particular, human rights education should be included on the provisions of the Protocol;**

**(b) Formally prohibit corporal punishment, taking into account general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment;**

**(c) Provide children attending military schools with adequate access to independent complaints and investigation mechanisms.**



### **3. Measures adopted with regard to disarmament, demobilization and social reintegration**

#### **Impunity**

513. The Committee is particularly concerned over the paucity of information and data on the number of children forcibly recruited by military and paramilitary groups during the armed conflict and the lack of investigation into the responsibility of those responsible for such acts.

**514. The Committee urges the State party to undertake further documentation on reports of children affected by forced recruitment, allocate resources for their identification and ensure that investigations are carried out into alleged cases of forced recruitment of children during the armed conflict, in violation of provisions of the Protocol, article 38 of the Convention on the Rights of the Child and Additional Protocol II to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts.**

#### **Measures of recovery and social reintegration**

515. The Committee is concerned that the budget necessary for the implementation of reparations measures, in particular for rehabilitation, compensation, physical and psychological recovery and social reintegration of children who have been involved in hostilities, is inadequate. The Committee is concerned that the work of the National Commission for the Search for Disappeared Children and the National Reparations Programme has been slow and inefficient. The Committee regrets that the State party has allocated inadequate resources for full compliance with the sentences of the Inter-American Court of Human Rights relating to cases of children who were victims during the armed conflict.

**516. The Committee recommends that the State party allocate appropriate financial and human resources for the full implementation of comprehensive reparations measures, including a gender perspective, and of the recommendations of the Commission for Historical Clarification, especially in the allocation of funding and human resources for the National Commission for the Search for Disappeared Children and the National Reparations Programme. Furthermore, the Committee encourages the State party to adopt pending legislation establishing an autonomous commission for investigating disappearances, including of children. Furthermore, the Committee urges the State party to comply fully with the sentences of the Inter-American Court of Human Rights relating to cases of children who were victims during the armed conflict.**

### **4. International assistance and cooperation**

#### **Technical assistance**

517. **The Committee encourages the State party to seek further international technical assistance and continue its cooperation with the United Nations, including the Office of the United Nations High Commissioner for Human Rights, as well as other relevant agencies, in order to further the practical implementation of the provisions of the Optional Protocol. The Committee furthermore urges the State party to take its responsibility to ensure the sustainability of such technical assistance.**

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

### **Follow-up**

518. **The Committee recommends the State party to take all appropriate measures to ensure full implementation of the present recommendations, inter alia by transmitting them to relevant Government Ministries, the Congress and to departmental as well as local authorities, for appropriate consideration and further action.**

### **Dissemination**

519. **In light of article 6, paragraph 2 of the Optional Protocol, the Committee recommends that the report and written replies submitted by the State party and related recommendations (concluding observations) adopted be made widely available, including through the internet (but not exclusively), to the public at large, civil society organizations, youth groups and professional groups in order to generate debate and awareness of the Convention, its implementation and monitoring. Furthermore, the Committee recommends that the State party make the Optional Protocol widely known to children and their parents through, inter alia, school curricula and human rights education.**

## **6. Next report**

520. **In accordance with article 8, paragraph 2 of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its consolidated third and fourth periodic reports under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.**

### **Concluding observations: Ukraine**

521. The Committee considered the initial report of Ukraine (CRC/C/OPSC/UKR/1) at its 1247th meeting (see CRC/C/SR.1247), held on 4 June 2007, and adopted the following concluding observations at its 1255th meeting, held on 8 June 2007.

#### **A. Introduction**

522. The Committee welcomes the submission of the State party's initial report. The Committee also appreciates the written replies (CRC/C/OPSC/UKR/Q/1/Add.1) to its list of issues as well as the constructive dialogue with the multisectoral delegation.

523. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's second periodic report on 4 October 2002 (CRC/C/15/Add.191).

#### **B. Positive aspects**

524. The Committee notes with appreciation:

- (a) The ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2006;
- (b) The ratification of Hague Convention No. 28 on the Civil Aspects of International Child Abduction in 2006;
- (c) The creation, within the Ministry of Internal Affairs, of a department to combat offences relating to trafficking in persons in 2005;
- (d) The entry into force of the Organizational and Legal Conditions for the Social Protection of Orphans and Children Deprived of Parental Care (Implementation) Act in 2005; and
- (e) The ratification of the Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, in 2004.

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

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

##### **General principles on the Convention on the Rights of the Child (arts. 2, 3, 6 and 12)**

525. The Committee is concerned that the general principles of the Convention on the Rights of the Child have not been taken into account in the design and implementation of the measures adopted by the State party under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. The Committee is in particular concerned that children's views are not given due consideration in all matters affecting them, including policies and programmes, and that this may be a consequence of inadequate application of the principle of the right of the child to express views and to have these views given due weight.

**526. The Committee recommends that the general principles of the Convention of the Rights of the Child, in particular the child's right to express views and be heard, is included in all the measures of the State party to implement provisions of the Optional Protocol on the sale of children, child prostitution and child pornography, including judicial or administrative proceedings.**

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

527. The Committee notes the draft national plan of action for the period 2006-2016 on the implementation of the provisions of the Convention on the Rights of the Child. However, the Committee regrets that there is no specific plan of action covering the areas related to the Optional Protocol.

**528. The Committee recommends that the State party speedily adopt its National Plan of Action and develop a specific plan of action aimed at measures needed to prevent and suppress crimes of sale of children, child prostitution and child pornography. In doing so, the State party should pay particular attention to implementation of all provisions of the Optional Protocol taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the First and Second World Congresses against Commercial Sexual Exploitation of Children (Stockholm 1996; Yokohama 2001).**

### **Coordination**

529. The Committee notes the encouraging contribution of the Coordination Council on Combating the Sale of or Trafficking in Humans, as well as of various Ministries and other central executive authorities, in supporting the implementation of the Optional Protocol. However, the Committee is concerned that the Coordination Council is not fully operational and that the implementation of the Optional Protocol is insufficiently coordinated between the various Ministries involved.

**530. The Committee recommends that the State party provide the Coordination Council on Combating the Sale of or Trafficking in Humans with the mandate to develop child rights policies and activities and to coordinate and evaluate the State party's implementation of the Optional Protocol. Furthermore, it is recommended that the State party provide the Council with specific and sufficient, human and financial resources to enable it to be fully operational, without further delay. Furthermore, the Committee recommends that the Coordination Council work closely with local authorities in order to support and develop capacity for coordination at local levels.**

### **Dissemination and training**

531. The Committee welcomes the organization of numerous information campaigns, conferences, seminars and trainings related to sale of children, child prostitution and child pornography. However, the Committee remains concerned at insufficient efforts to raise awareness about the Optional Protocol among relevant groups of professionals and the public at large, throughout its territory, and to provide adequate training in all areas of the Optional Protocol.

**532. The Committee recommends that the State party allocate adequate and earmarked resources for the development of training materials and courses in all parts of the country for all relevant groups of professionals including police officers, public prosecutors, judges, medical staff and other professionals involved in the implementation of the Optional Protocol. Furthermore, in light of article 9, paragraph 2, of the Protocol, the Committee recommends that the State party make the provisions of the Optional Protocol widely known, particularly to children and their families, through, inter alia, school curricula and long-term awareness raising campaigns, including the media and training about the preventive measures and harmful effects of all offences referred to in the Optional Protocol. In this regard, the participation of the community and, in particular, children, including child victims, should be encouraged.**

### **Data collection**

533. The Committee regrets that in the collection of statistical data on the implementation of the Convention on the Rights of the Child, on specific issues covered by the Optional Protocol, as well as in the research on the prevalence of national and cross-border trafficking, data on the sale of children, child prostitution and child pornography remains inadequate.

**534. The Committee recommends that the State party establish a centralized data collection base to ensure that data disaggregated, inter alia, by age and sex, urban and rural area, covering all regions (including the different *oblasts* and the Autonomous Republic of Crimea) and communities in Ukraine, is systematically collected and analysed for appropriate action. The Committee encourages the State party to undertake research on the nature and extent of all forms of exploitation of children, including prostitution and pornography, in order to identify the causes and the extent of the problem. Furthermore, the Committee encourages the State party to collect data on the effectiveness and efficiency of the programmes and trainings provided, as well as all relevant information on children involved in these activities.**

### **Budget allocations**

535. The Committee notes that the State party has allocated funds for the programme to support foster care, however it regrets that the State party does not provide adequate budget allocations for support to families and that these are disproportionate allocations to programmes that institutionalize children. The Committee furthermore regrets that the State party could not provide comprehensive data on government funding of activities to implement the provisions of the Optional Protocol.

**536. The Committee urges the State party to promptly provide adequate resources, including budget allocations, for all the activities aimed at implementing the Optional Protocol, including support to families. Furthermore, the Committee recommends that the State party provide in its next periodic report under the Convention on the Rights of the Child data on government funding, including measurable spending within different Government departments, as well as the local authorities, on activities to implement the provisions of the Optional Protocol.**

## **2. Prohibition of the sale of children, child pornography and child prostitution**

### **Existing criminal laws and regulations**

537. The Committee notes that the Optional Protocol takes precedence over national legislation and welcomes the inclusion in the Criminal Code of a provision on the trafficking of children, the criminal responsibility for the sale of children, forcing or involvement of children in prostitution and the production, sale and dissemination of pornographic materials. However, the Committee notes that the prohibition of the sale of children, child prostitution and child pornography has not been included in the Criminal Code in full conformity with articles 2 and 3 of the Optional Protocol.

538. **The Committee recommends that the State party take measures to amend the provisions of the Criminal Code with a view to ensuring that, as a minimum, acts and activities listed in articles 2 and 3 of the Optional Protocol are fully covered under its criminal law, no matter whether these acts are committed domestically, transnationally or on an individual or organized basis. In this regard, the Committee recommends that the State party undertake a legal study in order to identify inconsistencies and gaps between the national legal system and the Protocol and seek assistance from the United Nations Children's Fund and other relevant international organisations.**

### **3. Criminal procedure**

#### **Jurisdiction**

539. The Committee regrets the absence of information on double criminality.

540. **The Committee recommends that the State party ensure that national legislation does not require double criminality for extradition and/or prosecution of offences committed abroad.**

### **4. Protection of the rights of child victims**

#### **Juvenile justice**

541. While noting that the introduction of the institution of specialized judges for children is foreseen, the Committee is concerned at the absence of a separate juvenile justice system which can deal also with children victims of the crimes related to the Optional Protocol.

542. **The Committee recommends that the State party speedily introduce the institution of specialized judges for children and reiterates its concluding observations under the Convention on the Rights of the Child (CRC/C/15/Add.191) and urges the State party to establish a separate juvenile justice system in conformity with international standards.**

543. The Committee is concerned about the information that child victims of crimes covered by the Optional Protocol are often stigmatized, socially marginalized and may be held responsible, tried and placed in detention.

544. **The Committee recommends that the State party ensure that child victims of exploitation and abuse are neither criminalized nor penalized and that all possible measures be taken to avoid the stigmatization and social marginalization of these children.**

#### **Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol**

545. The Committee notes with appreciation that different measures for the physical and psychological recovery of child victims of sale, prostitution and pornography are provided. However, the Committee is concerned that the provisions of article 8 of the Optional Protocol

have not been adequately integrated into the relevant laws and programmes of the State party. In particular, the Committee is concerned that the status of the victim is not well defined in the Criminal Code, that legislation does not provide clear and sufficient sanctions for physical and psychological pressure during interrogations of child victims. Furthermore, the Committee is concerned that sanctions, even where adequate, are mostly not enforced.

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

**(a) In the light of article 8, paragraph 1, of the Optional Protocol, protect child victims and witnesses at all stages of the criminal justice process, by taking into account the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20);**

**(b) Continue to collaborate with non-governmental and international organizations to ensure that adequate services, provided by competent staff, are available for child victims, including physical and psychological recovery and social reintegration, in accordance with article 9, paragraph 3, of the Optional Protocol;**

**(c) Allocate sufficient funds to improve the quality of psychosocial rehabilitation services, so that the respective environment and respect for the rights of children is secured in those facilities, and to monitor outcomes of performance and quality of rehabilitation services;**

**(d) Ensure that all child victims of the offences described in the Optional Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible, in accordance with article 9, paragraph 4, of the Optional Protocol; and**

**(e) Adequately enforce the legislative provisions to ensure that offenders are punished and that victims receive compensation.**

#### **Ombudsman for children**

547. The Committee is concerned at the absence of an independent mechanism mandated to review the implementation of the Convention on the Rights of the Child and Optional Protocols to it, or to receive and consider complaints from children or on their behalf.

**548. The Committee recommends that the State party establish an independent and effective Ombudsman for Children in accordance with the Paris Principles taking into consideration the Committee's general comment No. 2 (2002) on the role of independent national human rights institutions in the protection and promotion of the rights of the child. Such an institution should be mandated to, inter alia, deal with complaints from and on behalf of children in a child-sensitive and expeditious manner and provide remedies for violations of children's rights under the Optional Protocol. In this regard, the Committee further recommends providing this body with adequate human and financial resources in order to efficiently and expeditiously perform its mandate.**

## **5. Prevention of the sale of children, child prostitution and child pornography**

### **Prevention of sale for the purpose of adoption**

549. The Committee notes the information of the Government on initiatives taken on the new legislation on adoption as well as stricter control over international adoption and notes that the State party has introduced measures that enabled more domestic adoptions. However, the Committee regrets that there are still numerous corruption related obstacles to a transparent procedure for legal adoptions.

**550. The Committee urges the State party to accede to the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. Furthermore, the Committee recommends the State party to continue and enforce its anti-corruption measures in order to combat sale of children for adoption by taking into account article 21 of the Convention on the Rights of the Child, article 3 of the Optional Protocol and the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.**

### **Measures adopted to prevent offences referred to in the Optional Protocol**

551. The Committee welcomes the efforts undertaken by the State party and particularly by the Ministry of Internal Affairs to prevent offences referred to in the Optional Protocol. However, the Committee is concerned that targeted preventive measures against exploitation of children, including prostitution, pornography and engagement of the child in forced labour, as well as measures to identify the causes and extent of the problem remain outstanding.

**552. The Committee encourages the State party to undertake further targeted preventive measures and cooperate with international organizations and non-governmental organizations concerning the implementation of awareness raising campaigns on all areas covered by the Optional Protocol. In particular, the Committee encourages the State party to undertake research on the effects of the previous actions taken and on the nature and extent of exploitation of children, including prostitution and pornography, to identify the root causes and extent of the problem. The Committee further recommends that the State party seek, for the purpose of more effective prevention in the areas covered by the Optional Protocol, technical assistance from the United Nations Children's Fund and other international organizations and agencies. Furthermore, the Committee encourages the State party to consider adopting specific legislation on the obligations of internet service providers in relation to child pornography on the Internet.**

553. The Committee welcomes the establishment of shelters for children throughout the country. However, the Committee is concerned that there are no other services that could serve as prevention, such as helplines and emergency psychological and other assistance for children and their families at risk of becoming victims of the offences contained in the Optional Protocol.

**554. The Committee recommends that the State party establish a 3-digit, 24-hour, toll-free helpline to assist child victims and their families and to support such service with adequate readily available psychological assistance and practical arrangements so as to protect**



**children from becoming victims of sale, child prostitution and child pornography. With regard to the helpline the Committee recommends that it be made available throughout the country and that the State party include information about the helpline in its child related programmes.**

## **6. International assistance and cooperation**

### **Law enforcement**

555. The Committee welcomes the State party's bilateral agreements with several States as well as the close cooperation with the United Nations Children's Fund, the Organization for Security and Cooperation in Europe and other relevant national and international organizations in order to enhance its international coordination in combating offences prohibited in this Optional Protocol.

556. **The Committee encourages the State party to continue establishing legal and practical cooperation with other States in order to prevent crimes and prosecute offenders and provide adequate sanctions. The Committee also recommends that the State party strengthen its regional and international judicial, police and victim-oriented cooperation activities with other States and international organizations with a view to preventing and combating the sale of children, child prostitution and child pornography as well as to assist repatriation and rehabilitation of victims taken abroad or child victims from other countries, when appropriate.**

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

### **Follow-up**

557. **The Committee recommends that the State party undertake all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to relevant Cabinet of Ministers, Verkhovna Rada, to the Oblasts and the Autonomous Republic of Crimea for appropriate consideration and further action.**

### **Dissemination**

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

## **8. Next report**

559. **In accordance with article 12, paragraph 2, of the Optional Protocol the Committee requests the State party to include further information on the implementation of the Optional Protocol in its combined third and fourth periodic reports in accordance with article 44 of the Convention on the Rights of the Child (due on 26 September 2008).**

### **Concluding observations: Bangladesh**

560. The Committee considered the initial report of Bangladesh (CRC/C/OPSC/BGD/1) at its 1248th meeting (see CRC/C/SR.1248), held on 4 June 2007, and adopted at its 1255th meeting, held on 8 June 2007, the following concluding observations.

#### **A. Introduction**

561. The Committee welcomes the submission of the State party's initial report under this Protocol as well as the replies to the list of issues (CRC/C/OPSC/BGD/Q/1/Add.1) submitted in a timely fashion. The Committee also appreciates the dialogue held with the delegation.

562. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on 3 October 2003 on the State party's second periodic report on the Convention, , contained in CRC/C/15/Add. 221, and the ones adopted on 27 January 2006 on the State party's initial report under the Optional Protocol on the Involvement of Children in Armed Conflict, contained in CRC/C/OPAC/BGD/CO/1.

#### **B. Positive aspects**

563. The Committee notes with appreciation:

(a) The programme of repatriation and reintegration - launched in August 2005 with the support of UNICEF - of about 200 children who were involved in camel racing in the United Arab Emirates;

(b) The State party's agreement to issue birth certificates to all refugee children also retroactively;

(c) The cooperation between the Government and national and international non-governmental organizations (NGO) in various activities, including awareness raising and dissemination of the Optional Protocol;

(d) The participatory process that led to the preparation of the State party's report, which included contribution, among others, from NGOs and UNICEF Bangladesh.

564. The Committee also welcomes the ratification by the State party of the following international instruments:

(a) The Optional Protocol on the Involvement of Children in Armed Conflict on 6 September 2000;

(b) The International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, on 12 March 2001;

(c) The 2002 SAARC (South Asian Association for Regional Cooperation) Convention on preventing and combating trafficking in women and children for prostitution.

## C. Principal areas of concern and recommendations

### 1. Data

#### Data collection

565. The Committee regrets that while there is a certain amount of information available on trafficking, data on the extent of the sale of children, child prostitution and child pornography and on the number of children involved in these activities is very limited, mainly due to the absence of a comprehensive data collection system.

**566. The Committee recommends that a comprehensive data collection system be established in order to ensure that data, disaggregated, inter alia, by age, sex, minority group, socio-economic background and geographical area are systematically collected and analysed, as they provide essential tools for measuring policy implementation. Data should also include information on the number of prosecutions and convictions for such offences, disaggregated by the nature of the offence. The State party should seek the assistance of United Nations agencies and programs, including UNICEF, in this regard.**

### 2. General measures of implementation

#### Legislation

567. The Committee is concerned that national legislation is not fully in compliance with the provisions of the Protocol. It is also concerned at the inadequate implementation of existing laws.

**568. The Committee recommends that the State party fully harmonize its legislation with the provisions of the Optional Protocol and take all necessary measures to ensure that the existing legislation is adequately implemented.**

#### National Plan of Action

569. The Committee notes the adoption of the 2002 National Plan of Action against the Sexual Abuse and Exploitation of Children, including Trafficking (NPA SAECT), and the establishment of a Monitoring Committee for its implementation, and welcomes the information that this Plan would also cover the sale of children, child prostitution and child pornography.

**570. The Committee recommends that the State party provide the Monitoring Committee for the implementation of the 2002 National Plan of Action with the necessary resources and power to effectively carry out its monitoring mandate.**

#### Coordination and evaluation of the implementation of the Protocol

571. The Committee notes that the Ministry of Women and Children's Affairs (MOWCA) is the institution responsible for the coordination of the implementation of the Optional Protocol among the different ministries. In this respect, the Committee further notes the establishment of a Standing Committee by MOWCA to monitor the implementation of the rights of the child in line

with the Convention and the Optional Protocols. However, the Committee is concerned at the effectiveness of the coordination role exercised by MOWCA, the absence of a Directorate/Department for children and the real impact of the work of the Standing Committee.

**572. The Committee recommends that the State party take all necessary measures to establish a separate Directorate/Department for children and youth to exercise a coordination and monitoring role for all the activities related to the implementation of the Optional Protocol, and provide adequate human and financial resources necessary to support this office, MOWCA and the Standing Committee to strengthen their work and effectiveness.**

### **Dissemination and training**

573. The Committee notes with appreciation numerous awareness-raising and training activities targeting key actors in the fight against commercial sexual exploitation of children, even though it notes that they are mainly conducted by NGOs. The Committee is concerned that issues of social stigma (especially against girl victims), child pornography and boy victims of prostitution are not covered adequately in the awareness-raising and training programmes.

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

**(a) Continue and strengthen systematic education and training on the provisions of the Optional Protocol for all relevant professional groups;**

**(b) Strengthen measures to disseminate the provisions of the Optional Protocol among its population, especially children and parents, by using school curricula and appropriate material specifically designed for children;**

**(c) In cooperation with civil society, promote - in line with article 9 (2) of the Protocol - awareness in the public at large, including children, of the preventive measures and harmful effects of all the offences referred to in the Protocol, through information by all appropriate means, education and training, including by translating into local languages, and by encouraging the involvement in such information and education and training programmes of the community and, in particular, children and child victims of both sexes;**

**(d) Continue to seek assistance of United Nations agencies and programs, including UNICEF.**

### **Allocation of resources**

575. The Committee welcomes the increase in the budget allocation to the social sector under the 2006/2007 Annual Development Programme, but regrets that no specific information is available on the budget allocated for the activities related to the implementation of the Protocol.

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

**(a) Provide more information on the budget allocations for the implementation of the Optional Protocol;**

**(b) Provide the necessary human and financial resources for the development and implementation of projects and plans, especially at the local level, aimed at the prevention, protection, rehabilitation and prosecution of the offences covered by the Protocol;**

**(c) Adopt a human rights approach to its budgeting with particular focus on children, including in the development and implementation of poverty reduction strategies and policies.**

### **3. Prevention of the sale of children, child prostitution and child pornography**

#### **Measures adopted to prevent offences referred to in the Optional Protocol**

577. The Committee welcomes the setting-up of an inter-ministerial Committee to prevent trafficking in women and children within the Ministry of Home Affairs and the Government-NGO Coordination Committee on Trafficking in Women and Children. The Committee also welcomes the establishment of partnership between the Government, NGOs and Intergovernmental organizations aimed at combating the sale of children, child prostitution and child pornography. However, the Committee is concerned that commercial sexual exploitation of children is a serious problem which continues to grow in the State party, especially in the form of child prostitution and trafficking for that purpose.

**578. The Committee recommends that the State party, in line with article 9 (1) of the Optional Protocol, continue to strengthen, implement and disseminate laws, administrative measures, social policies and programmes to prevent the offences referred to in the Protocol.**

579. The Committee, while welcoming the State party's efforts to improve the situation of particularly vulnerable groups, such as street children and children of sex workers, and the high attention given to girls' education as a preventive measure, is concerned that there are many obstacles in the fight against the sale of children, child prostitution and child pornography, including poverty, lack of adequate resources, cultural attitudes discriminating against women and girls, and social stigma.

**580. The Committee recommends that the State Party continue to give adequate attention, including at the financial level, to projects addressing the root causes, such as poverty, underdevelopment and cultural attitudes, of the vulnerability of children to sale, prostitution, pornography and sex tourism, including at the local level. The State party should also endeavour to promote the strengthening of international cooperation in this respect.**

581. The Committee, stressing the fact that a proper system of birth registration is among the most important preventive measures against the offences covered by the Optional Protocol, welcomes the Births and Deaths Registration Act of 2004. However, the Committee remains concerned that the rate of birth registration is still very low, especially in rural and remote areas. The Committee is also concerned that there are cases of children born to refugees married to Bangladeshi nationals who are not recognized as Bangladeshi and may remain in a situation of statelessness.

**582. The Committee recommends that the State party accelerate the implementation of the Births and Deaths Registration Act of 2004 and intensify its efforts to improve its birth registration system in order to guarantee the registration of all children within its jurisdiction. Furthermore, the Committee recommends that children of whom one parent is a Bangladeshi national be recognized as Bangladeshi nationals.**

583. The Committee is concerned at the falsification of identity documents in order to “legalize” early marriages or involve children in prostitution, which is a legal activity for adults in possession of a government certification.

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

- (a) Ensure that every child has a valid birth certificate;**
- (b) Intensify its efforts to verify accurately the age of children and combat the falsification of identity documents;**
- (c) Take measures to ensure that information is available, especially to adolescent girls, on the harmful effects of early marriages;**
- (d) Intensify its efforts to protect children from early and forced marriages, which may often have elements of practices prohibited under the Protocol, i.e. sale of children and/or child prostitution.**

#### **4. Prohibition and related matters**

##### **Existing criminal or penal laws and regulations**

585. The Committee notes with concern that:

- (a) Children aged between 16 and 18 are not covered by the 2000 “Suppression of Violence Against Women and Children Act”;
- (b) Not all types of sale of children listed in article 3 (1) (a) of the Protocol are covered under the State party’s legislation;
- (c) Child pornography, which seems to be a growing concern in Bangladesh, and child prostitution are not adequately defined and punished in conformity with article 2 (b) and (c) and 3 (1) (b) and (c) of the Optional Protocol;
- (d) The State party’s legislation does not seem to adequately cover exploitation of boys in prostitution, which may leave them without legal protection and adequate recovery and reintegration services.

**586. The Committee recommends that the State Party:**

- (a) Ensure that legislation in the area of child protection and notably in the area covered by the Optional Protocol applies to all persons below 18;**

**(b) Ensure that the sale of children is prohibited in all cases listed under article 3 (1)(a) of the Protocol;**

**(c) Adopt and implement specific legislation adequately defining and punishing child pornography and child prostitution in accordance with articles 3 (1) b and (c) of the Protocol;**

**(d) Amend its legislation in order to ensure that adequate legal protection is granted to boy victims of the offences covered by the Optional Protocol;**

**(e) Ratify the United Nations Convention against Transnational Organized Crime and its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;**

**(f) Ratify the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption.**

### **Jurisdiction**

587. The Committee is concerned at the information that the State party, in some of the cases mentioned in article 4 of the Protocol, exercises of its jurisdiction over the offences referred to therein provided that the State where the crime is committed is also a party to the Protocol.

**588. The Committee recommends that the State party take all necessary measures to establish its jurisdiction over the offences referred to in the Protocol in conformity with article 4.**

### **Extradition**

589. The Committee is concerned that the Extradition Act of 1974 only applies when the State party has entered a separate extradition treaty with the country concerned.

**590. The Committee recommends, in the light of article 5 of the Optional Protocol, that the State party:**

**(a) Include the offences referred to in article 3 (1) of the Protocol as extraditable offences in any existing extradition treaty which it entered and in every extradition treaty which it will subsequently conclude;**

**(b) Consider the Optional Protocol as a legal basis for extradition in respect of the offences covered by it, in case a request for extradition is received from another State Party with which it has no extradition treaty;**

**(c) Treat the offences referred to in article 3 (1), for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 4.**

## **5. Protection of the rights of child victims**

### **Measures adopted to protect the rights and interests of child victims of offences prohibited under the Protocol**

591. The Committee notes that while some measures protecting the rights and interests of child victims are included in the Children Act of 1974, there is no specific law for the protection of child victims and witnesses of crime. It is also concerned at the information that victims of the practices covered by the Protocol, notably child prostitution, are sometimes charged with immoral behaviour and detained until their case is heard and that, after the trial, especially boy victims are often placed in child correctional centres.

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

**(a) Ensure that child victims of any of the offences under the Optional Protocol are as such neither criminalized nor penalized and that all possible measures are taken to avoid the stigmatization and social marginalization of these children;**

**(b) Take all necessary measures to ensure that, in the treatment by the criminal justice system of children who are victims of the offences described in the Protocol, the best interests of the child shall be a primary consideration;**

**(c) In the light of article 8 (1) of the Protocol, ensure the protection of child victims and witnesses at all stages of the criminal justice process. The State party should be guided in this respect by the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20).**

### **Recovery and reintegration of victims**

593. The Committee notes the initiative started with the “One Stop Crisis Centres” for victims and that MOWCA has set-up a subcommittee on recovery and rehabilitation. However, the Committee is concerned that the availability of counselling and rehabilitation services in the State party is still inadequate and not systematized.

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

**(a) Ensure that adequate services are available for all child victims, boys and girls, including for their full social reintegration and their full physical and psychological recovery, in accordance with article 9 (3) of the Protocol;**

**(b) Take measures to ensure appropriate training, in particular legal and psychological training, for the persons who work with victims of the offences prohibited under the Protocol, in accordance with article 8 (4) of the Protocol;**

**(c) Ensure that all child victims of the offences described in the present Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible, in accordance with article 9 (4) of the Protocol.**



## **Ombudsman for children**

595. The Committee notes with concern that, despite various initiatives aimed at the establishment of an ombudsman for children, so far the State party does not have an independent mechanism mandated to review the implementation of the Convention and its Protocols, nor to receive and consider complaints from children or on their behalf.

**596. The Committee recommends that the State party establish an independent and effective Ombudsman for Children in accordance with the Paris Principles and the Committee's general comment No 2 (2002) on the role of independent national human rights institutions in the protection and promotion of the rights of the child, mandated, inter alia, to deal with complaints from and on behalf of children in a child-sensitive and expeditious manner and to provide remedies for violations of children's rights under the Protocol. This body should also be provided with the necessary human and financial resources to efficiently and expeditiously perform its mandate.**

## **Helpline**

597. The Committee believes that child helplines can be a useful tool to protect children from the offences covered by the Protocol and monitor their situation. In this regard, it is concerned that, despite plans in this respect, there is no child helpline currently functioning in the State party.

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

- (a) Establish, in collaboration with NGOs working in this area, a 3-digit, toll-free 24-hour national helpline for children;**
- (b) Provide support to establish and maintain the service;**
- (c) Ensure that it has an outreach component for the most marginalized groups, including in less accessible areas.**

## **6. International assistance and cooperation**

599. While welcoming that the State party has ratified the 2002 SAARC Convention on preventing and combating trafficking in women and children for prostitution (see supra paragraph 5 (c)), the Committee is concerned that only one bilateral agreement has been entered into by the State party to implement the provisions of the above-mentioned Convention.

**600. The Committee recommends that the State party enter into further bilateral agreements with neighbouring countries, providing for the prevention, care, reunification and rehabilitation of child victims of trafficking for the purpose of prostitution.**

**601. The Committee also recommends that the State party strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism.**

**602. The Committee encourages the State party to continue its cooperation with United Nations agencies and programs, including interregional programs, and NGOs, in the development and implementation of measures aimed at an adequate application of the Optional Protocol.**

#### **Law enforcement**

**603. The Committee encourages the State party to continue its efforts to strengthen its judicial and police cooperation activities at the international level for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism.**

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

#### **Follow-up**

**604. The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations, inter alia, by transmitting them to relevant government Ministries, the Parliament and to local authorities, for appropriate consideration and further action.**

#### **Dissemination**

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

### **8. Next report**

**606. In accordance with article 12, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its next periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.**

## **IV. COOPERATION WITH UNITED NATIONS AND OTHER COMPETENT BODIES**

**607. Before and during the meeting of the pre-sessional working group and the session, the Committee held various meetings with United Nations bodies and specialized agencies, as well as with other competent bodies, in the framework of its ongoing dialogue and interaction with those bodies in the light of article 45 of the Convention. The Committee met with:**

- Aga Khan Foundation, Bernard van Leer Foundation, WHO, UNICEF related to general comment No. 7 on child rights in early childhood development;**
- Mr. Paulo Sergio Pinheiro, Independent Expert of the Secretary-General's Study on Violence against Children on the follow up to the recommendations of the Study;**

- Ms. Maud de Boer-Buquicchio, Deputy Secretary-General of the Council of Europe to discuss modalities of enhancing cooperation;
- Mr. Miloon Kothari, Special Rapporteur on the Right to Housing;
- Ms. Gerison Lansdown (consultant) UNICEF and Save the Children UK on general comment No. 12;
- Representative of the Government of Brazil, UNICEF and International Social Service related to Guidelines on children without parental care;
- Save the Children Alliance, to discuss education in situations of conflict.

#### **V. GENERAL COMMENTS**

608. The Committee also discussed the advancement of the draft of its forthcoming general comment on the right of the child to express views and be heard.

#### **VI. FUTURE DAY OF GENERAL DISCUSSION**

609. At its 1240th meeting, held on 29 May 2007, the Committee discussed organizational matters relating to its discussion day on article 4 of the Convention, scheduled to take place during the Committee's forty-sixth session on 21 September 2007.

#### **VII. FUTURE MEETINGS**

610. The following is the draft provisional agenda for the forty-sixth session of the Committee:

1. Adoption of the agenda.
2. Organizational matters.
3. Submission of reports by States parties.
4. Consideration of reports of States parties.
5. Cooperation with other United Nations bodies, specialized agencies and other competent bodies.
6. Methods of work of the Committee.
7. Day of general discussion.
8. General comments.
9. Future meetings.
10. Other matters.

#### **VIII. ADOPTION OF THE REPORT**

611. At its 1255th meeting, held on 8 June 2007, the Committee considered the draft report on its forty-fifth session. The report was adopted unanimously by the Committee.

**Annex**

**MEMBERSHIP OF THE COMMITTEE ON  
THE RIGHTS OF THE CHILD**

<u>Name of Member</u>	<u>Country of Nationality</u>
Ms. Agnes Akosua AIDOO*	Ghana
Ms. Ghalia Mohd Bin Hamad AL-THANI**	Qatar
Ms. Joyce ALUOCH**	Kenya
Mr. Luigi CITARELLA*	Italy
Mr. Kamel FILALI*	Algeria
Ms. Maria HERCZOG*	Hungary
Ms. Moushira KHATTAB*	Egypt
Mr. Hatem KOTRANE*	Tunisia
Mr. Lothar Friedrich KRAPPMANN*	Germany
Ms. Yanghee LEE**	Republic of Korea
Ms. Rosa Maria ORTIZ*	Paraguay
Mr. David Brent PARFITT**	Canada
Mr. Awich POLLAR**	Uganda
Mr. Dainius PURAS*	Lithuania
Mr. Kamal SIDDIQUI**	Bangladesh
Ms. Lucy SMITH**	Norway
Ms. Nevena VUCKOVIC-SAHOVIC**	Republic of Serbia
Mr. Jean ZERMATTEN**	Switzerland

-----

---

\* Term expires on 28 February 2011.

\*\* Term expires on 28 February 2009.