



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined second to fourth periodic reports of Antigua and Barbuda\*

#### I. Introduction

1. The Committee considered the combined second to fourth periodic reports of Antigua and Barbuda (CRC/C/ATG/2-4) at its 2212th and 2213th meetings (see CRC/C/SR.2212 and 2213), held on 29 May 2017, and adopted the present concluding observations at its 2221st meeting, held on 2 June 2017.

2. The Committee welcomes the submission of the combined second to fourth periodic reports of the State party and the written replies to the list of issues (CRC/C/ATG/Q/2-4/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas since its previous review, including the ratification of the Convention on the Rights of Persons with Disabilities in 2016, along with other institutional and policy measures related to children's rights.

#### III. Main areas of concern and recommendations

##### A. General measures of implementation (arts. 4, 42 and 44 (6))

###### Legislation

4. The Committee welcomes the efforts made to carry out a comprehensive review of existing laws to ensure compliance and harmonization with the provisions of the Convention and notes as positive the adoption of the Status of Children Act (2015), the Child Justice Act (2015) and the Children (Care and Adoption) Act (2015). It is concerned, however, that some legislation remains to be harmonized with the Convention. It is also concerned that progress in adopting the family bill has been slow.

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\* Adopted by the Committee at its seventy-fifth session (16 January-3 February 2017).



5. **With a view to expediting the process of ensuring that its legislation complies fully with the principles and provisions of the Convention, the Committee recommends that the State party:**

- (a) **Introduce a child rights impact assessment procedure for all current and proposed legislation;**
- (b) **Make the adoption of the family bill a matter of priority.**

#### **Comprehensive policy and strategy**

6. The Committee welcomes the development of a national youth policy. However, it remains concerned about the lack of a comprehensive national policy and plan of action to specifically promote and protect children's rights.

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

- (a) **Develop an updated, comprehensive national policy and plan to advance, promote and protect children's rights and ensure that it is supported by sufficient human, technical and financial resources;**
- (b) **Ensure that all relevant stakeholders, including children, are consulted in the development of a child protection policy;**
- (c) **Regularly assess the effective implementation of such a policy.**

#### **Coordination**

8. The Committee is concerned about the insufficient coordination of all activities related to the implementation of the Convention at the cross-sectoral, national and local levels and notes that the Citizens Welfare Division at the Ministry of Social Transformation and Human Resource Development, the principal body responsible for dealing with children, has insufficient resources and capacity to enable it to coordinate with other stakeholders. It is also concerned that the National Child Protection Reform Committee has not been operational since 2014.

9. **The Committee urges the State party to establish an effective mechanism with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention at the cross-sectoral, national and local levels. Such a coordinating body should be provided with the human, technical and financial resources necessary for its effective operation.**

#### **Allocation of resources**

10. The Committee takes note of the use of a programme-based budget. However, it remains concerned at the lack of targeted budgetary allocations for the implementation of the Convention, particularly for those provisions affecting children in marginalized and vulnerable situations. The Committee is also concerned at the decline in the total budget allocated to the education and health sectors.

11. **With reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party:**

- (a) **Establish a budgeting process that includes a child rights perspective, clearly specifying the budget to be allocated to children in the relevant sectors and agencies and including specific indicators and a tracking system;**
- (b) **Establish mechanisms to monitor and evaluate the adequacy and the efficacy of the resources allocated for the implementation of the Convention, as well as the equity with which those resources are distributed;**
- (c) **Allocate resources for the implementation of special protection measures for children in disadvantaged or vulnerable situations and ensure that these resources remain protected, even in situations of economic crisis or natural disaster;**
- (d) **Conduct a comprehensive assessment of the budgetary needs of children, increase the budget allocated to social sectors, address disparities on the basis of**

indicators related to children's rights and, in particular, increase allocations in education and health to adequate levels.

#### **Data collection**

12. The Committee notes as positive the efforts being made to establish a systematic mechanism of data collection, but is concerned that currently the collection of data on the status of children's rights remains weak, particularly data disaggregated by, inter alia, age, sex, geographical and socioeconomic background, which are pivotal for devising strategies and policies for the full implementation of the Convention and for assessing progress achieved towards that objective.

13. **With reference to its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party:**

(a) **Expediently improve its data-collection system. Data should be collected on all areas of the Convention and should be disaggregated by age, sex, disability, geographic location and socioeconomic background in order to facilitate the conduct of analyses on the situation of all children, particularly those in situations of vulnerability;**

(b) **Ensure that the data collected and the indicators are shared among relevant ministries and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;**

(c) **Take into account the conceptual and methodological framework set out in the publication of the Office of the United Nations High Commissioner for Human Rights (OHCHR) entitled *Human Rights Indicators: A Guide to Measurement and Implementation* when defining, collecting and disseminating statistical information;**

(d) **Strengthen its technical cooperation with, among others, the United Nations Children's Fund (UNICEF) and regional organizations for the purpose of implementing the above-mentioned recommendations.**

#### **Independent monitoring**

14. The Committee notes as positive the State party's acceptance of the recommendations made in 2016, in the context of the universal periodic review, to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). However, it is concerned that there is no specific independent mechanism for monitoring children's rights.

15. **With reference to its general comment No. 2 (2002) on the role of independent human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party:**

(a) **Take measures to expediently establish an independent body in accordance with the Paris Principles, together with a specific mechanism for monitoring the implementation of children's rights;**

(b) **Ensure that such a body is able to receive, investigate and effectively address complaints by children in a child-sensitive manner;**

(c) **Ensure the privacy and protection of child victims and undertake monitoring, follow-up and verification activities for victims;**

(d) **Seek technical cooperation from, among others, OHCHR, UNICEF and the United Nations Development Programme;**

(e) **Allocate sufficient human, technical and financial resources for the purpose of implementing the above-mentioned recommendations.**

**Dissemination, awareness-raising and training**

16. While the Committee notes as positive the efforts made to hold national consultations on the first draft of the State party's report, it is concerned that overall there is insufficient training and awareness-raising on the Convention for professionals working with and for children, in particular children in vulnerable situations. It also notes with concern that the Convention is not part of the education curricula.

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

(a) **Provide adequate and systematic training and/or awareness-raising of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, probation officers, teachers, school administrators, health personnel, social workers and civil society representatives, including community leaders, non-governmental organizations and media outlets, about children's rights with a view to facilitating broad participation in the dissemination and promotion of the Convention;**

(b) **Fully integrate the Convention into curricula at all levels of the education system, emphasizing tolerance and diversity;**

(c) **Ensure the participation of children in the dissemination of information on their rights.**

**B. Definition of the child (art. 1)**

18. The Committee is concerned that the Marriage Act includes exceptions that allow marriage from the age of 16 years.

19. **The Committee recommends that the State party amend the Marriage Act to remove exceptions that allow marriage for those under the age of 18 years.**

**C. General principles (arts. 2, 3, 6 and 12)****Non-discrimination**

20. The Committee welcomes the adoption of the revised Status of Children Act (2015) as a means of eliminating stigma against children born out of wedlock. However, it remains concerned that the grounds for constitutional protection from discrimination are not in full compliance with article 2 of the Convention and that no additional legislation exists that explicitly prohibits all forms of discrimination. It is also concerned that some groups of children, in particular children with disabilities, children living in poverty, children of migrant parents and informally adopted children, suffer from discriminatory attitudes and disparities in accessing basic services.

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

(a) **Strengthen its efforts to eradicate all discriminatory policies and practices with a view to ensuring that children enjoy all the rights set out in article 2 of the Convention;**

(b) **Continue and strengthen its anti-discrimination awareness-raising and public education campaigns in relation to children of migrant parents, children with disabilities and informally adopted children, and those living in socially and economically disadvantaged families;**

(c) **Enact comprehensive anti-discrimination legislation with effective enforcement mechanisms that prohibit discrimination on all grounds.**

**Best interests of the child**

22. The Committee welcomes the inclusion of the principle of the best interests of the child in new legislation such as the Child Justice Act (2015) and the Children (Care and

Adoption) Act (2015). However, it is concerned that the principle may not be fully implemented in practice.

23. **With reference to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to or have an impact on children. In that regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in a position to determine the best interests of the child and to consider that principle as a primary consideration. It is also encouraged to provide training for all professionals working with and for children.**

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

24. The Committee notes as positive the progress being made to establish mechanisms allowing students to voice their views at school through student councils and the efforts being made to ensure respect for the views of the child, including the establishment of a youth parliament. However, it is concerned that there is limited recognition in the legislation of the right of the child to be heard and that there are no general mechanisms promoting the right to be heard. It is also concerned that children in vulnerable or marginalized situations, such as children in administrative care and children with disabilities, are often not consulted in matters concerning them.

25. **With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:**

(a) **Strengthen its efforts to ensure that children's views are given due consideration in the family, in schools, in the courts and in all relevant administrative and other processes concerning them through, inter alia, the adoption of appropriate legislation, the training of professionals, the establishment of specific activities at schools and the conduct of awareness-raising activities among the general public;**

(b) **Work in collaboration with stakeholders to disseminate the text of the Convention, including child-friendly versions, throughout the State party;**

(c) **Strengthen the creation of spaces through which children can effectively influence public policy and, to that end, provide the youth parliament with a meaningful mandate along with the necessary human, technical and financial resources.**

### **D. Civil rights and freedoms (arts. 7, 8 and 13-17)**

#### **Birth registration**

26. The Committee notes as positive the efforts being made to register the births of all children in the State party. However, it is concerned that, despite the provision of subsidies, paternity tests continue to be expensive.

27. **The Committee reiterates its previous recommendation that the State party facilitate the establishment of legal paternity for children born out of wedlock by creating accessible and expeditious procedures and by providing the required legal and other assistance.**

### **E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

#### **Corporal punishment**

28. The Committee remains deeply concerned that corporal punishment is widespread and administered systematically in schools, in the home, in alternative care and day care settings and other institutions and that it continues to be widely accepted in society as a

means of disciplining children. It is particularly concerned that certain provisions of the Education Act (2008) allow the principal, deputy principal or a teacher of a school to administer corporal punishment.

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

(a) **End all forms of corporal punishment in all settings, in particular in schools, in the home and in private and public institutions;**

(b) **Expediently repeal the relevant provisions of the Education Act (2008);**

(c) **Undertake awareness-raising programmes, including education campaigns, to change public attitudes and provide training and information on alternative forms of non-violent discipline, ensuring that they are consistent with the child's human dignity;**

(d) **Train and raise the awareness of educators and other professionals working with and for children on positive behavioural management with a view to promoting safer and more protective schooling environments.**

#### **Abuse and neglect**

30. The Committee notes as positive the adoption of the Children (Care and Adoption) Act (2015). However, it is concerned about:

(a) The absence of mechanisms to receive, monitor and investigate cases of child abuse and neglect;

(b) The insufficient number of shelters and accessible counselling services for children affected by abuse;

(c) The prevailing societal attitudes that perceive domestic abuse to be a private matter.

31. **With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of target 16.2 of the Sustainable Development Goals on ending abuse and other forms of violence against children, the Committee recommends that the State party:**

(a) **Strengthen its mechanisms to receive, monitor and investigate complaints of abuse and neglect in a child-sensitive manner and ensure the proper prosecution and adequate punishment of perpetrators;**

(b) **Establish more shelters and accessible counselling services for children affected by abuse;**

(c) **Further strengthen awareness-raising and education programmes and campaigns with the involvement of children, in order to formulate a comprehensive strategy for preventing and combating child abuse;**

(d) **Establish a national database on all cases of domestic violence against children and undertake a comprehensive assessment of the extent, causes and nature of such violence;**

(e) **Encourage community-based programmes aimed at preventing and tackling child abuse and neglect, including by involving former victims, volunteers and community members.**

#### **Sexual exploitation and abuse**

32. The Committee notes as positive the efforts aimed at preventing sexual exploitation and abuse of children, including through the adoption in 2015 of the amendment to the Trafficking in Persons (Prevention) Act (2010) and the establishment of the Sexual Offences Unit within the police force. It is concerned, however, about reports of men having sexual relations with girls as young as 8 years old as well as the stigmatization of child victims and the low rate of prosecutions of alleged offenders.

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

- (a) **Establish mechanisms, procedures and guidelines to ensure mandatory reporting of cases of child sexual abuse and exploitation;**
- (b) **Conduct awareness-raising activities to combat the stigmatization of child victims of sexual exploitation and abuse, and ensure accessible, confidential, child-friendly and effective reporting channels for such violations;**
- (c) **Ensure the development of programmes and policies for the prevention, recovery and social reintegration of child victims, in accordance with the outcome documents of the World Congresses against Commercial Sexual Exploitation of Children;**
- (d) **Ensure adequate resources for and training of relevant personnel in order to expeditiously investigate cases of sexual abuse and exploitation and identify alleged perpetrators, ensuring that they are properly prosecuted and appropriately sanctioned.**

#### **Helplines**

34. The Committee is concerned that the State party has not established a free-of-charge helpline service for children at the national level.
35. **The Committee recommends that the State party ensure the establishment of a national three-digit 24/7 helpline (mobile or otherwise) free of charge staffed by suitably trained counsellors and other personnel and available to all children.**

### **F. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

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

36. The Committee notes as positive the State party's efforts to promote family-type foster care for children deprived of a family environment. However, it continues to be concerned at the absence of safe houses or places of alternative care for boys who are in need of protection.
37. **The Committee recommends that the State party:**
- (a) **Support and facilitate family-based care for children wherever possible;**
  - (b) **Ensure that financial support to foster parents sufficiently covers the costs of childcare;**
  - (c) **Ensure that adequate human, technical and financial resources, including for medical, psychological and educational services, are allocated to alternative care centres and relevant child protection institutions, in order to facilitate the rehabilitation and social reintegration of children residing there;**
  - (d) **Redouble efforts to establish an institution designed to accommodate boys in need of care, ensuring that their physical and psychological needs are appropriately met.**

### **G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)**

#### **Children with disabilities**

38. While noting the State party's efforts to address the needs of children with disabilities, the Committee is deeply concerned that:
- (a) The absence of a standard legal definition of a child with a disability, combined with the lack of reliable data and of a national policy on children with disabilities hinders the delivery and evaluation of services for them;

(b) There is no explicit legal provision mandating the provision of services for children with disabilities or their access to public buildings, public spaces and all service delivery areas;

(c) Full inclusion of children with intellectual and psychosocial disabilities remains unsatisfactory owing to a shortage of trained specialists, including speech therapists, mental health professionals and psychologists;

(d) There is a reliance on special schools and inadequate attention to the inclusion of children with disabilities in regular schools, while an insufficient number of teachers have the skills required to ensure an inclusive education.

**39. With reference to general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to:**

(a) **Enhance data collection on children with disabilities and conduct studies and analyses on the effectiveness of the implementation of the Convention;**

(b) **Reform the system of social assistance for children with disabilities and their families in order to improve its coherence and coordination and avoid institutionalization;**

(c) **Take measures to facilitate the full inclusion of children with disabilities, including those with intellectual and psychosocial disabilities, in all areas of public life, including in leisure activities, in community-based care and in the provision of social housing;**

(d) **Promote inclusive education by training and assigning specialized teachers and professionals to inclusive classes, providing individual support and due attention to children with learning difficulties, and address the shortage of speech therapists and qualified professionals for children with intellectual and psychosocial disabilities;**

(e) **Undertake awareness-raising campaigns to combat the stigmatization of and prejudice against children with disabilities.**

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

40. The Committee notes as positive that the State party, through the Medical Benefits Scheme, continues to offer free medical care to children under 16 years of age and that immunization coverage remains high. However, the Committee is concerned at the increasing level of obesity and malnutrition among children.

**41. The Committee encourages the State party to:**

(a) **Strengthen its efforts to improve the health-care infrastructure, including through international cooperation, in order to ensure access to free medical care and services for all children, including those between 16 and 18 years of age;**

(b) **Conduct a nutrition survey to assess household nutrition levels, especially among newborns and children under 5 years of age, and the adequacy of vitamin and micronutrient intakes;**

(c) **Develop policies to ensure that healthy food and lifestyle choices are available and affordable and strengthen awareness-raising campaigns to promote the benefits of healthy eating for children.**

#### **Mental health**

42. The Committee notes the measures taken by the State party to address mental health issues. However, it is concerned about the shortage of qualified child psychiatrists and community-based mental health services.

**43. The Committee recommends that community-based mental health services be made readily available and that steps be taken to strengthen preventive work, particularly in the home environment and in care centres. It also recommends that the number of child psychiatrists and psychologists be increased.**



### Adolescent health

44. While noting that the Planned Parenthood Association provides contraceptives and free counselling services, the Committee is concerned that:

- (a) Sexual and reproductive health is not part of the school curricula;
- (b) Due consideration has not been given to the developmental, mental and reproductive health concerns of children and adolescents;
- (c) The relatively high rate of teenage pregnancies, the absence of a comprehensive national programme and insufficient coordination among agencies undermines the potential to develop a strategic and sustainable response to preventing early pregnancies;
- (d) The increase in levels of abuse of alcohol and marijuana is not being effectively addressed.
- (e) There is no legislation banning the sale and use of controlled substances by children.

45. **With reference to its general comment No. 4 (2003) on adolescent health and development in the context of the Convention, the Committee recommends that the State party:**

- (a) **Provide comprehensive, age-appropriate education on sexual and reproductive health, including information on family planning and contraceptives, the dangers of early pregnancy and the prevention and treatment of sexually transmitted diseases;**
- (b) **Develop sexual and reproductive health services, including free contraceptives and confidential counselling for adolescent girls and boys;**
- (c) **Expediently address drug (especially marijuana) and alcohol abuse by children and adolescents by, inter alia, providing children and adolescents with accurate and objective information, as well as life skills education on preventing such abuse;**
- (d) **Develop legislation to prohibit the sale and use of and trafficking in controlled substances to and by children.**

### Impact of climate change on the rights of the child

46. Noting that the State party is prone to natural disasters, and drawing attention to target 1.5 of the Sustainable Development Goals on building the resilience of the poor and those in vulnerable situations by 2030 so as to reduce their vulnerability to extreme climate-related events, economic, social and environmental shocks and disasters, the Committee recommends that the State party:

- (a) **Identify, including through the collection of disaggregated data, the types of risks children would face in the event of natural disasters;**
- (b) **Ensure that the special vulnerabilities and needs of children, as well as their views, are taken into account in developing policies and programmes addressing climate, environmental change and disaster risk management;**
- (c) **Seek bilateral, multilateral, regional and international cooperation in the areas of disaster risk reduction and of mitigation of and adaptation to the effects of climate and environmental change.**

### HIV/AIDS

47. The Committee welcomes the strides made by the State party in virtually eliminating the mother-to-child transmission of HIV and in establishing various preventive initiatives. However, it is concerned at the increasing number of girls infected with HIV and the social stigmatization and discrimination that prevents HIV-positive patients from seeking medical treatment.

48. **With reference to general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party:**

(a) **Sustain the measures in place to prevent the mother-to-child transmission of HIV and develop a road map to ensure the implementation of effective preventive measures;**

(b) **Improve access to quality, age-appropriate HIV/AIDS health services;**

(c) **Undertake awareness-raising programmes, including public campaigns to educate children, parents, teachers, health-care professionals, police officers and employers on HIV/AIDS;**

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

## **H. Education, leisure and cultural activities (arts. 28-31)**

### **Education, including vocational training**

49. The Committee welcomes the State party's School Uniform Grant Programme, which provides children from all schools with free school uniforms, as well as the National School Meals Programme in primary schools. However, it is concerned about the lack of adequate counselling for adolescent students and about the shortage of schools and educational materials.

50. **Taking note of Goal 4 and, in particular, targets 4.1 and 4.2, of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Further strengthen its efforts to improve access to quality education for all children, including access to preschool and to secondary and higher education;**

(b) **Allocate sufficient financial resources for the development and expansion of early childhood education, based on a comprehensive and holistic policy of early childhood care and development;**

(c) **Fully implement the Education Sector Development Plan with the aim of realizing children's rights to access, participate in and benefit from the outcomes of quality educational and early childhood services.**

## **I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)-(d) and 38-40)**

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

51. While noting that the Labour Code (1975) bans the employment of children below the age of 14 years in public, private or industrial environments and restricts persons under 18 from working during school hours or at night (except if the person is in possession of medical clearance), the Committee is concerned at the lack of clear criteria prohibiting persons below the age of 18 from engaging in hazardous work. It is further concerned at the absence of a comprehensive list of hazardous work prohibited for children.

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

(a) **Take the measures necessary to ensure that the involvement of children in all contexts is in full compliance with international child labour standards with respect to age, working hours, working conditions, education and health;**

(b) **Adopt a comprehensive list of kinds of hazardous work that children should be prohibited from engaging in, in accordance with the Worst Forms of Child Labour Convention, 1999 (No. 182), of the International Labour Organization (ILO) and explicitly prohibit the employment of children between 14 and 18 years of age in work likely to cause harm to their health, safety and morals;**

(c) **Seek technical assistance from the ILO International Programme on the Elimination of Child Labour in that regard.**

#### **Sale and abduction of and trafficking in children**

53. The Committee welcomes the progress made by the State party in addressing trafficking and sexual exploitation, including through amendments made in 2015 to the Trafficking in Persons (Prevention) Act (2010) and the development of a new national action plan for the period 2016-2018. However, it remains concerned that, as a result of the limited resources, the identification of victims remains a challenge and that there is no system for providing specialized care, support and accommodation to child victims of trafficking.

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

(a) **Ensure that sufficient human, financial and technical resources are available to effectively implement the Trafficking in Persons (Prevention) Act (2015);**

(b) **Establish adequate and coordinated mechanisms to identify and protect child victims of trafficking, including mechanisms for the systematic and timely sharing of information among relevant officials, and strengthen the capacity of police officers, labour inspectors and social workers to identify child victims of trafficking;**

(c) **Ensure that child victims of trafficking are provided with specialized care, support and appropriate accommodation;**

(d) **Conduct awareness-raising activities in order to make parents and children aware of the dangers of trafficking;**

(e) **Further strengthen regional and international cooperation to combat trafficking in children, including through the conclusion of bilateral and multilateral agreements.**

#### **Asylum seekers and refugee children**

55. The Committee notes that the State party has established an ad hoc committee to deal with asylum. However it is concerned that the absence of legislation or of a specific regulation governing asylum procedures may leave refugee children vulnerable to trafficking for the purpose of sexual exploitation.

56. **The Committee recommends that the State party accede to the 1961 Convention on the Reduction of Statelessness and establish referral mechanisms to ensure the proper identification and protection of victims of trafficking, especially unaccompanied children, and to provide victims of trafficking, including children, an effective opportunity to seek asylum.**

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

57. The Committee welcomes the enactment of the Child Justice Act (2015), which came into effect on 1 November 2016. However, it is seriously concerned that:

(a) The minimum age of criminal responsibility remains very low, permitting children as young as 8 years old to be arrested and brought to court;

(b) Although there is some protection for children between 8 and 14 years of age, there is no clear, reliable procedure for assessing their criminal capacity;

(c) Although the Child Justice Act (2015) introduces diversion as an alternative to judicial proceedings, section 43 of the Act limits the application of alternatives to children between 8 and 12 years of age;

(d) While the Child Justice Act (2015) aims to make detention a measure of last resort, children referred to residential centres will be held in the Boys Training School, which remains in need of significant transformation to bring its practices in line with the Convention and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules);

- (e) There is no indication of any programmes designed for detained children.

58. With reference to its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to continue to develop its new child justice system so that it complies fully with the Convention and other relevant standards. In particular, the Committee urges the State party to:

- (a) Raise the minimum age of criminal responsibility to an internationally accepted level;
- (b) Ensure that the rights of the children currently protected by the presumption of lack of criminal responsibility be strengthened;
- (c) Designate especially trained judges and other personnel and provide sufficient financial resources to ensure that the Child Justice Act (2015) is properly implemented, including by providing ongoing training;
- (d) Review section 43 of the Child Justice Act (2015) with a view to allowing the application of alternatives to judicial proceedings to be applied to all children;
- (e) Step up efforts to transform the Boys Training School into an appropriate residential option for boys, ensuring that the arrest and detention of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time and in accordance with the Rules and other relevant standards.

#### Child victims and witnesses of crimes

59. The Committee recommends that the State party ensure that laws and practices take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.

### J. Ratification of the Optional Protocols

60. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocols to the Convention on the involvement of children in armed conflict and on a communications procedure.

### K. Ratification of international human rights instruments

61. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments to which it is not yet a party:

- (a) The International Covenant on Civil and Political Rights;
- (b) The International Covenant on Economic, Social and Cultural Rights;
- (c) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- (d) The International Convention for the Protection of all Persons from Enforced Disappearance;
- (e) The Hague Convention on the Civil Aspects of International Child Abduction;
- (f) The Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

62. The Committee reminds the State party that the report on its implementation of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography has been overdue since 30 May 2004. The Committee urges the State party to fulfil its reporting obligations in respect of that Optional Protocol.

## **IV. Implementation and reporting**

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

63. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined second to fourth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

### **B. Next report**

64. The Committee invites the State party to submit its combined fifth and sixth periodic reports by 3 May 2022 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

65. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.

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