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Committee on the Rights of the Child**Concluding observations on the second to fourth periodic reports of Vanuatu*****I. Introduction**

1. The Committee considered the combined second to fourth periodic reports of Vanuatu (CRC/C/VUT/2-4) at its 2238 and 2239 meetings (see CRC/C/SR.2238 and 2239), held on 21 September 2017, and adopted the present concluding observations at its 2251st meeting, held on 29 September 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/VUT/Q/2/Add.1). However, the Committee regrets that the report was submitted with considerable delay, which prevented the Committee from reviewing the implementation of the Convention by Vanuatu for 18 years. The Committee welcomes the constructive dialogue with the multisectoral delegation of the State party successfully held through video-conferencing, a method that suited the limited resources 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, including the ratification of or accession to international instruments, in particular the ratification of the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional protocol on children in armed conflict. The Committee notes with appreciation also the legislative, institutional and policy measures adopted to implement the Convention.

* Adopted by the Committee at its seventy-sixth session (11 – 29 September 2017).

III. Main areas of concern and recommendations

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

The Committee's previous recommendations

4. **The Committee recommends that the State party take all measures necessary to address its previous recommendations of 1999 (CRC/C/15/Add.111) which have not been implemented or not sufficiently implemented and, in particular, those related to budget allocation (para. 11), training and dissemination (para. 12) and corporal punishment (para.16).**

Legislation

5. The Committee welcomes the establishment of the Vanuatu Law Commission and the ongoing legislative reform. However, the Committee is concerned that there is no comprehensive child protection law, that some laws still have to be harmonised with the Convention, in particular the Control of Marriage Act and the Penal Code, and that the Family Protection Act (2008) is not fully implemented.

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

(a) **Strengthen its efforts to implement the Vanuatu Law Commission's suggested revisions and bring the existing legislation in conformity with the Convention;**

(b) **Develop the Child Protection Bill as envisaged under the Vanuatu Child Protection Rolling Work Plan 2016 -2017;**

(c) **Take prompt steps to implement the Family Protection Act (2008) and raise community awareness of the Act.**

Comprehensive policy and strategy

7. The Committee welcomes the adoption of the National Child Protection Policy (2016 – 2026). However, it remains concerned that there is no national strategy or plan of action for children and that a number of child-focused policies, such as the National Children's Policy (2007-2011) have expired and have not been reviewed.

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

(a) **Allocate appropriate resources to implement the National Child Protection Policy (2016 – 2026);**

(b) **Adopt and implement a comprehensive national strategy for children to cover all areas of the Convention and allocate appropriate human, technical and financial resources for its implementation.**

Coordination

9. The Committee notes the establishment of the National Children's Committee (NCC) in 2000. However, it is concerned that the NCC has not been fully functional since 2012 and that a number of newly established child-focused officer positions at the national and provincial levels have not been funded.

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

(a) **Provide the NCC with the necessary human, technical and financial resources for its effective operation;**

(b) Progressively allocate sufficient financial resources to fund the child-focused officer positions at national and provincial level.

Allocation of resources

11. **With reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee reiterates its previous concluding observations (CRC/C/15/ Add.111, para. 11) and recommends that the State party in planning its future budgets increase allocated budgetary resources for children to the maximum extent possible in accordance with article 4 of the Convention and in particular increase budget and expenditures for the Child Desk coordination within the Ministry of Justice and Community Services (MoJCS).**

Data collection

12. The Committee notes with appreciation the establishment of the Monitoring and Evaluation Unit (M&E Unit) of the Prime Ministers Office, the Health Information System (HIS) and the Vanuatu Education Management Information System (VEMIS). However, it is concerned that:

(a) There is no clarity on how the work of the M&E Unit is aligned to the National Statistics Office and to what extent it influences the State party's policy planning and budgeting;

(b) Relevant nutritional indicators for children are not part of the HIS;

(c) VEMIS only monitors children in schools and does not address the prevalence of out-of school children neither the children with disabilities, nor does it provide for particular adjustments in connection with the degree and complex nature of disability.

13. **In the light of its general comment No. 5 (2003) on general measures of implementation, the Committee recommends that the State party:**

(a) **Enhance coordination between the Monitoring and Evaluation Unit and the National Statistics Office and ensure that the data collected is being used to inform State party's planning, budgeting and monitoring for children;**

(b) **Strengthen administrative data, in particular the HIS and VEMIS, to include key indicators for children appropriately disaggregated by, inter alia, age, sex, disability, ethnic origin, national origin, geographic location and socioeconomic status;**

(c) **Strengthen data collection system which captures qualitative and quantitative disaggregated data on children, including children with disabilities, particularly at the provincial level, and provide appropriate human, technical and financial resources.**

Independent monitoring

14. The Committee notes the ongoing discussions on the establishment of the national human rights institution. However, it is concerned that there is no timeframe for the establishment of this institution with a specific mechanism for monitoring children's rights that is able to receive, investigate and address complaints by children in a child-sensitive manner.

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

(a) Take measures to expeditiously establish an independent mechanism for monitoring human rights, including a specific mechanism for monitoring children's rights that is able to receive, investigate and address complaints by children in a child-sensitive manner;

(b) Seek technical cooperation from, among others, UNICEF, the Office of the United Nations High Commissioner for Human Rights (OHCHR), and the United Nations Development Programme (UNDP).

Dissemination, awareness-raising and training

16. While noting the awareness raising on the Convention at national and community level, particularly the State party's partnership with the civil society organisations, traditional leaders and churches, the Committee recalls its previous concluding observations (CRC/C/15/Add.111, para. 12) and recommends that the State party:

(a) Strengthen community awareness programmes, including campaigns, and efforts in order to ensure that provisions and principles of the Convention are widely recognised and understood and make sure that children, parents, communities and church leaders play a key role in such initiatives;

(b) Strengthen awareness at the national and local level, particularly among the government officials that work directly on children's rights, and among children networks, parents and communities;

(c) Engage with community and parents in discussion on children's rights, in particular on the issues such as gender, child marriage and child labour.

B. Definition of the child (art. 1)

17. The Committee is seriously concerned that the minimum age for marriage is still set at 16 for girls under the Control of Marriage Act.

18. The Committee urges that the State party revise the Control of Marriage Act to ensure that the minimum age for marriage is established at 18 for both girls and boys and take all necessary measures to eliminate child marriages.

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

19. The Committee notes that the State party's Constitution provides protection from discrimination on various grounds. It is however concerned that there remains de jure and de facto discrimination of children based on gender and disabilities.

20. The Committee recommends that the State party take more active measures to end all forms of discrimination against children, with special attention to discrimination against girls and children with disabilities.

Respect for the views of the child

21. The Committee is concerned that there are no specific court rules for procedures dealing with children and that the Criminal Procedures Code is silent with regard to respect of children's view during criminal cases.

22. With reference to article 12 of the Convention and its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party ensure that children's views are given due consideration in the family, at schools, in the courts and in all relevant administrative and legal proceedings concerning them through, inter alia, the adoption of appropriate legislation, including the revision of the Criminal Procedures Code, and training of professionals.

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

Birth registration

23. The Committee notes that the State party made some progress in birth registration coverage of children through the decentralisation of birth registration services, mobile services and by strengthening the Civil Registry Department. However, it remains concerned at the differences in birth registrations depending on whether a child is born in a hospital facility or outside. The Committee is also concerned at the accuracy of the registration details for children born out-of-wedlock and to adolescent mothers.

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

(a) **Strengthen its efforts to implement early birth registration procedures and issuance of birth certificates with a special focus on birth registration at community level;**

(b) **Improve birth registration outside of hospital facilities and strengthen the use of mobile birth registration teams to cover remote communities;**

(c) **Launch extensive awareness-raising programmes about the importance of birth registration and the process by which the children are registered;**

(d) **Ensure accuracy of registration details for children born out-of-wedlock and to adolescent mothers;**

(d) **Develop strategies to change the societal mindset and negative attitudes against unmarried mothers.**

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

Corporal punishment

25. With the reference to the general comment No. 8 (2006) on corporal punishment, the Committee urges the State party to:

(a) **Amend existing legislation, in particular the Family Protection Act, and the Penal Code and explicitly prohibit corporal punishment in all settings;**

(b) **Immediately and effectively implement the Education Act prohibiting corporal punishment in schools and strengthen teacher training on alternative forms of discipline and ensure it is part of pre- and in-service training programmes;**

(c) **Develop Guidelines for the implementation of the prohibition of corporal punishment in accordance with the Education Act and vigorously prosecute offenders;**

(d) **Provide programmes for parents, teachers, the police and professionals that work with and for children to encourage the use of alternative non-violent forms of discipline;**

(e) **Provide children with a complaints mechanism in schools so that they can safely and confidentially report teachers that continue to use corporal punishment despite the ban;**

(f) **Strengthen awareness raising programmes, trainings and other activities to promote the change of mind set with regard to corporal punishment, particularly in schools, family and at the community level.**

Abuse and neglect and sexual exploitation and abuse

26. The Committee notes the Penal Code (Amendment) Act No.17 of 2003 and amendments relating to sexual violence against children. The Committee however remains seriously concerned at:

(a) The reportedly high level of sexual abuse, including sexual harassment at community level, and significant underreporting due to the fear of stigma;

(b) The reporting and settling of cases through the village chiefs that may result in actions against the child victims or their families rather than the perpetrators;

(c) The fact that children are not sufficiently aware of existing reporting mechanisms or protection orders;

(d) Inadequate structures in place to support child victims of violence, such as special court procedures for taking the evidence, shelters and counselling;

(e) The shortage of specialised personnel and no specialised police unit for child victims;

(f) The Family Protection Units only dealing with domestic cases of non-sexual nature.

27. **With reference to the general comment No.13 (2011) on the right of the child to freedom from all forms of violence and taking note of Sustainable Development Goal 16.2 to end abuse, exploitation, trafficking and all forms of violence and torture of children, the Committee urges the State party to:**

(a) **Encourage community-based programmes aimed at preventing and tackling domestic violence, child abuse, and sexual exploitation paying particular attention to the gender dimension of violence;**

(b) **Take all necessary measures to introduce special court procedures to take evidence of child victims of violence and ensure that they receive psychological and recovery services; that they are aware of the existence of protection orders and the special court procedures; that they understand reporting procedures and are encouraged to report cases of domestic violence, in particular child sexual abuse, to the relevant authorities;**

(d) **Conduct awareness-raising activities to combat the stigmatization of child victims of sexual exploitation and abuse, including incest, and ensure accessible, confidential, child-friendly and effective reporting channels for such violations;**

(f) **Take all necessary measures to ensure adequate human, technical and financial resources, particularly specialised personnel, for dealing with cases of violence, sexual abuse and exploitation of children, to the Family Protection Units of the police.**

Helplines

28. The Committee welcomes the establishment of the 24/7 Children's Helpline in Port Vila as part of the Child On-line Protection Programme. However, it is concerned about children in the rest of the country and that not all children are aware of the helpline service.

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

(a) **Increase the availability of Helplines possibly by utilising free mobile services;**

(b) **Promote awareness of how children can access the Children's Helpline and provide all the necessary human, financial and technical resources for its effective functioning.**

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

30. The Committee is concerned that there are no legal framework, policy or minimum standards for regulating the alternative care of children and that most children in alternative care are placed under kinship care or with extended family due to the absence of social welfare services. The Committee is also concerned that there is no monitoring mechanisms for alternative care institutions run by non-governmental organisations and family-based care for children.

31. **Drawing the State party's attention to the Guidelines for the Alternative Care of children (General Assembly resolution 64/142), the Committee recommends that the State party :**

(a) **Establish a legal framework, policy and minimum standards for monitoring family-based care for children and alternative care institutions run by non-governmental organisations;**

(b) **Establish a system of foster care for children who cannot stay with their families, ensuring that institutionalisation is used as a last resort;**

(c) **Provide all necessary social welfare services and support to families and alternative care providers;**

(d) **Establish quality standards for all available forms of alternative care options and take children's views into consideration in any decision made about alternative care;**

(e) **Ensure periodic review of the placement of children in foster care and institutions and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children.**

Adoption

32. The Committee welcomes the progress made for speeding up the process of formal adoption. However, it is concerned that:

(a) The Adoption Act of 1958 has not been reviewed yet;

(b) Children are often adopted through informal arrangements (kastom) by their extended family or members of the same community;

(c) There are no proper guidelines for the adoption process and no required police check from the country of origin of adoptive parents to complete the administrative process via the court, which can lead to sale or trafficking of children.

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

(a) **Expedite the Vanuatu Law Commission's review of the Adoption Act (1958) and adopt without delay a comprehensive Family Law Reform;**

(b) **Develop regulations and guidelines for all stakeholders in matters of adoption;**

(c) **Establish a unit to oversee formal adoption processes with adequate resources including liaising with child adoption agencies in other countries in case of inter-country adoption;**

(d) **Increase awareness of formal adoption at the community level and promote and encourage formal domestic adoption;**

(e) **Establish intervention and monitoring mechanisms to monitor the system of "informal adoptions" (*kastom*) within the extended family;**

(f) **Consider ratifying the 1993 Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Inter-country Adoption.**

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

Children with disabilities

34. The Committee notes the ongoing consultation process on the inclusive disability policy and the drafting of the Disability Bill, the appointment of the Disability Desk Officer and the Inclusive Education Policy and Strategic Plan (2010-2020). However, the Committee is concerned at:

(a) The absence of a stand-alone law or a comprehensive policy for the protection and promotion of children with disabilities;

(b) Stigmatisation of children with disabilities due to societal and cultural attitudes;

(c) Limited access to inclusive education and the lack of well-trained specialised teachers, and limited access to transportation, public spaces and service delivery in all areas, especially in rural schools and communities;

(d) Limited access to rehabilitation, early identification and referral programmes as well as limited funding and technical support to service providers, and to families of children with disabilities.

35. **With reference to the general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:**

(a) **Strengthen the legislative framework by adopting the Disability Bill and implementing the Vanuatu National Disability Inclusive Development Policy 2016-2025;**

(b) Develop and support community campaigns and programmes to address discrimination and stigma against children with disabilities and create awareness of early detection and interventions;

(c) Provide sufficient number of specialist teachers and professionals providing individual support in all schools and ensure that professionals are adequately trained so that children with all kinds of disabilities can effectively enjoy their right to quality inclusive education, including through international cooperation;

(d) Improve access to all public buildings, spaces, service delivery and transportation in all areas, especially in rural communities;

(e) Expand community based rehabilitation, early identification and referral programmes for children with disabilities and provide the necessary human technical and financial support to service providers and families of children with disabilities.

Health and health services

36. The Committee notes the Healthy Island Initiative (2011), the Maternal, Infant and Young Child Feeding Guideline Vanuatu, the Vanuatu Integrated Management of Acute Malnutrition Guideline and the drone vaccine delivery. However, the Committee is concerned at:

(a) The high infant and under-five mortality due to neonatal causes and preventable causes such as birth defect, diarrhea, malaria and pneumonia;

(b) The low vaccination coverage, particularly in rural areas and outer islands;

(c) Stunting, underweight prevalence and malnutrition, which is a leading cause of child death;

(d) Low level of exclusive breastfeeding after the first three months;

(e) Limited funding, inadequate childcare facilities, especially obstetric neonatal care facilities, insufficient number of well-trained health workers for children and pregnant women, poor access to health-care services, particularly in rural and remote areas, which all present significant barriers to the improvement of children's health.

37. **With reference to the general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of target 3.2 of the Sustainable Development Goals on end preventable deaths of newborns and children under 5 years of age, the Committee recommends that the State party:**

(a) Take measures to reduce infant and under 5 mortality due to neonatal conditions and preventable diseases, such as pneumonia, malaria and diarrhoea;

(b) Scale up immunisation, particularly in rural areas and outer islands, and provide sufficient investment in suitable technologies, such as drone delivery, and human resource capacities for immunisation services;

(c) Address chronic malnutrition and stunting in line with the newly developed guidelines on Integrated Management of Acute Malnutrition;

(d) Continue its breast-feeding activities such as baby-friendly hospitals and encourage mothers to follow the recommended infant and young child feeding practices and the newly developed guidelines on Maternal Infant Young Child Feeding;

(e) Ensure that there exist adequate facilities for the treatment of children including sufficient well trained health workers for children and pregnant women, especially obstetric neonatal care facilities, particularly in the rural areas;

(f) Strengthen its efforts to improve access to basic health-care services for all children, particularly in rural and remote areas, and provide more resources to the mobile clinics so that they are more frequently available and reach a wider population;

(g) Implement and apply the OHCHR Technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31).

Mental health

38. The Committee is concerned that after the expiration of the National Mental Health Policy and Plan 2010, no new policy or action plan on mental health of children has been developed. It is also concerned at the insufficient number of personnel specialised on children with mental health issues.

39. **The Committee recommends that the State party evaluate the lapsed National Mental Health Policy 2009-2015 and its accompanying plan of action and use the findings of the assessment for the formulation of a new policy. It also recommends that the State party take all necessary measures, including regional cooperation, to increase capacity and the number of personnel specialised on children with mental health issues.**

Adolescent health

40. The Committee is concerned about the:

(a) High rate of teenage pregnancies and of sexually transmitted infections among adolescents;

(b) Sex education programmes not paying suitable attention to all aspects of prevention;

(c) Abortion being a criminal offence without any exceptions for cases of rape or incest and that this prohibition leads teenage girls into unsafe abortions with consequent risk for their life and health;

(d) Limited access of teenage girls to safe reproductive and sexual health services, especially in rural areas and outer islands, and limited access to birth control methods, also due to fear of stigmatisation;

(e) Negative cultural attitudes and religious beliefs toward condom use;

(f) Lack of policy and action plan on alcohol consumption, smoking and substance abuse among adolescents and limited programmes and services available for those affected.

41. **With reference to the general comment No. 4 (2003) on adolescent health, the Committee recommends that the State party:**

(a) **Adopt a comprehensive sexual and reproductive health policy for adolescents that pays attention to all aspects of prevention, including of sexually transmitted infections and of early pregnancies;**

(b) Ensure that sexual and reproductive health education is part of the mandatory school curriculum targeting adolescent girls and boys, with special attention on preventing early pregnancy and sexually transmitted infections;

(c) Decriminalize abortion for cases of rape, incest and other unwanted pregnancies and ensure access to safe abortion and post-abortion care services, irrespective of whether abortion is legal or not. The views of the girl should always be heard and respected in abortion decisions;

(d) Improve adolescents' access to reproductive health-care and related services and increase support to reproductive health and family planning services, especially in rural areas;

(e) Scale up the efforts to address negative cultural and religious beliefs about condom use and to access affordable contraceptive methods;

(f) Develop a policy and plan of action on alcohol, smoking and drug abuse by children and adolescents and provide them with accurate and objective information and life skills education on preventing substance abuse — including tobacco and alcohol —, as well as develop accessible and youth-friendly drug dependence treatment and harm reduction services.

Impact of climate change on the rights of the child

42. The Committee welcomes the mainstreaming of the Disaster Risk Management, Climate Change Adaptation and Energy in the National Reviewed Curriculum. It is however concerned that the State party has not included the climate change adaptation and disaster risk reduction in the school curriculum, does not have a comprehensive disaster sensitive social protection system in place, that not enough is done to include the special needs of children, including children with disabilities, in planning disaster risk reduction preparedness, response and recovery, and that school infrastructure, particularly in remote areas, is not resilient and accessible in case of natural disaster.

43. **The Committee draws attention to target 13.5 of the Sustainable Development Goals on promoting mechanisms for raising capacity for effective climate change-related planning and management. In particular, it recommends that the State party:**

(a) Implement the National Reviewed Curriculum in the next school year and include climate change adaptation and disaster risk reduction in the school curriculum and establish school-based programmes such as early warning systems;

(b) Develop a comprehensive disaster sensitive social protection system and ensure that the special vulnerabilities and needs of children, as well as their views, are taken into account;

(c) Review emergency protocols to include assistance and other support to children with disabilities during emergencies and natural disasters;

(d) Increase children's awareness and preparedness for climate change and natural disasters and increase physical safety and resilience of school infrastructure;

(e) Ensure access to schools that are being or likely to be affected by severe weather events, especially for those in remote or rural communities and consider alternative methods of teaching;

(f) Improve data and assessments to have an evidence base for risk reduction and preparedness, particularly for the distinct needs and priorities of children with disabilities.

Standard of living

44. The Committee is concerned at the prevalence of child poverty and regional disparities among the provinces in terms of access to housing, education, water, food and health.

45. **The Committee draws attention to target 1.3 of the Sustainable Development Goals on implementing nationally appropriate social protection systems and measures for all and recommends that the State party:**

(a) **Consider holding targeted consultations with families, children and children’s rights civil society organizations on the issue of child poverty, with a view to strengthening the strategies and measures for fulfilling children’s rights;**

(b) **Expand coverage to reach groups in disadvantaged situations that currently do not have improved access to water and sanitation especially in rural and remote communities, in healthcare facilities and in schools including early childhood care education centers;**

(c) **Include specific needs of children with disabilities in access and use of water, sanitation and hygiene facilities and services, particularly girls.**

H. Education, leisure and cultural activities (arts, 28, 29, 30 and 31)

Education, including vocational training and guidance

46. The Committee notes the enactment and adoption of various policies and laws, including the Education Act (2014), Inclusive Education Policy and Strategic Plan (2010-2020), the Early Childhood Care and Education Policy 2017-2021 and the accompanying Minimum Quality Service Standards 2017, and the Vanuatu National Language Policy 2012, as well as increased enrolment rates in the recent years. However, the Committee is concerned at :

(a) Education not being compulsory;

(b) Low enrolment rates in early childhood education and secondary level education, despite the recent increase;

(c) Gender gaps at the primary and secondary school level with a lower enrolment of boys;

(d) Reports of over-aged children entering first level of primary school;

(e) Disparities in the quality and access to education in urban/remote areas, including the lack of sufficient boarding facilities for students, girls in particular.

47. **With reference to the general comment No. 1 (2001) on the aims of education and taking note of target 4.5 of the Sustainable Development Goals on eliminating gender disparities in education and ensuring equal access to all levels of education and vocational training for the children in vulnerable situation, including persons with disabilities, the Committee recommends that the State party:**

(a) **Make primary education free and compulsory;**

(b) **Implement the recommendations of the National Children’s Policy (2007-2014) review, in particular by increasing the number of certified teachers and increasing funding for education;**

(c) **Continue with measures to increase enrolment at the early childhood education and secondary school level;**

(d) Analyse root causes for the lower enrolment of boys into primary and secondary schools and implement appropriate actions to remedy it;

(e) Put in place accelerated programmes and facilitate access to non-formal education programmes, for over-age children that are out-of-school and yet to complete primary level.

(f) Take measures to ensure equal access to quality education in all provinces, in particular in remote areas, also by establishing more boarding facilities for students, girls in particular;

(g) Develop a monitoring mechanism to ensure early childhood centers implement the standards and have indicators for improvement.

I. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)

Economic exploitation, including child labour

48. The Committee is seriously concerned that the State party has made no progress in the elimination of worst forms of child labour. It is also particularly concerned that:

(a) There is no policy addressing child labour and no social programmes aimed at prevention and support to children involved in child labour;

(b) The Hazardous Child Labour List as required by ILO Convention No. 182 has not yet been adopted;

(c) Selling of newspaper in the street by boys, working in agriculture and non-attendance in school remains a challenge;

(d) There is no child-specific complaints mechanism able to effectively receive, monitor and investigate reports on cases of child exploitation.

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

(a) **Develop and adopt a policy on child labour and a hazardous child labour list;**

(b) **Take necessary measures to ensure that no child under 18 years engages in hazardous work and put in place social programs that target the elimination of or prevention of child labour, especially its worst forms;**

(c) **Determine the conditions in which light work, such as in agriculture, may be permitted and the number of hours during which such employment of children may be undertaken;**

(d) **Strengthen coordination at the national level through mechanisms such as the National Children's Committee and other human rights committees;**

(e) **Establish child-specific complaint mechanism that can receive, monitor and investigate reports on cases of child exploitation and raise children's awareness about it.**

Administration of juvenile justice

50. The Committee welcomes the amendment of the Correctional Services Act increasing the definition of juvenile to 18 years. The Committee is however seriously concerned that:

- (a) There is still no law governing the administration of juvenile justice;
- (b) The minimum age of criminal responsibility is set at the very low age of 10;
- (c) The Penal Code provides for the detention as a measure of last resort only for children under 16;
- (d) There is a need for further capacity building of the police in relation to the Standard Operating Procedure (SOP) and the competence to use the SOP.

51. **With reference to the general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee recommends that the State party:**

- (a) **Adopt legislation for the administration of juvenile justice and ensure that children under the age of 18 are accorded with the safeguards provided in the Penal Code;**
- (b) **Establish specialized juvenile courts and procedures with adequate human, technical and financial resources, designate specialized judges for children and other relevant personnel and ensure they receive appropriate education and training;**
- (c) **Raise the minimum age of criminal responsibility in accordance with the acceptable international standards;**
- (d) **Incorporate child protection and specific SOPs in the existing training curriculum for the police as well as introduce a performance-based management system to ensure accountability in applying their knowledge and skills.**

J. Ratification of the Optional Protocol on a communications procedure

52. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.**

K. Ratification of international human rights instruments

53. **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) **International Convention on the Elimination of All Forms of Racial Discrimination;**
- (b) **International Covenant on Economic, Social and Cultural Rights;**
- (c) **Optional Protocol of the Convention against Torture;**
- (d) **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,;**
- (e) **Convention for the Protection of All Persons from Enforced Disappearance.**

L. Cooperation with regional bodies

54. The Committee recommends that the State party cooperate, among others, with the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children.

V. Implementation and reporting

A. Follow-up and dissemination

55. 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. National Mechanism for Reporting and Follow-up

56. The Committee recommends that the State party continue to strengthen its National Mechanism for Reporting and Follow-up (the National Human Rights Committee).

C. Next report

57. The Committee invites the State party to submit its combined third to seventh periodic reports by 5 February 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.

58. 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.
