



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/118
3 September 2002

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD
Thirtieth session
21 May-7 June 2002

REPORT ON THE THIRTIETH SESSION

(Geneva, 21 May-7 June 2002)

CONTENTS

<u>Chapter</u>	<u>Paragraphs</u>	<u>Page</u>
I. RECOMMENDATION ADOPTED BY THE COMMITTEE ON THE RIGHTS OF THE CHILD		4
II. ORGANIZATIONAL AND OTHER MATTERS	1 - 23	6
A. States parties to the Convention	1 - 4	6
B. Opening and duration of the session	5	6
C. Membership and attendance	6 - 11	6
D. Agenda	12	8
E. Meeting with the United Nations High Commissioner for Human Rights	13 - 18	8
F. Pre-sessional working group	19 - 21	9
G. Organization of work	22	10
H. Future regular meetings	23	10
III. REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION	24 - 591	10
A. Submission of reports	24 - 30	10
B. Consideration of reports	31 - 591	12
Concluding observations: Guinea-Bissau	31 - 91	12
Concluding observations: Belgium	92 - 125	29
Concluding observations: Niger	126 - 200	37
Concluding observations: Belarus	201 - 256	54
Concluding observations: Tunisia	257 - 304	68
Concluding observations: Switzerland	305 - 366	78
Concluding observations: United Arab Emirates	367 - 411	90
Concluding observations: St. Vincent and the Grenadines	412 - 467	101
Concluding observations: Spain	468 - 523	117
Concluding observations: Netherlands (Netherlands Antilles)	524 - 591	129

CONTENTS (continued)

<u>Chapter</u>	<u>Paragraphs</u>	<u>Page</u>
IV. INTERSESSIONAL ACTIVITIES OF THE COMMITTEE	592 - 599	145
V. COOPERATION WITH UNITED NATIONS AND OTHER COMPETENT BODIES	600 - 603	146
VI. WORKING METHODS	604	147
VII. GENERAL COMMENTS	605	147
VIII. DRAFT PROVISIONAL AGENDA FOR THE THIRTY-FIRST SESSION	606	148
IX. ADOPTION OF THE REPORT	607	148

Annexes

I. States which have signed, ratified or acceded to the Convention on the Rights of the Child as at 7 June 2002 (191).....	149
II. States which have signed (109), or ratified or acceded to (33) the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict as at 7 June 2002	155
III. States which have signed (103) or ratified or acceded to (33) the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography as at 7 June 2002	159
IV. Membership of the Committee on the Rights of the Child	163
V. List of initial and second periodic reports considered by the Committee on the Rights of the Child as at 7 June 2002	164
VI. Provisional list of reports scheduled for consideration at the Committee's thirty-first and thirty-second sessions	174

I. RECOMMENDATION ADOPTED BY THE COMMITTEE ON THE RIGHTS OF THE CHILD

Organization of work

Thirtieth session, recommendation

The Committee on the Rights of the Child,

Noting with appreciation the exceptionally high number of States parties to the Convention on the Rights of the Child (191) and the rapid pace of ratification of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography (33), and the Optional Protocol on the involvement of children in armed conflict (33),

Welcoming the relatively high reporting rate for initial reports by States parties under the Convention on the Rights of the Child (167 out of 191),

Stressing the generally satisfactory quality of initial and periodic reports, as well as written responses to the list of issues, submitted by States parties under the Convention on the Rights of the Child,

Concerned about the workload of the Committee, including the forthcoming challenge generated by new reporting obligations under the two Optional Protocols,

Concerned in particular about the excessive length of some periodic reports submitted under the Convention,

1. Decides to review in the near future its guidelines for periodic reporting (CRC/C/58) in order to encourage States parties not to submit overly lengthy periodic reports;
2. Requests all States parties to the Convention to submit periodic reports that are concise, analytical and focus on key implementation issues, the length of which shall not exceed 120 standard pages;
3. Also requests all States parties to focus their periodic reports under the Convention in particular on two aspects of implementation aimed at:
 - (a) In the light of article 44 of the Convention, informing the Committee about progress made in the enjoyment of human rights by children, factors and difficulties affecting the degree of fulfilment of obligations under the Convention, and measures taken to implement the Committee's concluding observations - by explicitly referring them - adopted with respect to the previous report of a State party and the ensuing dialogue;

(b) Informing the Committee about fundamental developments in the State party during the reporting period with regard to the human rights of children. In this regard, States parties should avoid repeating information already contained in previous reports submitted to the Committee, in the light of article 44, paragraph 3, of the Convention;

4. Recommends that, in addition to providing information on legislative developments and the situation de jure, States parties give due attention in their periodic reports to analysing the situation de facto in the State party, including information on concrete measures taken to enhance the implementation of domestic and international legal provisions and principles and, if any, related limitations and obstacles.

804th meeting

7 June 2002

II. ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Convention

1. As at 7 June 2002, the closing date of the thirtieth session of the Committee on the Rights of the Child, there were 191 States parties to the Convention on the Rights of the Child. The Convention was adopted by the General Assembly in 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. A list of States that have signed, ratified or acceded to the Convention is contained in annex I to the present report.

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 33 States parties and signed by 109 States. The Optional Protocol entered into force on 12 February 2002. Also 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 32 States parties and signed by 103 States. It entered into force on 18 January 2002. The two Optional Protocols to the Convention were adopted by the General Assembly in 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 are contained in annexes II and III to the present report.

3. The texts of the declarations, reservations or objections made by States parties with respect to the Convention are reproduced in document CRC/C/2/Rev.8.

4. As at 7 June 2002, 120 States parties to the Convention had notified the Secretary-General of their acceptance of the amendment to article 43, paragraph 3, of the Convention increasing the membership of the Committee from 10 to 18 members (resolution 50/155); 128 notifications are needed (two thirds of States parties) in order for the amendment to enter into force.

B. Opening and duration of the session

5. The Committee on the Rights of the Child held its thirtieth session at the United Nations Office at Geneva from 21 May-7 June 2002. The Committee held 27 meetings (778th-804th). An account of the Committee's deliberations at its thirtieth session is contained in the relevant summary records (CRC/C/SR.778; 780-791; 793-801; and 804).

C. Membership and attendance

6. All the members of the Committee attended the thirtieth session. A list of the members, together with an indication of the duration of their terms of office, is provided in annex IV to the present report. Mrs. Awa N'Deye Ouedraogo was not able to attend the session in its entirety.

7. In a note verbale dated 15 March 2002, the Government of Egypt informed the Committee on the Rights of the Child that Ms. Amina El-Guindi resigned with immediate effect. In accordance with article 43, paragraph 7, of the Convention on the Rights of the Child, the Government of Egypt nominated on 5 April 2002 another expert, Ms. Moushira Khattab, for the remainder of the term of Ms. El-Guindi (28 February 2003). The name and curriculum vitae of the new expert had been transmitted by the Secretary-General to the Committee for approval by secret ballot, in accordance with rule 14, paragraph 4, of the Committee's provisional rules of procedure (CRC/C/4). On 21 May 2002, the Committee approved the nomination of Ms. Khattab. Upon assuming her duties, Ms. Khattab made a solemn declaration as foreseen in rule 15 of the Committee's provisional rules of procedure.

8. On 21 May, the Committee nominated Mrs. Saisuree Chutikul as Vice-Chairperson to replace Ms. El-Guindi.

9. The following United Nations bodies 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).

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

11. Representatives of the following non-governmental organizations were also in attendance at the session:

General consultative status

International Council of Women, International Movement ATD Fourth World, Zonta International.

Special consultative status

Arab Organization for Human Rights, Amnesty International, Coalition against Trafficking in Women, Defence for Children International, Friends World Committee for Consultation (Quakers), International Commission of Jurists, International Confederation of Free Trade Unions, International Confederation of Social Workers, International Federation of Women in Legal Careers, International Federation Terre des Hommes, International Service for Human Rights, International Social Service, World Federation of Methodist and Uniting Church Women, World Organization against Torture.

Others

NGO Group for the Convention on the Rights of the Child, NGO Working Group for Nutrition, International Baby Food Action Network, Basque Observatory for Human Rights, Pflegekinder-Aktion Schweiz, Swiss National Committee for UNICEF, Institut

international des droits de l'enfant, Société suisse de la protection de l'enfance, Défense des enfants international-section suisse, Fondation Village d'Enfants Pestalozzi, Ghent University, Coordination belge des ONG pour les droits de l'enfant.

D. Agenda

12. At the 778th meeting, on 21 May 2002, the Committee adopted the following agenda on the basis of the provisional agenda (CRC/C/115):

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. General comments.
8. Future meetings.
9. Other matters.

E. Meeting with the United Nations High Commissioner for Human Rights

13. At its 797th meeting, held on 3 June 2002, the United Nations High Commissioner for Human Rights, Mrs. Mary Robinson, addressed the Committee.

14. Mrs. Robinson shared her thoughts with the members of the Committee on the General Assembly Special Session on Children, and admitted that on reflection, she had concerns about that important event. From a human rights perspective, the Declaration and Plan of Action clearly did not meet all expectations. Specific links between the Plan of Action and the Convention on the Rights of the Child and other related international instruments were weak. It was therefore crucial that the child rights community continue to stress the commitments of States parties to the Convention. The Committee had a critical role to play in ensuring that States implemented the Plan of Action and the Declaration adopted at the Special Session within the framework of the Convention implementation process already in place at the national level.

15. A more positive aspect of the Special Session was the participation of children and young people and their emphasis on the Convention and on human rights in general. She was extremely impressed with the commitment and competence of the young participants she had met in New York. She encouraged all those who worked for child rights to continue and

strengthen the Committee's efforts to involve children and young people directly in their work. The Special Session was followed by another historic moment for the international community: the first session of the Permanent Forum on Indigenous Issues. As the Secretary-General had noted in his remarks to the closing session, the Forum had formidable responsibilities and should determine how best to mobilize the expertise and resources of the United Nations system. It would also have to convince Governments that they should join those efforts and increase the practical attention they gave to indigenous issues. The Convention was the only legally binding human rights instrument that explicitly recognized the rights of indigenous children, in its article 30. She encouraged experts to consider how the Committee could best support the work of the Forum in the future.

16. Mrs. Robinson recalled that the Commission on Human Rights at its last session adopted a resolution in which it suggested that the Secretary-General appoint an independent expert to direct the study on the question of violence against children. That resolution complemented the one adopted by the General Assembly last year on the same issue and should facilitate such an appointment, hopefully before the end of the summer. The role of the Committee would be crucial in providing expert guidance to the study.

17. Mrs. Robinson said that both in developed and developing countries, privatization of education, health and other services was a growing trend. That trend needed to be better understood as one still had fragmented knowledge about the impact of privatization of those services on the enjoyment of human rights. She therefore congratulated the Committee for organizing a day of general discussion on this crucial issue at its next session (20 September 2002).

18. Following the statement, the Chairperson and Committee members thanked the High Commissioner for her support and contribution to the work of the Committee. Mr. Doek expressed deep gratitude to the High Commissioner for her strong and continued support to children's rights and the work of the Committee. He especially thanked Mrs. Robinson for her systematic participation in the Committee's days of general discussion on thematic issues. He also praised the secretariat of the Committee which over the years had become a very dedicated and competent entity. He welcomed the support of the Office in the drafting of general comments aimed at assisting States parties in their efforts to implement the provisions of the Convention.

F. Pre-sessional working group

19. In accordance with a decision of the Committee at its first session, a pre-sessional working group met in Geneva from 4 to 8 February 2002. All the members except Mr. Al-Sheedi and Ms. El-Guindi participated in the working group. Representatives of OHCHR, ILO, UNICEF, UNESCO, UNHCR and WHO 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.

20. The purpose of the pre-sessional working group is to facilitate the Committee's work under articles 44 and 45 of the Convention, 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.

21. Ms. Karp and Mr. Doek chaired the pre-sessional working group. The group held nine meetings, at which it examined lists of issues put before it by members of the Committee relating to the initial reports of five countries (Guinea-Bissau, Niger, Switzerland, Saint Vincent and the Grenadines and the Netherlands (Netherlands Antilles)) and the second periodic reports of four countries (Belgium, Belarus, Tunisia and Spain). 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 1 April 2002.

G. Organization of work

22. The Committee considered the organization of its work at its 778th meeting, on 21 May 2002. The Committee had before it the draft programme of work for the thirtieth session, prepared by the Secretary-General in consultation with the Chairperson of the Committee, and the report of the Committee on its thirtieth session (CRC/C/114).

H. Future regular meetings

23. The Committee noted that its thirty-first session would take place from 16 September to 4 October 2002 and that the pre-sessional working group for the thirty-second session would meet from 7 to 11 October 2002.

III. REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

A. Submission of reports

24. The Committee had before it the following documents:

(a) Notes by the Secretary-General on initial reports by States parties due in 1992 (CRC/C/3), 1993 (CRC/C/8/Rev.3), 1994 (CRC/C/11/Rev.3), 1995 (CRC/C/28), 1996 (CRC/C/41), 1997 (CRC/C/51), 1998 (CRC/C/61) and 1999 (CRC/C/78); and on periodic reports of States parties due in 1997 (CRC/C/65), 1998 (CRC/C/70), 1999 (CRC/C/83), 2000 (CRC/C/93), 2001 (CRC/C/104) and 2002 (CRC/C/117);

(b) Note by the Secretary-General on the States parties to the Convention and the status of submission of reports (CRC/C/116);

(c) Note by the Secretary-General on the follow-up to the consideration of initial reports by States parties to the Convention (CRC/C/27/Rev.11);

(d) Note by the Secretary-General on areas in which the need for technical advice and advisory services has been identified in the light of the observations adopted by the Committee (CRC/C/40/Rev.20);

(e) Methods of work of the Committee: Compilation of the conclusions and recommendations adopted by the Committee on the Rights of the Child (CRC/C/19/Rev.10).

25. The Committee was informed that, in addition to the nine reports that were scheduled for consideration by the Committee at its current session and those which had been received prior to the Committee's thirtieth session (see CRC/C/114, para. 21), the Secretary-General had received the initial report of San Marino (CRC/C/8/Add.46) and Singapore (CRC/C/51/Add.7) and the second periodic reports of Indonesia (CRC/C/65/Add.23), Armenia (CRC/C/93/Add.6), the Netherlands (CRC/C/117/Add.1), Panama (CRC/C/70/Add.20), and the Democratic People's Republic of Korea (CRC/C/65/Add.24).

26. A list of initial and second periodic reports considered by the Committee as of 7 June 2002, as well as a provisional list of initial and second periodic reports scheduled for consideration at the Committee's thirty-first and thirty-second sessions, are contained in annexes V and VI, respectively.

27. As at 7 June 2002, the Committee had received 169 initial and 58 periodic reports. A total of 182 reports (157 initial and 25 second periodic) have been considered by the Committee (see annex V).

28. At its thirtieth session, the Committee examined initial and periodic reports submitted by 10 States parties under article 44 of the Convention. It devoted 20 of its 29 meetings to the consideration of reports (see CRC/C/SR.780-791; 793-801; and 804). The following reports, listed in the order in which they were received by the Secretary-General, were before the Committee at its thirtieth session: Guinea-Bissau (CRC/C/3/Add.63); Belgium (CRC/C/83/Add.2); Niger (CRC/C/3/Add.29/Rev.1); Belarus (CRC/C/65/Add.15); Tunisia (CRC/C/83/Add.1); Switzerland (CRC/C/78/Add.3); United Arab Emirates (CRC/C/78/Add.2); Saint Vincent and the Grenadines (CRC/C/28/Add.18); Spain (CRC/C/70/Add.9); and the Netherlands (Netherlands Antilles) (CRC/C/61/Add.4).

29. 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.

30. 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 report submitted by the States parties and in the summary records of the relevant meetings of the Committee.

B. Consideration of reports

Concluding observations: Guinea-Bissau

31. The Committee considered the initial report of Guinea-Bissau (CRC/C/3/Add.63) at its 780th and 781st meetings (see CRC/C/SR.780-781), held on 22 May 2002, and adopted, at the 804th meeting, held on 7 June 2002, the following concluding observations.

A. Introduction

32. The Committee welcomes the submission of the State party's frank and informative initial report and the written replies to its list of issues (CRC/C/Q/GUIB/1). The Committee also welcomes the fact that the State party was represented by a high-level delegation, and the constructive dialogue that took place.

B. Positive factors

33. The Committee welcomes:

(a) The initiation of the process of ratification by Parliament in December 2001, of the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflicts, and on the sale of children, child prostitution and child pornography;

(b) The ratification in 2000, of the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and their Destruction, and the creation of the National Council for Anti-Mines Action.

34. The Committee also welcomes:

(a) The creation of the Institute for Women and Children in 2000;

(b) The fact that the Committee against Harmful Practices has been legally institutionalized;

(c) The prohibition, under law, of corporal punishment in the family and schools and other contexts.

35. The Committee notes the State party's:

(a) Efforts to consult children through the "children's fortnight" mechanism, which places emphasis on children's views over a two-week period, and the holding of a children's parliament;

(b) Development of the "FIRKIDJA" programme in support of basic education and focusing on access to education, the quality of education and strengthening education management;

(c) Efforts to improve understanding and knowledge of children's rights among the general public and children through information campaigns, including the "children's voice" radio programme as described in the State party report in, inter alia, paragraphs 67, 97 and 123.

C. Factors and difficulties impeding the implementation of the Convention

36. The Committee notes with deep concern that a series of factors very seriously impede the implementation of children's rights, notably in the areas of health and education. The Committee notes, in particular, that the armed conflict in 1998/1999 had a very damaging impact on the country's infrastructure, including upon education and health services. The Committee recognizes the very poor economic conditions in the State party, the weight of its external debt and that a large proportion of the population lives in deep poverty and the country ranks very low on the Human Development Index. Finally, the Committee notes the low literacy level among the population in general and the burden of longstanding traditions some of which hinder the Convention's implementation.

D. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation

Legislation

37. The Committee is concerned to note that:

(a) There is "an absence of specific legislation on the implementation of the Convention", as indicated in paragraph 61 of the State party's report;

(b) The Law on Children's and Women's Protection, which was approved by Parliament in 1997, has not been implemented and that the status of this law, according to the delegation, is unclear;

(c) The review of, inter alia, penal law and family and labour legislation has not produced concrete results so far;

(d) Customary law which does not fully comply with the Convention is applied much more often than national legislation, particularly on issues relevant to children, girls/women and the family.

38. **Noting as a positive step the reactivation by the Parliament of the Ad Hoc Commission for the Child and Woman, the Committee urges the State party:**

(a) **To strengthen and speed up the process of revision and harmonization of national laws in the light of and in accordance with the principles and provisions of the Convention;**

(b) Take the necessary steps, including involving the community and traditional leaders, to bring customary law practices into compliance with the provisions and principles of the Convention;

(c) Seek technical assistance from the United Nations Children's Fund (UNICEF) and the Office of the High Commissioner for Human Rights (OHCHR).

Implementation, coordination, monitoring and national plan of action

39. While noting the creation of the National Council for Childhood (see paragraphs 100 and 126 of the State party's report) and the recent establishment of the Institute for Women and Children (see the State party's replies to the list of issues, Part III), the Committee remains deeply concerned at:

(a) The lack of a well defined and comprehensive children's rights policy and an up-to-date national plan of action for the implementation of the Convention;

(b) The many difficulties encountered in the coordination and evaluation of the implementation of the Convention;

(c) The lack of monitoring of the implementation of the Convention.

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

(a) Develop and implement a comprehensive child rights policy and National Plan of Action, to replace the 1992 Plan;

(b) Provide the National Council for Childhood or the Institute for Women and Children with the necessary financial and human resources in order to allow one of these bodies to perform the role of promoting and coordinating activities for the implementation of the rights of women and children;

(c) The Committee urgently recommends that the State party establish an independent and effective mechanism in accordance with the Paris Principles relating to the status of national institutions for the promotion and protection of human rights (General Assembly resolution 48/134), provided with adequate human and financial resources and easily accessible to children;

(d) Seek technical assistance from UNICEF and OHCHR.

Resources for children

41. The Committee is deeply concerned that budget allocations for services such as health and education are extremely low. In addition, sole dependence on foreign assistance raises concerns as to the sustainability of the required resources. The Committee notes, further, that teachers and many other State employees often do not receive their salaries.

42. **With view to the State party's strengthening of its implementation of article 4 of the Convention, and in the light of articles 2, 3 and 6, the Committee recommends that the State party:**

(a) Establish a clear policy on the allocation of resources in favour of children, including those resources allocated by international agencies or bilateral assistance;

(b) Prioritize budgetary allocations to ensure implementation of the rights of children to the maximum extent of available resources and, where needed, within the framework of international cooperation;

(c) Ensure the payment of salaries to State employees whose work is essential for the respect of children's rights.

Data collection

43. The Committee is concerned at the absence of reliable data and the lack of an adequate data collection mechanism.

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

(a) Systematically collect disaggregated quantitative and qualitative data on all the areas covered by the Convention and all children below the age of 18 years;

(b) Give particular attention to data on children in need of special protection;

(c) Use the data collected to support monitoring and evaluation of the implementation of the Convention;

(d) Seek technical assistance from, inter alia, the United Nations Population Fund (UNFPA) and UNICEF.

Cooperation with NGOs

45. Noting the State party's strong collaboration with national and international NGOs and the major contribution made by NGOs to the implementation of the Convention, the Committee is convinced that the NGO contribution and the collaboration of the State party with NGOs could be strengthened further and become more systematic.

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

(a) Continue and further strengthen its systematic collaboration with NGOs;

(b) Improve coordination of State party activities with those of NGOs with regard to the implementation of the Convention, including through the establishment of a coordination mechanism for this purpose.

Dissemination of the Convention

47. While noting the State party's efforts to promote the Convention, including in schools, the Committee remains concerned that there is insufficient awareness of the Convention among children, professionals working with children, parents and the public in general.

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

(a) Strengthen its efforts to disseminate the principles and provisions of the Convention, as a means of sensitizing society to children's rights;

(b) Involve local communities in its programmes in order to prevent and combat customs and traditions that impede the implementation of the Convention, and ensure that dissemination efforts reach, inter alia, parents, persons who are illiterate and children themselves;

(c) Undertake systematic education and training on the provisions of the Convention for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal and local workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists and paediatricians, and social workers;

(d) Consider introducing human rights education, including on the rights of the child, into the curricular and extracurricular activities of all schools;

(e) Seek technical assistance from, inter alia, UNICEF.

2. Definition of the child

49. The Committee is concerned that:

(a) Differences in the minimum legal age of marriage for girls (14) and boys (16) is discriminatory and that, in practice, the marriage of girls at age 13 or 14 is common;

(b) Boys under the age of 16 are legally permitted to join the armed forces if they have parental agreement and that children well under the age of 16 were recruited into armed forces in 1998 and 1999, during the internal armed conflict.

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

(a) Raise the minimum legal age of marriage of girls so that it is the same as for boys and enforce respect for this minimum age;

(b) Clearly define the legal minimum age at which children can be recruited into the armed forces, raising the age limit to comply, at a minimum, with the standards set in the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and ensure enforcement of these standards.

3. General principles

Discrimination

51. The Committee is concerned that:

(a) The list of criteria for which discrimination is prohibited under the Constitution, as described in the State party's report (para. 146), is limited in relation to article 2 of the Convention and omits, notably, discrimination on the grounds of political belief;

(b) As noted in the State party's report (para. 140) "girls are highly penalized not only at the level of the family but in society in general";

(c) Discrimination against children with disabilities is prevalent.

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

(a) **Amend the legislation to ensure that it fully corresponds with the provisions of article 2 of the Convention;**

(b) **Formulate policies and programmes with a view to addressing discrimination against specific groups of children, in particular girls and children with disabilities.**

53. **The Committee 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 follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and that take into account General Comment No. 1 on article 29.1 of the Convention (aims of education).**

Best interests of the child

54. The Committee is concerned that:

(a) The principle of the "best interests of the child" has not been fully implemented by the State party or reflected in legislation, policy, programmes or activities;

(b) As indicated by the State party in its replies to the list of issues, the principle of the best interests of the child is not reflected at all in customary law.

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

(a) **Urgently implement the principle of the best interests of the child in all of its activities relating to children and the implementation of the Convention, including legislation, policy, programmes and activities;**

(b) Ask for international assistance to undertake a study on the best interest principle and its implementation, in order to ensure the wide application of this principle by the Government and throughout society.

Respect for the views of the child

56. Noting the establishment of the Children's Parliament and the Children's Fortnight, the Committee remains concerned that, as noted in the State party's report (para. 155), children's opinions are not given sufficient consideration in Guinean society.

57. **The Committee recommends that the State party ensure that children's views are given due consideration, in accordance with article 12 of the Convention, in the family, in schools and in all relevant administrative and other processes concerning them through, inter alia, the adoption of appropriate legislation, the training of professionals and the establishment of specific activities in schools.**

4. Civil rights and freedoms

Name and nationality

58. Noting the significant efforts by the State party to improve birth registration, the Committee remains concerned that not all children are registered at birth and that the imposition of a financial fine upon parents who register the birth of their child after the expiry of the official deadline is a hindrance to birth registration.

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

(a) Review its birth registration procedures, consider the abolition of sanctions for late registration and continue to use creative means of increasing birth registration (such as the use of mobile registration units in rural areas and sensitization campaigns), with a view to ensuring the systematic registration of all births;

(b) Seek technical assistance from UNICEF.

5. Family environment and alternative care

Ill-treatment and abuse

60. The Committee is concerned that:

(a) Sexual abuse of children within the family, including the extended family is a regular occurrence;

(b) Corporal punishment is widely practised in the family;

(c) Domestic violence, particularly against women, is widespread and frequently used as a way to resolve family conflicts, and that this violence, even when not directly inflicted upon children, has a very negative impact on their development.

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

(a) **Undertake a study on the extent of abuse and ill-treatment of children in the family;**

(b) **Take steps to end the sexual abuse of children, including through improving the access of children and adults to reporting mechanisms, and increasing the investigation of cases and the prosecution of the persons responsible;**

(c) **Combat the practice of corporal punishment of children in the family, including through the use of information campaigns on the harm it can cause and on the importance of alternative measures of discipline;**

(d) **Take all appropriate measures to address and prevent domestic violence, whether physical or mental, within the family and to ensure the full protection of children against this type of violence;**

(e) **Raise awareness among the public of the problem of domestic violence, with a view to changing traditions that inhibit victims, particularly women and girls, from reporting it;**

(f) **Investigate cases of domestic violence and sexual abuse, through a child-sensitive judicial procedure, and that sanctions be applied to perpetrators with due regard given to guaranteeing the right to privacy of the child;**

(g) **In the light of articles 19 and 39 of the Convention, implement measures for reporting, referral and intervention and for the rehabilitation of victims, with a view to ensuring the recovery and reintegration of victims;**

(h) **Take note of the recommendations of the Committee's days of general discussion on violence against children.**

Separation from parents and alternative care

62. The Committee is concerned that:

(a) As noted in the State party's report, there are insufficient administrative and judicial mechanisms through which children's rights can be protected when they are separated from their parents;

(b) Alternative care for these children is insufficient;

(c) The common use of “informal adoption” procedures can lead to the violation of children’s rights.

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

(a) **Strengthen the existing child protection structure or, if necessary, establish new structures through which the rights of the child are well protected;**

(b) **Establish or strengthen alternative care services (such as kinship, foster care and family type homes), avoiding institutional care as far as possible, and ensure that informal adoption procedures respect and contribute to the protection of the principles and provisions of the Convention;**

(c) **Provide child protection workers (professionals and volunteers) with training (including on the Convention) and sufficient financial resources to fulfil their role;**

(d) **Seek assistance through international cooperation, including from UNICEF.**

6. Basic health and welfare

64. The Committee is deeply concerned at:

(a) The limited access to, capacity and quality of health-care services, including in terms of distance between people’s homes and health facilities, cost and the insufficient number of hospital beds and the limited availability of affordable and appropriate medication;

(b) The high rates of infant and maternal mortality, malnutrition inadequate immunization and high mortality from malaria;

(c) The limited proportion of the population with access to safe water and adequate sanitation, including in schools, and related cholera and meningitis epidemics;

(d) Low levels of health education within communities.

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

(a) **Significantly increase its expenditure on health;**

(b) **Significantly improve children’s access to health services and to medication including by strengthening the quality and capacity of the health infrastructure, providing financial assistance or free medical care to children in need of such support and their families and addressing the access concerns of those children living in isolated rural communities;**

(c) **Take action to address specific concerns, including infant and maternal mortality, malnutrition, inadequate immunization, malaria rates and cholera and meningitis epidemics;**

(d) Take action to ensure that all children have access to drinking water and adequate sanitation, including in schools, and to ensure adequate waste disposal arrangements;

(e) Seek assistance through international cooperation in this regard.

Children with disabilities

66. While noting that a major effort has been made to address the situation of children with disabilities since 1986 (see report, para. 189), the Committee remains concerned that:

(a) The rights of children with disabilities are very poorly respected (see report, para. 187), societal discrimination is prevalent against children with disabilities, including children with Down's syndrome, and there are cases of the killing of newborn children who have physical disabilities;

(b) As indicated in the State party's report, the law does not prohibit discrimination against the disabled specifically, there is no law mandating accessibility for persons with disabilities and existing legislation with regard to children with disabilities is not implemented;

(c) There is a lack of health, educational or professional training facilities for children with disabilities (see report, para. 147) and, in particular, children with disabilities have very limited access to formal education;

(d) Children with disabilities often have serious difficulty in gaining access to public buildings, including hospitals and schools.

67. **The Committee recommends that the State party, in the spirit of the United Nations Guidelines on Disabilities and the results of the Committee's day of general discussion on the rights of children with disabilities:**

(a) Develop or amend legislation to ensure that discrimination on the grounds of disability is prohibited and that children with disabilities have access to public transportation and public buildings, including all schools and hospitals;

(b) Ensure the implementation of all legislative measures of protection for children with disabilities, in particular with regard to non-discrimination, giving attention to practices such as the killing of newborn children with disabilities;

(c) Significantly strengthen its assistance to children with disabilities and ensure, inter alia, that they have access to health, educational and professional facilities;

(d) Review the recommendations made at the First National Conference on Disabled People (see report, para. 190) and implement those recommendations which remain valid;

(e) Revive services established to assist persons with disabilities in the past, but which are no longer functioning, or functioning only in part (see report, paras. 195-198);

(f) Seek international cooperation in this regard.

Adolescent health

68. The Committee is concerned that insufficient attention is given to the prevention of adolescent health concerns.

69. **The Committee recommends that the State party strengthen its efforts to address adolescent health concerns, with a particular focus on prevention and the provision of adequate reproductive health education.**

HIV/AIDS

70. The Committee is deeply concerned at the negative impact of the growing rate of HIV/AIDS infection on the cultural, economic, political, social and civil rights and freedoms of children infected with or affected by HIV/AIDS, including the Convention's general principles, with particular reference to the rights to non-discrimination, to health care, education, food and housing, as well as to information and freedom of expression.

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

(a) Integrate respect for the rights of the child into the development and implementation of its HIV/AIDS policies and strategies on behalf of children infected with and affected by HIV/AIDS, as well as their families, including by making use of the Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37, annex I) and with particular reference to children's rights to non-discrimination, health, education, food and housing, as well as to information and freedom of expression;

(b) Make every effort to provide for the treatment of children and their parents infected by HIV/AIDS;

(c) Strengthen programmes to prevent the transmission of HIV/AIDS and to ensure protection of the rights of AIDS orphans;

(d) Take note of the results of the Committee's day of general discussion on children living in a world with AIDS (5th October 1998);

(e) Seek international cooperation in this regard.

Harmful traditional practices

72. Noting the work undertaken to address female genital mutilation and other harmful practices, including through international cooperation, the Committee remains deeply concerned that:

(a) As indicated in the State party's report, the early marriage of girls - often around the age of 13 or 14 - is common (see report, para. 33) and can lead to poor health for girls;

(b) Female genital mutilation is practised widely within certain ethnic groups, especially the Fulas and the Mandinkas;

(c) As indicated in the State party's report (para. 202), traditional food taboos are common and thought to be one cause of malnutrition among children and mothers.

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

(a) **Make every effort to combat practices involving the early marriage of girls, including through the involvement of community leaders and the use of education campaigns;**

(b) **Continue and strengthen its efforts to end practices of female genital mutilation, for example through legislative prohibition, through the implementation and enforcement of legislation and through public awareness campaigns;**

(c) **Take steps to end the practise of harmful traditional food taboos by children and mothers;**

(d) **Strengthening and further supporting the work of the Committee against harmful practices;**

(e) **Seek cooperation with countries in the region that have positive experience of combating these harmful practices.**

7. Education, leisure and cultural activities

74. Despite increases in school enrolment over the past decade, the Committee remains concerned that:

(a) Literacy rates and primary and secondary school enrolment rates among children are extremely low;

(b) There are major differences in the access of children to education across the country;

(c) Literacy and enrolment among girls are much lower than the already worrying rates for boys;

(d) Primary education, where available, is of a low quality and many schools offer only the 1st and 2nd grades and few offer more than four years of education;

(e) Schools lack adequate books and materials;

(f) Only 1 per cent of children have access to nurseries, kindergartens or similar institutions (see report, para. 217);

(g) Many teachers have not received any formal training;

(h) The number and quality of special education institutions are extremely limited;

(i) Ninety per cent of education costs are supported by external assistance (see report, para. 216).

75. The Committee recommends that the State party:

(a) Raise the State party's contribution to the education budget to the maximum of available resources, while also continuing to seek support through international cooperation;

(b) Strengthen education infrastructure, including with regard to administration, management, educational planning, the quality of education in general, the training of teachers and other staff, the construction of additional schools and classrooms, and the provision and quality of textbooks and other school materials and equipment;

(c) Consider strengthening the quality of primary and secondary school curricula, taking into consideration the Committee's General Comment on article 29.1 of the Convention and the aims of education (CRC/GC/2001/1);

(d) Urgently take action to increase the proportion of children enrolling in primary school and completing compulsory education;

(e) Urgently give special attention to raising the proportion of girls completing their primary and secondary education, including through affirmative action and similar special measures, and by ensuring that girls have the same opportunities as boys to attend formal education, that the education of girls is seen by parents, families and communities, as being of equal importance to that of boys and that education is seen as the right of all children;

(f) Make every effort to ensure that compulsory education is free for all children, including with regard to textbooks and uniforms for disadvantaged children and families;

- (g) Increase the number, capacity and quality of special education institutions;**
- (h) Seek technical assistance from UNICEF and UNESCO in this regard.**

Leisure

76. The Committee is concerned that children living in urban centres have very few areas, such as parks, in which they can play safely and that the State party itself notes in its report the absence of parks in the country (para. 230).

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

(a) Ensure the existence of areas, such as parks, within urban centres, which may be used by children for leisure activities;

(b) Consider the adoption of legislation or administrative rules, and the allocation of an appropriate budget, to ensure that leisure areas for children are maintained as a priority in urban planning decisions.

8. Special protection measures

Children in armed conflict

78. The Committee is concerned that:

(a) Children were involved in the recent internal armed conflict, inter alia, as combatants, and that many children may have suffered from psychological trauma as a result;

(b) Child soldiers may not have received support towards demobilization and family and social reintegration;

(c) There continue to be a considerable number of landmines that place children at risk.

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

(a) Ensure the demobilization of all under-age soldiers, providing such children with assistance to this end and in family and social reintegration;

(b) Take steps to assess and respond to the needs of child soldiers in terms of psychological assistance;

(c) Continue its landmine detection programme;

(d) Seek international assistance in the form of technical support, including from UNICEF, in this regard.

Commercial exploitation

80. While noting the efforts under way to address this concern, the Committee is concerned that, as noted by the State party in its report, the economic exploitation of children is extremely serious and growing worse (paras. 250-253) and that, in particular (para. 142), the numbers of children working in the non-formal sector are increasing and that children are often compelled to perform the same work as adults, in highly difficult and dangerous conditions.

81. **The Committee recommends that the State party make every effort to:**

(a) Combat the economic exploitation of children through labour, with particular regard to the informal work sector;

(b) Ensure respect for the minimum age of employment, in accordance with international standards;

(c) Ensure that working children above the age of 14 benefit from adequate and full protection, including with regard to conditions of work and pay;

(d) Make every effort to ensure that children who work continue to have access to education;

(e) Ratify and implement ILO Conventions 138 concerning the Minimum Age for Admission to Employment and 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

Street children

82. The Committee is concerned at the number and situation of street children in urban regions of the country.

83. **The Committee recommends that the State party make every effort to provide assistance to these children and to address the causes leading children to live on the streets.**

Sexual exploitation, trafficking

84. The Committee is concerned at the lack of information regarding the activities of the very high proportion of children who do not go to school. There are indicators that these children may, in urban areas, be involved in prostitution or may spend much time on the street, where they are vulnerable to many kinds of exploitation (for example, drug-trafficking, sexual exploitation, drug abuse).

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

(a) **Undertake a study to assess the situation of children not attending school and to implement, based on the results of the study, all appropriate measures to protect effectively children from all forms of exploitation, including through prevention and the rehabilitation and recovery of child victims;**

(b) **Prepare a plan of action to address the sexual exploitation of children, taking note of the recommendations made in the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;**

(c) **Seek regional cooperation in this regard.**

Substance abuse

86. While noting the State party's efforts in this regard, the Committee is concerned that, as indicated in the State party's report, substance abuse by children is a major concern.

87. **The Committee recommends that the State party take action to combat substance abuse by children, including through public education campaigns, and seek regional cooperation in this regard.**

Administration of justice

88. The Committee is concerned that, as noted by the State party in its report:

(a) With regard to "the judicial level of services" legislation is insufficient and ineffective, and that the judicial system lacks courts and trained staff to deal with juveniles in conflict with the law (para. 106);

(b) There are no institutions for the prevention of crime among minors and for their rehabilitation (para. 241);

(c) Minors are sometimes held with other persons (for example, adults or convicted persons) from whom they should normally be separated;

(d) The rights of children are not fully respected in instances where customary law is applied.

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

(a) **Amend and/or adopt and implement legislation providing for the full application of the juvenile justice infrastructure and system, in accordance with the provisions of the Convention and other international standards;**

(b) In this regard, develop mechanisms and provide adequate resources, including with regard to the establishment of juvenile justice courts, to ensure the full implementation of juvenile justice standards, and in particular, articles 37, 40 and 39 of the Convention, as well the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines);

(c) Ensure that detention or imprisonment of children is used only as a measure of last resort and that children are detained or imprisoned separately from adults;

(d) Make efforts to ensure that the practise of traditional law, where it involves children, is in full accordance with the rights afforded to children under the Convention;

(e) Seek assistance from, inter alia, the Office of the High Commissioner for Human Rights, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the United Nations Coordination Panel on Technical Advice and Assistance in Juvenile Justice.

Dissemination of the report

90. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records of the discussion and concluding observations adopted by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring at all levels of administration of the State party and by the general public, including concerned non-governmental organizations.

Reporting

91. In the light of the recommendation on reporting periodicity adopted by the Committee and described in its report on its twenty-ninth session (CRC/C/114), the Committee, aware of the considerable delay in the State party's reporting, underlines the importance of reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States' responsibilities to children under the Convention includes ensuring that the Committee on the Rights of the Child has regular opportunities to examine progress made in the implementation of the Convention. In this regard, regular and timely reporting by State parties is crucial. The Committee recognizes that some States parties experience difficulties in initiating timely and regular reporting. As an exceptional measure, in order to help the State party catch up with its reporting obligations in full compliance with the Convention, the Committee invites the State party to submit its 2nd, 3rd and 4th reports in one consolidated report by 18 September 2007. The Committee expects the State party to report thereafter every 5 years, as foreseen by the Convention.

Concluding observations: Belgium

92. At its 782nd and 783rd meetings (see CRC/C/SR.782-783), held on 23 May 2002, the Committee on the Rights of the Child considered the second periodic report of Belgium (CRC/C/83/Add.2) and adopted, at the 804th meeting, held on 7 June 2002, the following concluding observations.

A. Introduction

93. The Committee notes with appreciation that the report followed the guidelines for reporting. It notes that the report was timely, comprehensive and self-critical in nature, as were the written replies to its list of issues (CRC/C/Q/BELG/2) and welcomes the additional information provided in annexes. The discussion in the report on the follow-up to the Committee's earlier recommendations was especially appreciated. The Committee also notes with appreciation the presence of a high-level delegation, which contributed to an open dialogue and a better understanding of the implementation of the Convention in Belgium.

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

94. The Committee welcomes:

The adoption of article 22 bis of the Constitution on the protection of children;

The adoption of new laws by the State party concerning the protection of children, child labour, guardianship and family mediation;

The numerous initiatives to combat trafficking and child sexual exploitation, among others: the introduction of Joint Actions under the Europol Convention; the establishment of a national commission of experts to study sexual exploitation of children; the establishment of Child Focus, a European centre for missing and exploited children; the adoption of three Acts in 1995 to combat sexual exploitation; and the reform of the Criminal Code;

The ratification of the Optional Protocol to the Convention on the involvement of children in armed conflict; and

The ratification of ILO Convention No. 182 on the Worst Forms of Child Labour.

C. Principal subjects of concern and recommendations

The Committee's previous recommendations

95. The Committee regrets that some of the concerns it expressed and the recommendations it made (CRC/C/15/Add.38) after its consideration of the State party's initial report (CRC/C/11/Add.4) have been insufficiently addressed, particularly those contained in paragraphs 8, 9, 11 and 13 to 16. Those concerns and recommendations are reiterated in the present document.

96. **The Committee urges the State party to make every effort to address the previous recommendations that have not yet been implemented and the list of concerns contained in the present concluding observations.**

1. General measures of implementation

Reservations and declarations

97. The Committee appreciates the fact that the State party has reviewed its declaration on article 2 and its reservation to article 40.2 (v) of the Convention, pursuant to the previous concluding observations. Nevertheless, it is concerned that the State party does not intend to withdraw them. With respect to article 2, the Committee, noting that the general principle of non-discrimination in the Convention prohibits differences in treatment on grounds that are arbitrary and objectively unjustifiable, including nationality, is concerned that the declaration on article 2 may restrict the enjoyment of non-Belgian children in Belgium of rights contained in the Convention. The Committee emphasizes that the guarantee of non-discrimination in the Convention applies to “each child within [the State party’s] jurisdiction”. With respect to the reservation to article 40, the Committee is concerned that the possibility of appeal to the Court of Cassation against judgements and measures imposed by the Court of Assizes (sitting here as the court of first and last instance) is strictly limited to points of law and therefore deprives the defendant of a full review of his case by a higher court, which is all the more important in that the Court of Assizes handles the most severe cases and imposes relatively heavy sentences.

98. **The Committee encourages the State party to review its declaration and reservation with a view to withdrawing them in accordance with the Declaration and Programme of Action of the Vienna World Conference on Human Rights (1993).**

Legislation

99. The Committee welcomes the information provided by the State party on draft laws concerning the rights of the child, including with respect to adoption, guardianship for unaccompanied minors, access to courts and guarantees of due process.

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

(a) Rigorously review these laws and ensure that they and other laws concerning children, as well as administrative regulations, are rights-based and conform to international human rights standards, including the Convention;

(b) Ensure that adequate provision is made for their effective implementation, including budgetary allocation;

(c) Ensure their speedy promulgation.

Coordination

101. The Committee notes the establishment, since the initial report was considered, of the Inter-Ministerial Conference for the Protection of Child Rights and the agreement on the creation of a national commission for the rights of the child. However, the Committee remains concerned: at the absence of a global vision of children's rights and its translation into a national plan of action; that different laws governing different administrative jurisdictions may lead to discrimination in the enjoyment of children's rights across the State party; that the absence of a central mechanism to coordinate the implementation of the Convention in Belgium makes it difficult to achieve a comprehensive and coherent child rights policy.

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

(a) Expedite the formal approval and full implementation of the above-mentioned agreement in order to establish a national commission for the rights of the child and provide it with adequate human and financial services;

(b) Assign coordination of the implementation of the Convention to a highly visible and easily identifiable permanent body with an adequate mandate and adequate resources;

(c) Prepare and implement a comprehensive national plan of action for the implementation of the Convention, paying special attention to children belonging to the most vulnerable groups (e.g. poor households, asylum-seekers), through an open, consultative and participatory process;

(d) Continue and expand the use of child impact assessments in the formulation of budgets and policies.

Monitoring structures

103. The Committee notes the establishment, since the initial report was considered of the Children's Rights Commissioner for the Flemish Community. The Committee acknowledges the activities of the Délégué Général aux Droits des Enfants in the French Community and of the Centre for Equal Opportunities and Opposition to Racism. However, the Committee is concerned that there is no independent mechanism to monitor the implementation of the Convention and empowered to receive and address complaints of children in the German-speaking Community, nor at the federal level.

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

(a) Establish independent human rights institutions in the German-speaking Community and at the federal level, in accordance with the Paris Principles (General Assembly resolution 48/134), to monitor and evaluate progress in the implementation of the Convention. They should be accessible to children and empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner and to address them effectively;

(b) Ensure that all the human rights institutions have formal advisory functions with the respective legislative bodies and that they establish formal links with each other.

Data collection

105. The Committee welcomes the statistical annexes provided with the list of issues; notes measures under way to improve data collection in offices processing asylum claims; and welcomes the information that a working group on statistics will be set up within a national study forum on juvenile delinquency. Nevertheless, with reference to its previous concluding observations, the Committee is still concerned at the absence of a nationwide mechanism to collect and analyse data on the areas covered by the Convention.

106. The Committee recommends that the State party establish a nationwide system such that disaggregated data are collected on all persons under 18 years for all areas covered by the Convention, including the most vulnerable groups (e.g. non-nationals, children with disabilities, children of economically disadvantaged households, children in conflict with the law, etc.), and that these data are used to assess progress and design policies to implement the Convention.

Training/dissemination of the Convention

107. The Committee welcomes the information that the State party has made available compilations of the initial report, the summary records of the meetings at which it was discussed, and the Committee's concluding observations. It also welcomes the information concerning special publications for disabled children. However, the Committee is concerned that the State party is not undertaking adequate dissemination, awareness-raising and training activities concerning the Convention in a systematic and targeted manner.

108. The Committee recommends that the State party:

(a) Strengthen and make ongoing its programme for the dissemination of information on the Convention and its implementation among children and parents, civil society and all sectors and levels of government, including initiatives to reach vulnerable groups, such as new immigrants;

(b) Develop systematic and ongoing training programmes on human rights, including children's rights, for all professional groups working for and with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers and health personnel).

2. General principles

The right to non-discrimination

109. The Committee welcomes the Decree of March 2000 expanding the mandate of the Centre for Equal Opportunities and Opposition to Racism to include all forms of discrimination, including grounds of gender, sexual orientation, birth, civil status, ill health, age and disability. The Committee is concerned at racist incidents against minorities; the disparities in the enjoyment of economic and social rights, particularly health and education, experienced by poor children, non-Belgian children, including unaccompanied minors, and disabled children.

110. **In accordance with article 2 of the Convention, the Committee recommends that the State party:**

(a) Take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes, and implement the recommendations of the Committee on the Elimination of Racial Discrimination (March 2002);

(b) Take all necessary measures to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination;

(c) Continue to prioritize and target resources and social services to children belonging to the most vulnerable groups;

(d) Review existing policies and practice in relation to children with disabilities, including draft legislation, with due regard to the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and to the Committee's recommendations adopted at its day of general discussion on children with disabilities (see CRC/C/69).

111. **The Committee requests that specific information be included in the next periodic report on measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party in follow-up to the Declaration and Programme of Action adopted by the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of General Comment No. 1 on article 29.1 of the Convention (aims of education).**

Respect for the views of the child

112. The Committee welcomes the information that several structures have been set up with the support of the State party through which children can make their views known. These include conferences, courses on children's rights, councils in schools and communities, and the "What do you think?" project. However, the Committee is concerned that children are not adequately informed on how they can have input into policies that affect them, nor how their views will be taken into consideration once they have been solicited; and that sufficient attention has not been accorded to the participation of primary and secondary students in school

governance, including in areas such as school regulations and management of discipline. With respect to court or administrative proceedings affecting the child, the Committee is concerned that the right to be heard is largely discretionary under article 931 of the Judicial Code, and is not adequately guaranteed to the child. The Committee welcomes the information concerning a draft law in this regard.

113. The Committee recommends that the State party, in accordance with article 12, take further steps to promote and facilitate meaningful participation of children in society, including in schools. Moreover, it recommends that legislation governing procedure in courts and administrative proceedings ensure that a child capable of forming his/her own views has the right to express those views and that they are given due weight.

3. Civil rights and freedoms

Violence/abuse/neglect/maltreatment

114. The Committee notes with satisfaction the numerous initiatives taken in the area of child abuse, including sexual abuse, such as the Law on the Criminal Protection of Minors (of 28 November 2000), amendments to the Criminal Code and the adoption of article 22 bis of the Constitution concerning the protection of the child's moral, physical and sexual integrity. But it remains concerned that corporal punishment is not expressly prohibited by law.

115. The Committee recommends that the State party:

(a) Take legislative measures to prohibit corporal punishment of children in the family, in schools and in institutions;

(b) Continue to carry out public education campaigns about the negative consequences of corporal punishment and promote positive, non-violent forms of discipline;

(c) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, and to intervene where necessary;

(d) Prosecute in cases of ill-treatment, ensuring that the abused child is not victimized in legal proceedings and his/her privacy is protected;

(e) Provide for the care, recovery and reintegration for victims;

(f) Strengthen the reporting system, through full support of the confidential centres for abused children, and train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment.

Human rights education

116. The Committee is concerned that the aims of education outlined in article 29 of the Convention, including the development and respect of human rights, tolerance and equality of the sexes and religious and ethnic minorities is not explicitly part of the curricula throughout the State party.

117. The Committee recommends that the State party, taking into account the Committee's General Comment No. 1 on the aims of education, include human rights education, including children's rights, in the curricula of all primary and secondary schools, particularly with respect to the development and respect of human rights, tolerance and equality of the sexes and religious and ethnic minorities.

4. Special measures of protection

Unaccompanied minors

118. The Committee welcomes the creation of a special bureau for unaccompanied minors in the Aliens Office for handling their requests to stay. It also notes a number of other activities, among others: concerning the establishment of special reception centres for unaccompanied minors; a draft law on the creation of a guardianship service, access to education and missing persons, which contains provisions on unaccompanied minors. But there are not yet, as the Government acknowledges, specific regulations for unaccompanied minors, whether seeking asylum or not.

119. In accordance with the principles and provisions of the Convention, especially articles 2, 3 and 22, and with respect to unaccompanied persons under 18 years of age, the Committee recommends that the State party:

(a) Expedite efforts to establish special reception centres for unaccompanied minors, with special attention to those who are victims of trafficking and/or sexual exploitation;

(b) Ensure that the stay in those centres is for the shortest time possible and that access to education and health is guaranteed during and after the stay in the reception centres;

(c) Approve as soon as possible the draft law on the creation of a guardianship service, in order to ensure the appointment of a guardian for an unaccompanied minor from the beginning of the asylum process and thereafter as long as necessary, and make sure that this service is fully independent, allowing it to take any action it considers to be in the best interests of this minor;

(d) Ensure unaccompanied minors are informed of their rights and have access to legal representation in the asylum process;

(e) Improve cooperation and exchange of information among all the actors involved, including the Aliens Office and other relevant authorities, police services, tribunals, reception centres and NGOs;

(f) Ensure that, if family reunification is carried out, it is done in the best interests of the child;

(g) Expand and improve follow-up of returned unaccompanied minors.

Sexual exploitation and trafficking

120. The Committee reiterates its satisfaction with the numerous measures taken by the State party to combat the sexual exploitation and trafficking of children. It is nevertheless concerned that trafficking for the purposes of sexual or other exploitation is still a problem.

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

(a) Fully implement the recommendations of the national commission of experts;

(b) Continue to implement policies and programmes 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;

(c) Continue to recruit female police officers to improve communication and contacts with foreign girls and women working in prostitution;

(d) Ensure that adequate resources (human and financial) are allocated to policies and programmes in this area;

(e) Continue to undertake awareness-raising campaigns in countries of origin;

(f) Expand cooperation with countries of origin and transit;

(g) Continue to cooperate with the International Organization for Migration.

Administration of juvenile justice

122. The Committee welcomes the information received since the initial report was considered that the death penalty was abolished in 1996; that article 53 of the 1965 Young Person's Protection Act, which provided for pre-trial detention for up to 15 days, was repealed; and that a national study forum on juvenile justice, including a workshop on statistics, has been set up. However, it is concerned that the interim law of 1 March 2002 (which expires on 31 October 2002) on the temporary detention of juvenile delinquents and the creation of the Everberg Centre effectively replaced article 53 of the 1965 Act with a similar, if not more restrictive, regime. Moreover, the Committee remains concerned that under article 38 of

the 1965 Act, persons under the age of 18 may be tried as adults. Overall, the Committee is concerned that the holistic approach to addressing the problem of juvenile crime advocated in the Convention, including with respect to prevention, procedures and sanctions, has not been sufficiently taken into consideration by the State party.

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

(a) **Establish a system of juvenile justice that fully integrates into its legislation and practice the provisions of the Convention, in particular articles 37, 39 and 40, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and the Guidelines for Action on Children in the Criminal Justice System;**

(b) **Ensure that persons under 18 are not tried as adults;**

(c) **With respect to the law of March 2002, and its review in October 2002, ensure, in accordance with article 37 of the Convention, that the deprivation of liberty is only used as a measure of last resort, for the shortest possible time, that guarantees of due process are fully respected and that persons under 18 are not detained with adults.**

5. Optional protocols

124. **The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.**

6. Dissemination of the reports

125. **Finally, the Committee recommends that in accordance with article 44, paragraph 6, of the Convention, the second report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion, and the concluding observations adopted by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.**

Concluding observations: Niger

126. **The Committee considered the initial report of Niger (CRC/C/3/Add.29/Rev.1) at its 784th and 785th meetings (see CRC/C/SR.784-785), held on 24 May 2002 and adopted, at the 804th meeting, held on 1 June 2002, the following concluding observations.**

A. Introduction

127. The Committee welcomes the submission of the State party's initial report, which followed the established guidelines, and also takes note of the timely submission of the written replies to its list of issues (CRC/C/Q/NIG/1), which allowed for a clearer understanding of the situation of children in the State party. The Committee also notes the frank and constructive dialogue it had with the delegation of the State party. The Committee acknowledges that the presence of a delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the rights of children in the State party.

B. Positive aspects

128. The Committee welcomes the establishment of the National Committee for the Survival, Protection and Development of Children in 1998 and its subregional committees, and the revitalization of the National Commission on the Reform of Civil and Criminal Legislation.

129. The Committee notes that the State party is among the few countries which have ratified the 1961 Convention on the Reduction of Statelessness, and welcomes the ratification by the State party of the International Covenant on Civil and Political Rights, the International Covenant on Social, Economic and Social Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women.

130. The Committee welcomes the fact that the State party has ratified the ILO Convention (No. 138) on the Minimum Age for Admission to Employment and the ILO Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

131. The Committee welcomes the efforts undertaken by the State party to involve the religious and traditional leaders in several programmes concerning children.

132. The Committee also welcomes the adoption of the National Programme of Action for the Survival, Protection and Development of Children; Law 98-12 on the Education System of the Niger; Ordinance 99-11 of 14 May 1999 on the creation of juvenile courts; the 10-year Education Plan 2002-2012; and the Poverty Reduction Strategy Paper in 2002.

C. Factors and difficulties impeding the implementation of the Convention

133. The Committee acknowledges that the two armed rebellions in the north and east of the country (1990-1995), the fact that the State party is a landlocked country and has gone through several droughts, the extreme poverty facing the State party, as well as its political instability in the last decade, and the limited availability of skilled human resources have had a negative impact on social welfare and on the situation of children and have impeded the full implementation of the Convention. Furthermore, the coexistence of customary law and statutory law impedes the implementation of the Convention in the State party, where traditional practices are not conducive to children's rights.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Legislation

134. The Committee notes that new laws have been adopted by the State party to harmonize the existing legislation with the Convention. Nevertheless, the Committee remains concerned at the weak implementation of the Constitution as far as children's rights are concerned. Domestic legislation and customary law still do not fully reflect the principles and provisions of the Convention.

135. The Committee encourages the State party to continue and strengthen its reform activities in order to ensure that its domestic legislation conforms fully to the principles and provisions of the Convention. In that respect, the Committee recommends that the State party:

(a) Strengthen the implementation of the Constitution as far as children's rights are concerned;

(b) Undertake all the necessary steps to harmonize existing legislation and customary law with the Convention;

(c) Integrate the principles of the Convention from a rights-based approach in the National Programme of Action for the Survival, Protection and Development of Children;

(d) Consider the adoption of a comprehensive children's code which will reflect the general principles of the Convention;

(e) Consider the elaboration and adoption of a comprehensive family code.

Coordination

136. While welcoming the establishment of the National Committee for the Survival, Protection and Development of Children in Niger (Decree 011/PM/MDS/P/PF/PE of October 1998), which is represented at the local level, the Committee is concerned at the lack of financial and human resources of this body to allow it to carry out its role efficiently.

137. The Committee recommends that the State party take all necessary measures to provide the National Committee for the Survival, Protection and Development of Children with adequate human, financial and other resources. This National Committee should also be provided with a clear mandate that includes, for example, the formulation, implementation, coordination and evaluation of the new National Programme of Action for the Survival, Protection and Development of Children. The Committee also recommends

that the State party coordinate and implement programmes established under international cooperation. Finally, the Committee recommends that the State party reinforce coordination at national, regional and local levels.

Data collection

138. The Committee is concerned that the data collection mechanism of the State party does not ensure the adequate collection of disaggregated data on all aspects of the Convention, monitor and evaluate progress achieved, or assess the impact of policies adopted with respect to children.

139. **The Committee recommends that the State party strengthen its efforts to establish a comprehensive and permanent mechanism to collect data, disaggregated by gender, age, and rural and urban area. The State party should also develop indicators to monitor and evaluate effectively progress achieved in the implementation of the Convention and to assess the impact of policies relevant to children. The data collection mechanism should incorporate all the areas covered by the Convention and cover all children below the age of 18 years, with specific emphasis on those who are particularly vulnerable. In this context, the Committee recommends that the State party seek technical assistance from, among others, UNFPA, UNDP and UNICEF.**

Independent/monitoring structures

140. The Committee takes note of Act No. 98-55 of 29 December 1998, which led to the establishment of the National Committee on Human Rights and Fundamental Freedoms in accordance with article 33 of the Constitution. However, the Committee is concerned at the lack of an independent mechanism to monitor and evaluate effectively progress in the implementation of the Convention and empowered to receive and address complaints.

141. **The Committee recommends that the State party provide the National Committee on Human Rights and Fundamental Freedoms with adequate human and financial resources, and expedite activities aimed at the establishment of an office, for example, within the National Committee on Human Rights and Fundamental Freedoms, to monitor and evaluate effectively progress in the implementation of the Convention at the national and local levels in accordance with the Paris Principles relating to the status of national institutions (General Assembly resolution 48/134). This body should be accessible to children, empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner, and address them effectively. In that regard, the Committee recommends that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.**

Resources for children

142. While noting the efforts of the State party to reduce poverty and to increase the budgetary allocation to education and health, and the adoption of the Poverty Reduction Strategy Paper, which identifies priorities conducive to the realization of the rights of the child, the Committee

expresses its concern that, in spite of efforts undertaken by the State party, insufficient attention has been paid to article 4 of the Convention regarding the implementation to the “maximum extent of ... available resources of economic, social and cultural rights of children”.

143. 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, especially disadvantaged groups, to the maximum extent of available resources (at the national and local levels) and, where needed, within the framework of international cooperation. In addition, the Committee recommends that the State party identify the amount and proportion of the budget spent on children at the national and local levels in order to evaluate the impact and effect of the expenditures on children. The Committee also recommends that the State party ensure the effective implementation of the Poverty Reduction Strategy Paper, paying special attention to the possible negative short-term impact of structural adjustment on the social rights of children.

Cooperation with civil society

144. While noting the participation of civil society in the drafting of the Poverty Reduction Strategy Paper, the Committee is concerned that insufficient efforts have been made to involve civil society in the implementation of the Convention, particularly in the area of civil rights and freedoms.

145. The Committee recommends that the State party continue to involve systematically communities and civil society, including children’s associations, throughout all stages of the implementation of the Convention, including the formulation of policies and programmes and with respect to civil rights and freedoms. In addition, the Committee recommends that the State party pursue its efforts to involve traditional and religious leaders in the implementation of the Convention.

Dissemination/training on the Convention

146. While noting the measures undertaken to promote widespread awareness of the principles and provisions of the Convention (e.g. through radio programmes, seminars and workshops), including the translation of the Convention into four languages, the Committee is of the opinion that these measures need to be strengthened and systematized, and remains concerned that only two translations have been published. In this respect, the Committee is concerned at the lack of a systematic plan to introduce training and promote awareness among professional groups working for and with children.

147. The Committee recommends that the State party:

(a) Strengthen its efforts to disseminate the principles and provisions of the Convention as a means of sensitizing society about children’s rights through social mobilization;

(b) Publish the text of the Convention in the two languages for which this has not been done;

(c) Systematically involve community leaders in its programmes in order to fight against customs and traditions which impede the implementation of the Convention, and adopt creative communication measures for illiterate people;

(d) Provide systematic education and training on the provisions of the Convention for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal and local workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers;

(e) Introduce education on human rights, including the rights of the child, into the school curricula;

(f) Seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

2. Definition of the child

148. The Committee is concerned at the difference between the minimum legal age for marriage of boys (18 years) and that of girls (15 years), which is gender discriminatory. The Committee is also concerned at the fact that the Civil Code is rarely applied in this regard and that girls can marry at a much earlier age according to customary law, which leads to a widespread practice of early marriage and early pregnancy. In addition, the Committee is concerned at the fact that the minimum age for employment is fixed at 14 years, while education is compulsory until 16 years.

149. The Committee recommends that the State party set the same minimum age for marriage for girls and boys by increasing the minimum age for girls, and develop sensitization programmes involving traditional and religious leaders, and society at large, including children themselves, to curb the practice of early marriage. In addition, the Committee recommends that the State party harmonize the ages for child labour and compulsory education by increasing the minimum age for employment.

3. General principles

150. The Committee is concerned that the general principles contained in the Convention, namely the right to non-discrimination (art. 2), the best interests of the child (art. 3), the right to life, survival and development (art. 6) and respect for the views of the child (art. 12), are not fully integrated into the State party's legislation and administrative and judicial decisions, or in policies and programmes relevant to children at both national and local levels.

151. The Committee recommends that the State party appropriately integrate the general principles of the Convention, in particular the provisions of articles 2, 3, 6 and 12, in all relevant legislation concerning children and apply them in all political, judicial and

administrative decisions, as well as in projects, programmes and services which have an impact on all children. These principles should guide planning and policy-making at every level, as well as actions taken by social and health welfare institutions, courts of law and administrative authorities.

Right to non-discrimination

152. While noting that discrimination is prohibited under the Constitution (art. 8), the Committee is concerned at the persistence of de facto discrimination in the State party. In particular, the Committee is concerned at the disparities in the enjoyment of rights and at the social discrimination experienced by children belonging to the most vulnerable groups, such as girls, children with disabilities and children living in rural areas.

153. **The Committee recommends that the State party make greater efforts to ensure that all children within its jurisdiction enjoy without discrimination, all the rights set out in the Convention, including through public education programmes and the eradication of social misconceptions, in accordance with article 2; and prioritize and target social services for children belonging to the most vulnerable groups. In addition, the Committee recommends that the State party add other grounds of discrimination to those prohibited under article 8 of the Constitution, in order to be in conformity with article 2 of the Convention.**

154. **The Committee requests that specific information be included in the next periodic report on 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, and taking account of the Committee's General Comment No. 1 on article 29.1 of the Convention on the aims of education.**

Right to life, survival and development

155. The Committee is concerned at the incidence of infanticide committed by mothers in the State party and at the impact of mounting economic challenges and other socio-economic difficulties, as well as traditional practices which continue to threaten the right to life, survival and development of children in the State party.

156. **The Committee encourages the State party to pursue its efforts to provide greater protection and support to children whose right to life, survival and development are unduly threatened by traditional practices and the difficult socio-economic realities of the State party. In this connection, the Committee recommends that the State party strengthen its technical cooperation with, inter alia, UNICEF, UNAIDS, UNDP and WHO.**

Respect for the views of the child

157. While noting that respect for the views of the child has been introduced in Ordinance 99-11 on the creation of juvenile courts, the Committee is concerned that respect for the views of the child remains limited within the family, in schools, in the courts and before administrative authorities, and in society at large, owing to traditional attitudes.

158. The Committee recommends that the State party develop a systematic approach to increasing public awareness of the participatory rights of children in the best interests of the child, particularly at the local levels and in traditional communities, with the involvement of community and religious leaders, and ensure that the views of children are heard and taken into consideration in accordance with their age and maturity in families, communities, schools, care institutions and the judicial and administrative systems. In that regard, the Committee recommends that the State party launch campaigns to change the traditional attitude which does not allow children to express their views.

4. Civil rights and freedoms

Birth registration

159. While taking note of the obligation to register officially all births and the efforts undertaken by the State party to encourage birth registration, the Committee remains concerned at the large numbers of children, notably in rural areas, who are not registered at birth.

160. In the light of article 7 of the Convention, the Committee urges the State party to strengthen its efforts to ensure the registration of all children at birth, including through awareness raising campaigns, to reinforce its efforts to facilitate birth registration procedures and to take measures to register those who were not registered at birth.

5. Family environment and alternative care

Parental responsibilities

161. The Committee is concerned at the breakdown of family structures, notably in suburban areas, due to large families, the existence of polygamy, and lack of education, poverty and unemployment which negatively affect the upbringing and development of the child, particularly in the many larger families.

162. The Committee recommends that the State party take all necessary measures to reinforce the capacities of families, especially families in the most precarious situation, in order to support them in bringing up their children, in the light of article 18.2 of the Convention, and to emphasize the role of fathers in that regard. In addition, the Committee recommends that the State party raise awareness in society at large concerning forced marriage and undertake a study to assess the effect of polygamy on the upbringing and development of the child.

Separation from parents

163. The Committee is concerned at the practice of repudiation of women, which can lead to the separation of the child from his/her mother, and at the custom applicable in divorce cases which holds that children are entrusted to their mothers before they are 7 years old and to their fathers when older, without the views of the child and his/her best interests being taken into account. In addition, the Committee is concerned that the recovery of maintenance is not ensured.

164. The Committee recommends that the State party take all necessary measures to stop these practices and reinforce its efforts to sensitize the population on the obvious negative impact and the contradiction of these practices with the best interests of the child and other relevant provisions of the Convention. In addition, the Committee recommends that the State party take all necessary measures to ensure the recovery of maintenance.

Children deprived of their family environment

165. The Committee is very concerned that current facilities for the alternative care of children deprived of their family environment are insufficient and only available in the capital, and that many children do not have access to such assistance. In addition, the Committee expresses concern at the lack of appropriate training of staff and of a clear policy regarding the review of placements of children in alternative care.

166. The Committee recommends that the State party urgently adopt a programme to strengthen and increase alternative care opportunities for children, inter alia through the reinforcement of existing structures, specifically extended families, the promotion of foster families, the improved training of staff and the allocation of increased resources to relevant bodies. The Committee recommends that the State party seek assistance from UNICEF in this regard.

Adoption

167. While noting that adoption is regulated by the Civil Code, the Committee expresses concern that informal adoptions, which are generally not monitored, are widely accepted and practised in the State party and that there is no regular review of placements.

168. In the light of article 21 of the Convention, the Committee recommends that the State party strengthen the administrative procedures for formal domestic adoptions, in order to prevent abuse of the practice of informal adoption and guarantee the protection of the rights of children. In the light of the increasing number of children deprived of a family environment, the Committee recommends that the State party promote and encourage formal adoptions and reinforce its foster care programme. Finally, the Committee recommends that the State party ratify the 1993 Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption.

Abuse and neglect

169. The Committee is concerned at the lack of awareness of and information on domestic violence, ill-treatment and abuse (sexual, physical and psychological) of children, and the insufficient financial and human resources allocated to programmes to combat the abuse of children.

170. **In the light of article 19, the Committee recommends that the State party:**

(a) Undertake studies on domestic violence, ill-treatment and abuse (including sexual abuse within the family) in order to adopt policies which will help to change attitudes and improve the prevention and treatment of cases of violence against children;

(b) Prohibit corporal punishment at home, in schools, in institutions and in the penal procedures;

(c) Consider introducing an effective system for reporting cases of abuse, including sexual abuse, of children;

(d) Investigate properly within a child-sensitive judicial procedure cases of domestic violence, ill-treatment and abuse of children, and sanction perpetrators, due regard being given to protecting the right to privacy of the child;

(e) In accordance with article 39 of the Convention, take measures to ensure the reintegration of victims as well as perpetrators;

(f) Make efforts to prevent the criminalization and stigmatization of child victims of abuse;

(g) Take into consideration the recommendations of the Committee adopted on its days of general discussion on children and violence (CRC/C/100, para. 688, and CRC/C/111, paras. 701-745);

(h) Seek technical assistance from, among others, UNICEF and UNDP.

6. Basic health and welfare

171. While taking note of the adoption of the National Health Development Plan 1994-2000, and while finding encouraging the new data on mortality rates, the Committee is deeply concerned at the still high infant, under-5, and maternal mortality rates and low life expectancy in the State party. The Committee also remains concerned that health services in the districts and local areas continue to lack adequate resources (both financial and human) and that medicines and care are too expensive and not easily accessible. In addition, the Committee is concerned that the survival and development of children in the State party continue to be threatened by early childhood diseases and that malnutrition is an acute problem. Concerns also exist at the low coverage of vaccination and at the lack of prenatal health care.

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

(a) Reinforce its efforts to allocate appropriate resources and develop and implement comprehensive policies and programmes to improve the health situation of children, particularly in rural areas;

(b) Facilitate greater access to primary health services; reduce the incidence of maternal, child and infant mortality; prevent and combat malnutrition, especially among vulnerable and disadvantaged groups of children; and promote proper breastfeeding practices;

(c) Develop high-quality and affordable health care;

(d) Increase the rate of vaccination and carry out campaigns similar to that for polio;

(e) Establish midwifery training programmes to assure safe home delivery;

(f) Pursue additional avenues for cooperation and assistance for child health improvement with, inter alia, WHO and UNICEF.

Adolescent health

173. The Committee is concerned that insufficient attention has been given to adolescent health issues, including developmental, mental and reproductive health concerns, and substance abuse. The Committee is also concerned at the particular situation of girls, given, for instance, the very high percentage of early marriages and early pregnancies, which can have a negative impact on their health.

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

(a) Undertake a comprehensive study to assess the nature and extent of adolescent health problems and, with the full participation of adolescents, use this as a basis to formulate adolescent health policies and programmes with a particular focus on the prevention of sexually transmitted diseases (STDs), including HIV/AIDS and early pregnancies, especially through reproductive health education;

(b) Strengthen adolescent-sensitive mental health counselling services and make them known and accessible to adolescents.

HIV/AIDS

175. While noting the launch of a programme to combat STD/AIDS, the Committee remains concerned at the increasing prevalence of HIV/AIDS amongst adults and children, and the number of children orphaned by HIV/AIDS.

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

(a) Increase its efforts to prevent HIV/AIDS and take into consideration the recommendations the Committee adopted at its day of general discussion on children living in a world with HIV/AIDS (CRC/C/80, para. 243);

(b) Urgently consider ways of minimizing the impact upon children of HIV/AIDS-related deaths of parents, teachers and others in terms of children's reduced access to a family life, to adoption, to emotional care and education;

(c) Involve children in formulating and implementing preventive policies and programmes;

(d) Seek further technical assistance from, inter alia, UNAIDS.

Harmful traditional practices

177. While noting the efforts of the State party to prevent and combat harmful traditional practices, the Committee is concerned at the persistence of such practices, including female genital mutilation, the removal of the uvula, early and forced marriages, and forced feeding.

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

(a) Adopt the bill to prohibit female genital mutilation;

(b) Take legislative and awareness raising measures to prohibit and eradicate all kinds of traditional practices harmful to the health, survival and development of children, boys as well as girls;

(c) Reinforce its sensitization programmes, with the involvement of traditional leaders, practitioners and the general public, to change traditional attitudes and discourage harmful practices, in particular in rural areas;

(d) Find alternative employment for practitioners.

Children with disabilities

179. While noting Ordinance 93-01-12 which sets out the minimum rules for the social protection of disabled persons, its Decree of implementation of 1996 and the study carried out in 2001, the Committee is concerned at the inadequate legal protection and the insufficient facilities and services for children with disabilities. Concern is also expressed at the limited number of trained teachers available to work with children with disabilities, as well as the insufficient efforts made to facilitate their inclusion in the educational system and generally in society. The Committee also notes with concern the inadequate resources allocated to special education programmes for children with disabilities. The Committee is further concerned at the high number of disabled children begging on the streets.

180. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and the recommendations adopted by the Committee at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339), it is recommended that the State party:

- (a) Take effective measures to collect adequate statistical data on children with disabilities and to ensure the use of such data in the development of policies and programmes for these children;
- (b) Reinforce its efforts to develop early detection programmes to prevent disabilities;
- (c) Establish special education programmes for children with disabilities and, where feasible, integrate them into mainstream schools and public life;
- (d) Undertake awareness-raising campaigns to sensitize the public about the rights and special needs of children with disabilities, as well as children with mental health concerns;
- (e) Increase the resources, both financial and human, allocated to special education and enhance the support given to children with disabilities;
- (f) Seek technical cooperation for the training of professional staff, including teachers, working with and for children with disabilities from, inter alia, WHO and UNESCO.

Standard of living

181. The Committee is concerned about the widespread poverty in the State party and the increasingly high numbers of children who do not enjoy the right to an adequate standard of living, including access to clean drinking water, adequate housing and latrines.

182. **The Committee recommends that, in accordance with article 27 of the Convention, the State party reinforce its efforts to provide support and material assistance to economically disadvantaged families and to guarantee the right of children to an adequate standard of living. In this connection, the Committee recommends that the State party pay particular attention to the rights and needs of children when implementing its Poverty Reduction Strategy Paper and all other programmes intended to improve the standard of living in the country.**

7. Education, leisure and cultural activities

183. While noting that Act No. 98-12 sets forth the right of the child to education and the obligation of the State to make primary education compulsory and free, and welcoming the 10-Year Education Plan 2002-2012, as well as the efforts undertaken by the State party to increase the enrolment of girls, the Committee remains concerned that enrolment in schools is still low and that illiteracy is widespread. The Committee is also concerned at the gender and

regional disparities in enrolment in schools, absenteeism, the high drop-out and repeat rates; the insufficient numbers of trained teachers, schools and classrooms; and the lack of relevant learning material. In the light of article 29.1 of the Convention, the Committee is also concerned at the quality of education in the State party. In addition, the Committee is concerned at the quality of education in koranic schools.

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

- (a) Progressively ensure that girls and boys, from urban, rural and least developed areas, all have equal access to educational opportunities;**
- (b) Take necessary measures to remedy the low quality of education and to ensure better internal efficiency in the management of education;**
- (c) Build better infrastructure for schools and provide appropriate training for teachers;**
- (d) Improve the education system with a view to achieving the aims mentioned in article 29.1 of the Convention and the Committee's General Comments on the aims of education, and introduce human rights, including children's rights, into the school curricula;**
- (e) Raise awareness of the importance of early childhood education and introduce it into the general framework of education;**
- (f) Encourage the participation of children at all levels of school life;**
- (g) Seek assistance from UNICEF and UNESCO.**

8. Special protection measures

Refugee, asylum-seeking children and unaccompanied children

185. The Committee notes the adoption of Law No. 97/016 of 30 June 1997, which addresses the protection of refugees and establishes the National Commission of Refugees, and welcomes the State party's policy with regard to refugee children, but is concerned that not all births are registered.

186. **The Committee recommends that the State party implement this legislation and ensure birth registration for all refugee children born on the territory of the State party. In addition, the Committee recommends that the State party consider ratifying the 1954 Convention relating to the Status of Stateless Persons and that it continue its cooperation with international agencies such as UNHCR and UNICEF.**

Children affected by armed conflict

187. The Committee welcomes the State party's decision to review the "prytanée militaire" prior to ratifying the Optional Protocol on the involvement of children in armed conflict. In addition, the Committee notes the Peace Agreement concluded in 1995 between the State party and the various rebel groups, and the establishment of the Office of the High Commissioner for the Restoration of Peace, but remains concerned at the difficult situation of displaced persons, particularly children and women.

188. **The Committee encourages the State party to speed up the review of its "prytanée militaire". In addition, the Committee recommends that the State party reinforce its efforts to provide displaced children with adequate social services, including health care, immunization and education, and to socially reintegrate former combatants.**

Economic exploitation

189. The Committee is deeply concerned that child labour in the State party is widespread, particularly in the informal sector, and that children may be working long hours at young ages, which has a negative effect on their development and school attendance. The Committee is also deeply concerned at the existence of slavery in some parts of the country.

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

(a) Adopt and implement the national plan of action to prevent and combat child labour;

(b) Provide adequate human and other resources and training to the labour inspectorate and other law enforcement agencies in order to strengthen further their capacity to monitor effectively the implementation of child labour legislation and relevant ILO Conventions;

(c) Take all necessary measures to eliminate the worst forms of child labour, including slavery, in the State party, in conformity with article 12 of the Constitution, and raise awareness among the population on this issue, involving traditional leaders;

(d) Seek innovative approaches, such as alternative education or non-formal education, to give educational opportunities to children who are older and have to work;

(e) Seek assistance from ILO.

Child beggars

191. The Committee is concerned at the number of children who are begging in the streets. The Committee notes that some of these child beggars are pupils under the guardianship of Islamic religious education teachers. The Committee is concerned at their vulnerability to all forms of exploitation.

192. **The Committee recommends that the State party prohibit child begging, introduce sensitization programmes to discourage and prevent it and take all necessary measures in collaboration with traditional and religious leaders and parents to stop this practice.**

Sexual exploitation and trafficking

193. The Committee is concerned at the increasing number of child victims of sexual exploitation, including for prostitution and pornography, especially among child labourers and street children. Concern is also expressed at the insufficient programmes for the physical and psychological recovery and social reintegration of child victims of such abuse and exploitation.

194. **In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party conduct a study with a view to assessing the extent of the commercial sexual exploitation of children, including prostitution, pornography and trafficking; and implement appropriate policies and programmes for prevention and for the recovery and social reintegration of child victims, in accordance with the 1996 Declaration and Agenda for Action and the 2001 Global Commitment adopted by the World Congresses against Commercial Sexual Exploitation of Children.**

Administration of justice

195. The Committee welcomes the adoption of Ordinance 99-11 of 14 May 1999 on the creation of juvenile courts, but remains concerned at the absence of juvenile courts and at the limited number of juvenile judges, social workers and teachers to work in this field. In addition the Committee is deeply concerned at the non-separation of children and adults in jails (with the exception of the jail in Niamey), the very poor conditions of detention, mainly due to overcrowding in detention and prison facilities, the frequent recourse to and excessive length of pre-trial detention, the very limited rehabilitation and reintegration of juveniles following judicial proceedings and the sporadic training of judges, prosecutors and prison staff.

196. **The Committee recommends that the State party take additional steps to reform the legislation and the system of juvenile justice in line with the Convention, in particular articles 37, 40 and 39, and 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, and the Vienna Guidelines for Action on Children in the Criminal Justice System.**

197. **As part of this reform, the Committee particularly recommends that the State party:**

(a) **Undertake all necessary measures to ensure the establishment of juvenile courts and the appointment of trained juvenile judges in all regions of the country;**

- (b) Consider deprivation of liberty only as a measure of last resort and for the shortest possible time, limit by law the length of pre-trial detention and ensure that the lawfulness of this detention is reviewed by the judge without delay and then regularly;**
- (c) Develop alternative measures to deprivation of liberty;**
- (d) Provide children with legal and other assistance at an early stage of the procedure;**
- (e) Provide children with basic services (e.g. health care, schooling);**
- (f) Protect the rights of children deprived of their liberty and improve their conditions of detention and imprisonment, in particular by establishing special prisons for children with conditions suited to their age and needs and by ensuring the provision of social services in all detention centres in the country, and, in the meantime, by guaranteeing separation of children from adults in all prisons and in pre-trial detention places throughout the country;**
- (g) Ensure that children remain in regular contact with their families while in the juvenile justice system;**
- (h) Introduce regular medical examination of children by independent medical staff;**
- (i) Establish an independent child-sensitive and accessible complaints system for children;**
- (j) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;**
- (k) Make every effort to establish a programme of recovery and social reintegration for juveniles in conflict with the law;**
- (l) Take into consideration the recommendations of the Committee presented during its day of general discussion on juvenile justice (CRC/C/46, paras. 203-238);**
- (m) Consider requesting technical assistance in the area of juvenile justice and police training from, inter alia, the Office of the High Commissioner for Human rights, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.**

9. Optional protocols to the Convention on the Rights of the Child

198. The Committee encourages the State party to ratify and implement the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution, child pornography, and on the involvement of children in armed conflict.

10. Dissemination of the report

199. **Finally, the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records of the discussion and the concluding observations adopted by the Committee after its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring in the Government and the general public, including NGOs.**

11. Next report

200. **The Committee, aware of the considerable delay in the State party's reporting, wishes to underline the importance of reporting practice which is in full compliance with the rules set out in article 44 of the Convention. In this regard, regular and timely reporting by States parties is crucial. The Committee understands that the State party had difficulties in initiating the reporting process and, in order to assist the State to comply fully with its reporting obligations under the Convention, the Committee invites the State party, by way of exception, to submit its second, third and fourth reports jointly before 29 October 2007.**

Concluding observations: Belarus

201. The Committee considered the second periodic report of Belarus (CRC/C/65/Add.15) at its 786th and 787th meetings (see CRC/C/SR.786 and 787), held on 27 May 2002, and adopted, at the 804th meeting, held on 7 June 2002, the following concluding observations.

A. Introduction

202. The Committee welcomes the submission of the State party's second periodic report, which follows the guidelines for reporting, and of the written replies, promptly submitted, to its list of issues (CRC/C/Q/BEL/2). The Committee, although regretting that only one member of the State party's delegation was directly involved in the implementation of the Convention in Belarus, notes the constructive dialogue and the positive reactions to the suggestions made during the dialogue.

B. Positive aspects

203. The Committee notes that the State party adopted a number of laws in order to further harmonize domestic legislation with the provisions of the Convention, including the new Civil Code and the new Marriage and Family Code adopted in 1999, and the revision in 2000 of the Rights of the Child Act.

204. The adoption in 1998 of the International Treaties Act by which norms of international treaties, such as the Convention, become part of current law and can therefore be directly invoked in courts, is welcomed by the Committee.

205. The Committee notes that, in light of its previous recommendation (CRC/C/15/Add.17 of 7 February 1994, para. 11), the National Commission on the Rights of the Child was established in 1996.

206. The Committee recognizes that, in line with its previous recommendation (ibid., para. 11) a national plan for the protection of the rights of the child 1995-2000 was adopted by Presidential Decree No. 150 of 19 April 1995 and followed up by the presidential programme "Children of Belarus" for 2001-2005, approved by Presidential Decree No. 281 of 24 May 2001.

207. The Committee welcomes the adoption in March 1999 of a National Plan for Human Rights Education covering the period 1999-2004.

208. The Committee welcomes the State party's adoption of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. It further notes that Belarus has signed The Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993, as previously recommended (ibid., para. 13).

C. Factors and difficulties impeding progress in the implementation of the Convention

209. The Committee acknowledges that, owing to economic transition, the growing poverty affecting families, especially those with many children and those living in rural areas, is still impeding the full implementation of the Convention in the State party. Further, it notes the persistence of the negative consequences of the Chernobyl nuclear plant disaster affecting the population in general and the health and development of children, in particular.

D. Principal areas of concern and recommendation

1. General measures of implementation

Previous recommendations

210. The Committee regrets that some of the concerns and recommendations (CRC/C/15/Add.28 of 24 October 1994) it made upon consideration of the State party's initial report (CRC/C/8/Add.6) have been insufficiently addressed, particularly those contained in paragraphs 11, 12, 14, and 15. Those concerns and recommendations are reiterated in the present document.

211. The Committee urges the State party to make every effort to address the recommendations contained 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 second periodic report.

Legislation

212. The Committee, while noting the various legislative measures taken with respect to child rights, reiterates its concern (CRC/C/15/Add.17, para. 6) as to the full compatibility of the national legislation with the provisions and principles of the Convention. It is also concerned that the legislation does not sufficiently reflect the comprehensive rights-based approach of the Convention.

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

(a) Continue its comprehensive review of existing legislation from a rights-based perspective, in order to ensure its full conformity with the principles and provisions of the Convention;

(b) In this regard, consider seeking assistance from, among others, UNICEF.

Coordination

214. The Committee, while acknowledging the efforts made by the State party in improving coordination by establishing the National Commission on the Rights of the Child in 1996, notes with concern that the National Commission has basically a consultative status. It further notes that the implementation process of the presidential programme “Children of Belarus” for 2001-2005 is monitored and reviewed.

215. **The Committee reiterates its recommendation (ibid., para. 11) that the State party ensure the establishment of a permanent body to coordinate the implementation and monitoring of the rights of the child at national and local levels, including by effectively coordinating activities between central and local authorities and cooperating with NGOs and other sectors of civil society.**

Independent monitoring

216. The Committee, while taking note of the ongoing discussions on the establishment of an independent monitoring body, expresses its concern at the absence of an overall national mechanism with a mandate regularly to monitor and evaluate progress in the implementation of the Convention and which is empowered to receive and address complaints by children.

217. **The Committee encourages the State party to establish an independent and effective mechanism in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (General Assembly resolution 48/134), either as a part of a national institution on human rights or as a separate body, such as a children’s ombudsman, which should be provided with adequate human and financial resources and easily accessible to children, that:**

(a) Monitors the implementation of the Convention;

(b) Deals with complaints from children in a child-sensitive and expeditious manner; and

(c) Provides remedies for violations of their rights under the Convention.

In this regard, the Committee further recommends that the State party consider seeking technical assistance from, among others, UNICEF and OHCHR.

Resources for children

218. While noting the efforts by the State party to prevent the decline in living standards of the population, the Committee expresses its concern that budgetary allocations for children are still insufficient to respond to national and local priorities for the promotion and protection of children's rights and to overcome and remedy existing disparities between rural and urban areas with respect to services provided to children.

219. **In light of article 4 of the Convention, the Committee encourages the State party:**

(a) To continue its efforts to prevent, including through a comprehensive poverty reduction strategy, the decline in living standards of families, in particular those with many children, those living in rural areas and single parent families;

(b) To identify clearly its priorities with respect to child rights issues in order to ensure that funds are allocated to the maximum extent of available resources and, where needed, within the framework of international cooperation for the full implementation of the economic, social and cultural rights of children, in particular for children belonging to the most vulnerable groups in society; and

(c) To identify the amount and proportion of the budget spent on children at the national and local levels in order to evaluate the impact and effect of the expenditures on children.

Data collection

220. The Committee expresses its concern that data are not disaggregated for all areas covered by the Convention. It further notes that data on children are not used in an adequate manner to assess progress and as a basis for policy-making in the field of children's rights.

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

(a) Strengthen its mechanism to collect and analyse systematically disaggregated data on all persons under 18 for all areas covered by the Convention, with special emphasis on the most vulnerable groups, including children of economically disadvantaged households, children living in rural areas, children in institutions, children with disabilities, and children affected by the consequences of the Chernobyl disaster;

(b) Use these indicators and data effectively for the formulation and evaluation of policies and programmes for the implementation and monitoring of the Convention;

(c) Seek technical assistance from UNICEF in this regard.

Cooperation with civil society

222. Despite the recent establishment of several non-governmental organizations, the Committee expresses its concern that insufficient efforts have been made to involve civil society in the full implementation of the Convention, particularly in the area of civil rights and freedoms. It further notes with deep concern that non-governmental organizations are subjected to difficult procedures for registration and that foreign funding in particular is restricted, which may limit their effectiveness and independence.

223. **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. The Committee reiterates its recommendation (ibid., para. 12) that the State party:**

(a) Consider involving 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, in particular with respect to civil rights and freedoms;

(b) In line with the Human Rights Committee's recommendation (CCPR/C/79/Add.86, para. 19), review without delay laws, regulations and administrative practices in order to facilitate the registration and activities of non-governmental organizations.

Training/dissemination of the Convention

224. The Committee, while acknowledging that there have been efforts to disseminate the Convention and to train professionals working with and for children in line with its previous recommendation (ibid., para. 17), nevertheless finds that these measures need to be strengthened.

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

(a) Develop more creative methods to promote the Convention, including through audiovisual aids such as picture books and posters, in particular at the local level and through the media;

(b) Continue and strengthen its efforts to provide adequate and systematic training and/or sensitization on children's rights of professional groups working with and for children, such as judges, lawyers, law enforcement and health personnel, teachers and school administrators;

(c) In particular provide adequate training to the judiciary on the impact of the International Treaties Act of 1998 and the possibility of directly invoking the Convention in courts; and

(d) Seek technical assistance from, among others, UNICEF, UNESCO and OHCHR with a view to involving non-governmental organizations and other sectors of civil society.

2. General principles

General principles

226. The Committee is concerned that the principles of non-discrimination, best interests of the child (art. 3), right to life, survival and development of the child (art. 6) and respect for the views of the child (art. 12) are not fully reflected in the State party's legislation and administrative and judicial decisions, as well as in policies and programmes relevant to children at both national and local levels.

227. **The Committee reiterates its previous recommendation (ibid., para. 11) that the State party:**

(a) Appropriately integrate general principles of the Convention, namely articles 2, 3, 6 and 12, in all relevant legislation concerning children;

(b) Apply them in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on all children; and

(c) Apply these principles in planning and policy-making at every level, as well as in actions taken by social and health welfare and educational institutions, courts of law and administrative authorities.

Non-discrimination

228. The Committee is concerned that the principle of non-discrimination is not fully implemented for children of economically disadvantaged households, children living in rural areas, children in institutions, children with disabilities, Roma children and children affected by Chernobyl, especially with regard to their access to adequate health care and educational facilities.

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

(a) Monitor the situation of children, in particular those belonging to the above-mentioned vulnerable groups, who are exposed to discrimination; and

(b) Develop, on the basis of the results of this monitoring, comprehensive strategies containing specific and well-targeted actions aimed at eliminating all forms of discrimination.

230. **The Committee 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 follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of general comment No. 1 on article 29 (1) of the Convention (aims of education).**

Respect for the views of the child

231. Noting the provisions which allow the child to be heard, the Committee is concerned that judges or other decision-making bodies have too much discretionary power in that regard.

232. **In light of article 12, the Committee recommends that the State party:**

(a) **Make sure that all children mature enough to express their views are heard in all judicial and administrative procedures affecting them; and**

(b) **Undertake campaigns to make parents, professionals working with and for children and the public at large aware that children have the right to be heard and to have their views taken seriously.**

3. Civil rights and freedoms

233. The Committee notes with concern that the implementation of articles 13, 15 and 17 is limited.

234. **The Committee recommends that the State party guarantee to all children the full implementation of the rights to freedom of expression, freedom of association and peaceful assembly and access to appropriate information, recognized in articles 13, 15 and 17 of the Convention.**

4. Family environment and alternative care

Parental responsibilities

235. The Committee notes with deep concern the spreading phenomenon of family disintegration in Belarus, including the high rate of divorce, the growing number of single-parent families and cases of parental neglect. While noting that the State party is taking some measures to strengthen families such as the Law on Allowances to Families with Children of 1 April 2002, it expresses its concern that there is no coordination between public agencies dealing with family-oriented policies, including the implementation of a poverty reduction strategy, very little preventive action, and that professional social workers are not trained enough to deal with dysfunctional families.

236. **In light of article 18 of the Convention, the Committee recommends that the State party:**

- (a) Continue to develop measures for the prevention of family disintegration and the strengthening of family development;**
- (b) Improve social assistance and support to families to help them with their child-rearing responsibilities, including through parental education, counselling and community-based programmes;**
- (c) Provide adequate training to social workers;**
- (d) Seek international assistance from, among others, UNICEF.**

Children deprived of a family environment

237. Noting the official priority policy on deinstitutionalization included in the Marriage and Family Code, the Committee expresses its serious concern about the high number of children, including children with disabilities, who are deprived of a family environment and placed in institutions, because foster care or other forms of family-based alternative care are not sufficiently developed and available. In addition, it notes with concern that institutions, owing to a lack of resources, provide children with very low quality housing and care and that children lack effective mechanisms to communicate concerns and complaints about their placement.

238. **In light of article 20 of the Convention, the Committee recommends that the State party:**

- (a) Take effective measures, including the development of strategies and awareness-raising activities, to prevent and reduce the abandonment of children;**
- (b) Take effective measures to increase and strengthen foster care, family-type foster homes and other family-based alternative care;**
- (c) Place children in institutions only as a measure of last resort;**
- (d) Take all necessary measures to improve conditions in institutions;**
- (e) Provide support and training for personnel in institutions, including social workers;**
- (f) Establish effective mechanisms to receive and address complaints from children in care, to monitor standards of care and, in light of article 25 of the Convention, to establish periodic review of placements;**
- (g) Provide adequate follow-up and reintegration support and services for children who leave institutional care.**

Abuse and neglect

239. The Committee expresses its concern about the insufficient information and awareness of the ill-treatment and abuse of children in the home, in schools and in other institutions.

240. **In light of article 19 of the Convention and in line with its previous recommendation (ibid., para. 40), the Committee recommends that the State party:**

(a) Undertake studies on domestic violence, violence against children, ill-treatment and abuse, including sexual abuse, and implement the statistical system created to keep a record of incidents of physical and mental violence and neglect against children, in order to assess the extent, scope and nature of these practices;

(b) Adopt and implement effectively adequate measures and policies to prevent and combat ill-treatment and abuse of children, including public campaigns, and to contribute to changing attitudes;

(c) Investigate effectively cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, within a child-sensitive inquiry and judicial procedure in order to ensure better protection of child victims, including the protection of their right to privacy;

(d) Prohibit all forms of corporal punishment at home, in schools and other institutions and develop measures to raise awareness on the harmful effects of corporal punishment, and promote alternative forms of discipline in families to be administered in a manner consistent with the child's dignity and in conformity with the Convention;

(e) Take measures to provide support services to children in legal proceedings and for the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment and violence, in accordance with article 39 of the Convention;

(f) Take into account the Committee's recommendations, adopted at its days of general discussion on "Violence against children within the family and in schools" (see CRC/C/111) and on "State violence against children" (see CRC/C/100); and

(g) Seek, in this regard, international cooperation and technical assistance from, among others, UNICEF and WHO.

5. Basic health and welfare

Health and health services

241. The Committee, while noting efforts to reorganize maternity and childcare services and various programmes to improve children's health, is concerned about the increase in child morbidity, including the increase of HIV in newborns, the almost epidemic scope of tuberculosis, and the high incidence of iodine deficiency and nutrition problems, especially

among children from low-income households and families with three and more children. It further notes the high rates of transport and motor vehicle accidents and the high rates of suicide which also affect children.

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

(a) Continue to implement the WHO Strategy on Promoting Effective Perinatal Care in order to further decrease maternal, perinatal and infant mortality;

(b) Ensure that all children, in particular children from the most vulnerable groups, have access to free basic health care of good quality;

(c) Develop a national policy in order to ensure an integrated and multidimensional approach to early childhood development, with a focus on health and nutrition;

(d) Address the increase in HIV in newborns, focusing on the prevention of mother-to-child transmission;

(e) In order to prevent childhood injuries, develop adequate legislation to protect children from accidents and injuries, include the prevention of injuries in national policy priorities and objectives, and develop injury-control programmes;

(f) Undertake a comprehensive and multidisciplinary study to assess the extent of and reasons for suicide among children and develop adequate policies and programmes to prevent and combat this phenomenon; and

(g) Continue technical assistance from, among others, WHO and UNICEF.

Adolescent health

243. The Committee notes with concern the rise in the number of children and adolescents addicted to drugs, alcohol and tobacco, the high number of teenage abortions and the growing number of cases of HIV/AIDS among the youth.

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

(a) Implement in an effective way the comprehensive nationwide programme “Medical and recuperative activities targeted at adolescents” for the period 1999-2003 and the National Strategic Plan for HIV Prevention for 2001-2003, and increase its efforts to promote adolescent health, including mental health, policies. Particular attention should be given to reproductive health and substance abuse, and the programme of health education in schools should be further strengthened;

(b) Undertake a comprehensive and multidisciplinary study to assess the scope and nature of adolescent health problems, including the negative impact of sexually transmitted diseases and HIV/AIDS, and continue to develop adequate policies and programmes;

(c) Undertake further measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular as regards reproductive health, and to develop youth-sensitive and confidential counselling, care and rehabilitation facilities that are accessible without parental consent when this is in the best interests of the child; and

(d) Seek technical cooperation from, among others, UNFPA, UNICEF, WHO and UNAIDS.

Environmental health

245. The Committee notes with concern the persisting negative consequences of the Chernobyl disaster, including the increase of cases among children of various diseases, including cancer, immunological deficiencies and anaemia. It further notes that assistance to people affected by the Chernobyl disaster is strictly humanitarian rather than focused on long-term policies.

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

(a) Continue to improve the specialized health care provided to children affected by the Chernobyl disaster, including its psychosocial aspect;

(b) Strengthen its efforts at early detection and prevention of diseases related to nuclear contamination;

(c) Focus more on a long-term developmental approach to assistance to people.

Children with disabilities

247. The Committee, while noting efforts to integrate children with disabilities, expresses its concern at their increasing number and at the practice of institutionalizing them. It further notes with concern that there is insufficient support to families with disabled children.

248. **In light of article 23 of the Convention, the Committee recommends that the State party:**

(a) Undertake studies to determine the causes of and ways to prevent disabilities in children;

(b) Undertake measures to ensure that the situation of children with disabilities is monitored in order to assess their situation and address their needs effectively;

(c) Conduct public awareness campaigns to raise awareness of the situation and the rights of children with disabilities;

(d) Allocate the necessary resources for programmes and facilities for all children with disabilities, especially the ones living in rural areas, and strengthen community-based programmes to enable them to stay at home with their families;

(e) Support the parents of children with disabilities with counselling and, when necessary, financial support;

(f) In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (CRC/C/69, paras. 310-339), further encourage their integration into the regular educational system and inclusion into society, including by providing special training to teachers and by making schools more accessible.

6. Education, leisure and cultural activities

Education

249. The Committee, while acknowledging the State party's efforts to include human rights in school curricula, notes with concern that the availability of education in the Belarusian language is becoming increasingly limited, from early childhood to secondary education. Further, it notes that the number of children in secondary education is decreasing and that education standards, particularly in the secondary system, vary greatly to the disadvantage of lower-income neighbourhoods and rural areas.

250. **In light of articles 28 and 29 of the Convention, the State party should:**

(a) Ensure the availability of education in the Belarusian language and the accessibility for Roma children and those belonging to other minorities to good quality education;

(b) Improve the quality of education in the whole country in order to achieve the goals mentioned in article 29, paragraph 1, in line with the Committee's general comment No. 1 on the aims of education.

7. Special protection measures

Trafficking, sexual and other forms of exploitation

251. The Committee is concerned about the information that Belarus is a country of origin and transit for the trafficking of children, in particular girls, for the purpose of sexual and other forms of exploitation. The Committee notes that there is a lack of information and knowledge about this phenomenon and about problems such as sexual exploitation, drug abuse and the involvement of children in the drug trade, and economic exploitation, often related to trafficking.

252. **In light of articles 32 to 36 of the Convention, the Committee recommends that the State party:**

(a) Undertake a study on the issue of trafficking and trafficking-related problems, such as sexual exploitation, drug abuse and the involvement of children in the drug trade, and economic exploitation, in order to assess their scope and causes, and develop and implement effective monitoring and other measures to prevent them;

(b) Combat and eliminate child trafficking, sexual exploitation, drug abuse and trade and economic exploitation, including by developing social integration programmes; and

(c) Develop and adopt a national plan of action against sexual and commercial 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.

Administration of juvenile justice

253. The Committee reiterates its serious concern (*ibid.*, para. 10) regarding the situation in relation to the administration of juvenile justice. While noting that under the new Penal and Penal Procedure Codes juvenile cases can be considered by specially trained judges and that there is a debate about whether to set up a separate branch for juvenile justice, it expresses its concern that a comprehensive system has not yet been established, that prosecutors and lawyers are not trained to handle juvenile cases, that detention is not used as a last resort and that alternative measures to detention are seldom applied. Further, it is noted that conditions in juvenile detention centres are very poor and offer little possibility of rehabilitation.

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

(a) Expedite the establishment of a specific system of juvenile justice, and ensure its full independence and adequate human and financial resources;

(b) Continue to review laws and practices regarding the juvenile justice system in order to bring it as soon as possible into full compliance with the Convention, in particular articles 37, 40 and 39, as well as with other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines);

(c) Ensure that all persons under 18 benefit from special protection measures in the field of the administration of juvenile justice;

(d) Use detention, including pre-trial detention, only as a measure of last resort, for as short a time as possible and for no longer than the period prescribed by law, and ensure that children are always separated from adults;

- (e) Use alternative measures to pre-trial detention and other forms of deprivation of liberty whenever possible;**
- (f) Strengthen preventive measures, such as supporting the role of families and communities in order to help eliminate the social conditions leading to such problems as delinquency, crime and drug addiction;**
- (g) Incorporate into its legislation and practices the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, in particular to guarantee them access to effective complaints procedures covering all aspects of their treatment;**
- (h) In light of article 39, take appropriate measures to promote the recovery and social reintegration of the children involved in the juvenile justice system;**
- (i) Seek assistance from, among others, OHCHR, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.**

8. Dissemination of reports

255. Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the second periodic report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the parliament and the general public, including concerned non-governmental organizations.

9. Periodicity for submission of reports

256. The Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention includes ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by State parties is crucial. The Committee recognizes that some States parties experience difficulties in submitting timely and regular reports. As an exceptional measure, in order to help the State party catch up with its reporting obligations in full compliance with the Convention, the Committee invites the State party to submit its combined third and fourth periodic reports by 30 October 2007, due date for the submission of the fourth periodic report.

Concluding observations: Tunisia

257. At its 788th and 789th meetings (see CRC/C/SR.788 and 789), held on 28 May 2002, the Committee on the Rights of the Child considered the second periodic report of Tunisia (CRC/C/83/Add.1) and adopted, at its 804th meeting, held on 7 June 2002, the following concluding observations.

A. Introduction

258. The Committee welcomes the submission of the State party's second periodic report, which was submitted in a timely manner and prepared in accordance with the Committee's guidelines for reporting. The Committee furthermore appreciates the detailed written response to the list of issues (CRC/C/Q/TUN/2), which was equally submitted in a timely manner. The Committee notes with appreciation that the well-informed and high-ranking delegation contributed to an informative and constructive dialogue.

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

259. The Committee notes the State party's commitment to the issue of child rights and particularly welcomes the adoption of the Child Protection Code on 9 November 1995, which entered into force on 11 January 1996, including the ensuing nomination of delegates for the protection of childhood by Decree No. 96-1134, the obligatory reporting of danger to children and the development of a specialized system of juvenile justice. The Committee particularly welcomes the express reference in articles 4 and 10 respectively of the Child Protection Code to the best interest of the child and to respect for the views of the child, in line with the previous recommendation of the Committee (CRC/C/15/Add.39, para. 7). The Committee further notes the establishment of a children's parliament.

260. The Committee welcomes efforts to improve data collection, in line with previous recommendations (*ibid.*, para. 12), including by enhancing the status of the National Council for Children by converting it into a Higher Council by Decree No. 2002-574 of 12 March 2002, and by drafting an annual report on the situation of the child.

261. In light of the previous recommendations (*ibid.*, para. 9) the Committee further commends the amendment to the Labour Code raising the minimum age for admission to employment to 16 years, which is the age for completion of compulsory education. The Committee notes the adoption of a series of new laws regarding children born out of wedlock and with regard to the joint responsibility of the spouses, as well as policy measures to ensure maintenance following divorce, measures for the protection of children deprived of a family environment, and various other steps taken to improve the implementation of the Convention and to follow-up on the previous dialogue with the Committee.

262. In light of the previous recommendations (*ibid.*, para. 10), the Committee notes with satisfaction the withdrawal, on 1 March 2002, of the reservation with regard to article 40, paragraph 2 (b) (v), and the declaration in which the State party declared that "its undertaking to implement the provisions of this Convention shall be limited by the means at its disposal".

263. The Committee welcomes the ratification by the State party in 1995 of the ILO Minimum Age Convention, 1973 (No. 138) and the ratification in 2000 of the Worst Forms of Child Labour Convention, 1999 (No. 182).

C. Principal subjects of concern and Committee recommendations

1. General measures of implementation

Previous recommendations of the Committee

264. The Committee regrets that some of the concerns and recommendations (CRC/C/15/Add.39) it made upon consideration of the State party's initial report (CRC/C/11/Add.2) have been insufficiently addressed, particularly those contained in paragraphs 6, 7, 8, 10, 13, 14, 16 and 17. Those concerns and recommendations are reiterated in the present document.

265. The Committee urges the State party to make every effort to address those recommendations contained in the concluding observations on the initial report that have not yet been implemented and to address the concerns contained in the present concluding observations on the second periodic report.

Reservations

266. While welcoming the State party's withdrawal of its reservation with regard to article 40, paragraph 2 (b) (v), and its declaration, as noted above, and noting the statement by the delegation that consideration will be given to withdrawing the remaining reservations, the Committee remains concerned about the extent of reservations and declarations made to the Convention by the State party. In particular, the Committee reiterates that the reservation relating to the application of article 2 appears to be incompatible with the object and purpose of the Convention.

267. The Committee, in line with its previous recommendation, and in light of the Vienna Declaration and Programme of Action (1993), encourages the State party to consider reviewing its reservations and declarations to the Convention with a view to withdrawing them, in particular the reservation relating to article 2.

Coordination

268. While welcoming the efforts made in the area of coordination, the Committee observes that the effectiveness in practice of the Higher Council for Children as a mechanism for coordination remains unclear.

269. The Committee recommends that the State party make every effort to ensure the effectiveness of the Higher Council for Children, the status of which was recently enhanced. It reiterates its previous recommendation to the State party to strengthen the efficiency and the effectiveness of coordination between the central Government and the governorates (ibid., para. 13).

Data collection

270. While noting the significant efforts of the State party to collect reliable data on the situation of children, and particularly the preparation of an annual report on the situation of the child, the Committee regrets in particular the absence of a sectoral approach to data collection and monitoring.

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

(a) Conduct impact assessments regarding the annual report on the situation of the child, incorporating all areas of the Convention;

(b) Develop an integrated approach to data collection and monitoring;

(c) Seek technical assistance from, among others, UNICEF, UNFPA and UNDP in this regard.

Independent monitoring structures

272. The Committee welcomes the creation of the “Information, Training, Documentation and Study Observatory” in February 2002, and the appointment of delegates who play an important role in the protection of children and in receiving complaints. However, the Committee notes the need to establish a monitoring mechanism of an independent nature, in line with its previous recommendation for the State party (*ibid.*, para. 8).

273. **The Committee encourages the State party:**

(a) To establish an independent national human rights institution in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (General Assembly resolution 48/134) to monitor and evaluate progress in the implementation of the Convention at the national and, if appropriate, at the local levels, including implementation by the private sector and NGOs as providers of services to children. This institution should be empowered to receive and investigate individual complaints of violations of child rights in a child-sensitive manner, and address them effectively; and

(b) Seek technical assistance from, among others, OHCHR and UNICEF.

Training/dissemination of the Convention

274. While noting with appreciation the efforts undertaken by the State party to publicize widely the principles and provisions of the Convention, including the broadcasting of information through the media and the integration of parts of the Convention in school curricula, the Committee is of the opinion that the measures need to be further strengthened and implemented in an ongoing, comprehensive and systematic basis.

275. **The Committee reiterates its recommendation (ibid., para. 11) to pursue efforts aiming at creating awareness of all aspects of the Convention and having its basic principles grasped by the general public, and to continue training relevant professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, social workers, religious leaders, as well as children and their parents. Technical assistance from, among others, OHCHR and UNICEF could be requested in this regard.**

2. Definition of the child

276. While noting the positive measures taken to bring the different age requirements into full compliance with the Convention and measures taken to follow-up on the Committee's previous recommendation by raising the minimum age of admission to employment to 16 years so as to harmonize it with the end of compulsory education, the Committee is concerned at the disparity in the minimum age of marriage for boys and girls, particularly that the age for girls is set at 17 years, although noting with appreciation that it was raised from 15 years.

277. **The Committee recommends that the State party rectify the disparity in the minimum age of marriage for boys and girls by raising the minimum age of marriage for girls.**

3. General principles

Non-discrimination

278. The Committee welcomes the information on the measures taken to address discrimination against children born out of wedlock, in line with the Committee's previous recommendations, although it remains concerned at the implementation of the legislation in practice. It furthermore observes that the principle of non-discrimination (art. 2) does not figure prominently in the new Child Protection Code. The Committee is deeply concerned that the principle of non-discrimination is not fully implemented in practice with respect to certain groups.

279. **In accordance with article 2 of the Convention, the Committee recommends that the State party:**

(a) Make concerted efforts at all levels to address discrimination, notably discrimination based on the political and human rights activities, expressed opinions or beliefs of children or their parents, legal guardians or family members; disability; national, ethnic, or social origin, by means of a review and a reorientation of policies, including increased budgetary allocations for programmes targeting the most vulnerable groups;

(b) Enhance efforts to close gaps in the enjoyment of rights between different regions, and between urban and rural communities;

(c) Ensure effective law enforcement, undertake studies and launch comprehensive public information campaigns to prevent and combat all forms of discrimination, in line with previous recommendations (ibid., para. 7).

280. The Committee 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 follow-up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of general comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).

Respect for the views of the child

281. Taking note of the efforts by the State party to give effect to the principle of respect for the views of the child, in particular its inclusion in the Child Protection Code, the Committee is nevertheless concerned that respect for the views of the child remains limited owing to traditional societal attitudes towards children on the part of schools, courts, administrative bodies, and especially the family. The Committee also has concerns regarding the implementation of articles 13 and 15 (freedom of expression, and of association and peaceful assembly).

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

(a) Promote and facilitate, within the family, the schools, the courts and administrative bodies, respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention;

(b) Develop skills-training programmes in community settings for teachers, social workers, local officials and religious leaders to enable them to assist children to express their informed views and opinions and to have them taken into consideration; and

(c) Seek assistance from UNICEF, among others.

4. Civil rights and freedoms

Right to freedom of expression and peaceful assembly

283. The Committee is concerned that the right of the child to freedom of expression, including to receive information, and to freedom of association and peaceful assembly are not fully guaranteed in practice.

284. **The Committee recommends that the State party take all necessary measures to ensure the full practical implementation of the rights to freedom of expression and freedom of association and peaceful assembly, in accordance with articles 13 and 15 of the Convention.**

Right to freedom of thought, conscience and religion

285. The Committee is concerned about information brought to its attention which indicates that the exercise of the right to freedom of religion may not always be fully guaranteed, particularly with regard to regulations prohibiting the wearing of a headscarf by girls in schools.

286. **The Committee recommends that the State party take all necessary measures to ensure the full implementation of the right to freedom of thought, conscience and religion.**

Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

287. While noting the delegation's statement as to the complete absence of torture or other cruel, inhuman or degrading treatment or punishment in the State party, the Committee remains extremely concerned at allegations of violations of the right of the child not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment appearing in a number of reports brought to the attention of the Committee, particularly in relation to children of human rights defenders and political opponents.

288. **In light of article 37 (a) of the Convention, the Committee strongly recommends that the State party:**

(a) **Enforce, or, when appropriate, review existing legislation and investigate in an effective way reported cases of torture and ill-treatment of children;**

(b) **Ensure that alleged perpetrators are transferred from active duty or suspended while they are under investigation, dismissed and punished if convicted, and that court proceedings and sentences are publicized;**

(c) **Train law enforcement personnel on child rights issues;**

(d) **In the light of article 39, take all appropriate measures to ensure the physical and psychological recovery and social integration of child victims of torture and/or ill-treatment.**

5. Family environment and alternative care**Violence/abuse/neglect/maltreatment**

289. While noting the provision in the Code of Child Protection regarding ill-treatment (art. 24) and the relevant provision in the Penal Code (art. 224), as well as the Ministerial Circular of December 1997 banning all forms of corporal punishment and practices injuring the dignity of children, the Committee is concerned that, as noted by the delegation, corporal punishment is only a crime if it is prejudicial to the health of the child. It notes with concern that violence as a means of discipline in the home and at school continues to be acceptable in the State party. The Committee regrets that no follow-up to the Committee's previous

recommendation has been initiated to protect children from ill-treatment (ibid., para. 17). The Committee is furthermore concerned that there is insufficient information about and awareness of domestic violence and its harmful impact on children.

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

(a) Take all legislative measures to prohibit in the most effective way possible all forms of physical and mental violence, including corporal punishment and sexual abuse, against children in the family, in the schools and in institutions;

and furthermore recommends that the State party:

(b) Conduct a study to assess the nature and extent of ill-treatment and abuse of children, and design policies and programmes to address it;

(c) Carry out public education campaigns about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment;

(d) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervening where necessary;

(e) Investigate and prosecute instances of ill-treatment, ensuring that the abused child is not victimized in legal proceedings and that his/her privacy is protected;

(f) Provide care, recovery and reintegration for victims;

(g) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of ill-treatment cases;

(h) Take into consideration the recommendations of the Committee adopted at its days of general discussion on children and violence (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745);

(i) Seek assistance from, among others, UNICEF and WHO.

6. Basic health and welfare

Children with disabilities

291. While welcoming the extensive legislation regarding children with disabilities and their rights to appropriate education, rehabilitation and training, the Committee regrets that only a small number of children with minor disabilities attend regular schools. The Committee notes the statement by the delegation that a strategy for integration and vocational training for children with disabilities, as well as a study on causes of disabilities are in the process of being completed.

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

- (a) Review existing policies and practices in relation to children with disabilities, taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its day of general discussion (see CRC/C/69);**
- (b) Undertake greater efforts to promote community-based rehabilitation programmes and inclusive education;**
- (c) Undertake greater efforts in the area of prevention by reviewing, inter alia, health programmes and policies relating to pregnancy, birth and child health; and**
- (d) Seek assistance from, among others, UNICEF, WHO, and relevant NGOs.**

Right to health and health care

293. The Committee notes the sustained commitment by the State party to implement its primary health policies and the ensuing achievements in the area of health care, notably the decrease by 40 per cent of infant and under-5 mortality rates over the past decade, and achievements in the area of vaccinations, among others. While noting the delegation's statement that a plan has been formulated to address the issue of persisting regional and urban/rural disparities in the availability and quality of maternal and child health-care services, the Committee nevertheless remains concerned at the persistence of this problem as well as challenges regarding the provision of health services dealing with the specific needs of adolescents.

294. **The Committee urges the State party:**

- (a) To reinforce its efforts to allocate appropriate resources, and develop and adopt policies and programmes to improve and protect the health situation of children, particularly in the rural regions showing the highest mortality indicators;**
- (b) Ensure equal access to and the quality of health care for all children, independent of socio-economic factors;**
- (c) Reinforce the capacity of the health services to address adolescent-specific needs;**
- (d) Seek technical assistance from, among others, WHO and UNICEF.**

7. Education, leisure and cultural activities

Education

295. While welcoming the State party's commitment to making basic education a priority and achieving virtually universal access to education, the Committee remains concerned at the repetition and dropout rates, which, while decreasing, continue to pose a significant challenge to the educational system. The Committee is furthermore concerned at regional disparities in education as well as at the disparity in the illiteracy rate between urban and rural areas as well as gender disparities. The Committee is furthermore concerned at the low enrolment in early childhood education and the decrease of public early childhood education centres which may result in discrimination on the basis of income level.

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

(a) Take all appropriate measures, including the allocation of adequate financial, human and technical resources, to further improve education, as stipulated in articles 28 and 29 of the Convention, both with regard to quality as well as relevance, taking into account general comment No. 1 on article 29, paragraph 1 (aims of education), and to ensure that all children enjoy the right to education;

(b) Seek to implement additional measures to promote early childhood education and to encourage children to stay in school, and adopt effective measures to reduce illiteracy rates;

(c) Continue cooperation with UNESCO and UNICEF in improving the education sector.

8. Special measures of protection

Economic exploitation

297. While welcoming the various measures taken to address child labour, the Committee is concerned about the lack of specific data and activities concerning child labour in the State party.

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

(a) Take all necessary measures to effectively prevent and combat child labour; and

(b) Report in the next periodic report on the nature and magnitude of child labour as well as the measures taken for the implementation of ILO Conventions Nos. 138 and 182.

Sexual exploitation

299. While welcoming the State party's strict criminal legislation regarding sexual abuse and exploitation of children, the Committee is concerned at reports indicating its existence in the State party, both in the home and on the street. The Committee is further concerned at the insufficient data on and awareness of the extent of sexual abuse and exploitation of children in Tunisia.

300. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to determining the extent of sexual exploitation of children, including prostitution and pornography, and implement appropriate policies and programmes for its prevention and for the rehabilitation, recovery and 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.

Administration of justice

301. The Committee welcomes the adoption of the Child Protection Code as well as other legal provisions in the area of juvenile justice. However, the Committee is concerned at the failure of the State party to guarantee full implementation of all provisions (e.g. the fact that juvenile courts have not yet been established), in light of reports of detention and ill-treatment of children, as well as detention of juveniles with adults which has allegedly resulted in sexual abuse or other ill-treatment.

302. The Committee recommends that the State party:

(a) Ensure the full implementation of the legislation governing the juvenile justice system, in accordance with articles 37, 40 and 39 and all other relevant provisions of the Convention, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System;

(b) Ensure that deprivation of liberty is used only as a measure of last resort; that children have access to legal aid and independent and effective complaints mechanisms; and that persons under 18 are not detained with adults;

(c) Treat children or juveniles in conflict with the law and children or juveniles at risk in a different and distinct manner so that they are not placed in the same institutions with the same regime or restrictions; and

(d) Seek assistance from, among others, OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Juvenile Justice.

9. Optional Protocols to the Convention

303. **The Committee encourages the State party to ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.**

10. Dissemination of documentation

304. **Finally, the Committee recommends that in accordance with article 44, paragraph 6, of the Convention, the second periodic report of the State party be made widely available to the public at large and that consideration be given to its publication along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.**

Concluding observations: Switzerland

305. The Committee considered the initial report of Switzerland (CRC/C/78/Add.3) at its 790th and 791st meetings (see CRC/C/SR.790 and 791), held on 29 May 2002, and adopted, at the 804th meeting, held on 7 June 2002, the following concluding observations.

A. Introduction

306. The Committee welcomes the submission of the State party's initial report, which followed the established guidelines. The Committee also takes note of the timely submission of the written replies to its list of issues (CRC/C/Q/SWI/1), which allowed for a clearer understanding of the situation of children in the State party. The Committee also notes the positive dialogue it had with the delegation of the State party. The Committee acknowledges that the presence of a highly qualified delegation directly involved in the implementation of the Convention allowed for a better understanding of the rights of children in the State party.

B. Positive aspects

307. The Committee welcomes the adoption of:

- (a) The new Constitution of 1999 which enshrines provisions on the rights of the child, notably in its article 11;
- (b) The new Act on divorce and filiation (entered into force in 2000);
- (c) The amendments to the Penal Code which introduce the prohibition of possession of hard-core pornography, including child pornography (entered into force in 2002);

(d) The revision of the Federal Act concerning Assistance to Victims of Offences (entered into force in 2002);

(e) The Act on Medically Assisted Procreation (entered into force in 2001).

308. The Committee also welcomes the fact that the Convention can be directly invoked before the courts and that the Federal Tribunal has referred to the provisions and principles of the Convention on several occasions.

309. The Committee welcomes the State party's close cooperation with civil society with regard to children's rights.

C. Principal subjects of concern and recommendations

1. General measures of implementation

Reservations

310. The Committee is concerned at the reservations made by the State party to articles 5, 7, 10 and 37 and the four reservations made with regard to article 40, but welcomes the information that the State party is considering the withdrawal of most of these reservations thanks to recent and current revisions of the Constitution and other relevant laws, following a tentative timetable presented during the dialogue. Despite this information, the Committee remains concerned at the rather slow pace of this withdrawal process and even more at the fact that some reservations may not be withdrawn at all, or only in the distant future.

311. **In light of the 1993 Vienna Declaration and Programme of Action, the Committee recommends that the State party:**

(a) Expedite as much as possible the process for the withdrawal of the reservations regarding the provision of an interpreter free of charge (art. 40 (2) (b) (vi)) and use this process to withdraw as soon as possible the reservation to article 5, given the fact that this reservation is, according to the State party, only an interpretative declaration that is not intended to affect the meaning of article 5;

(b) Expedite the current revision of the naturalization law and withdraw as soon as possible after the approval of this revision the reservation made to article 7;

(c) Expedite the current revision of the Foreign Nationals Act (formerly Federal Act concerning the Permanent and Temporary Residence of Foreigners) and withdraw as soon as possible after the approval of the revision the reservation made to article 10, paragraph 1, regarding family reunification;

(d) Expedite the approval and enactment of the new Juvenile Penal Law in order to start as soon as possible thereafter the withdrawal of the reservation to article 40 (2) (b) (ii) regarding legal assistance and to article 37 (c) regarding separation of juveniles deprived of their liberty from adults;

(e) Reconsider the reservation made with regard to the possibility of having the same juvenile judge as an investigating and a sentencing judge since the requirement of an independent and impartial authority or judicial body (art. 40 (2) (b) (iii)) does not necessarily and under all circumstances mean that investigating and sentencing juvenile judges cannot be the same person;

(f) Expedite the current legal reform which abolishes the competence of the Federal Tribunal as a court of first instance and withdraw as soon as possible after approval of that reform the reservation made to article 40 (2) (b) (v).

312. The Committee urges the State party to complete the withdrawal of all reservations before the submission of the next report.

Legislation

313. The Committee is aware of the numerous laws under revision in the State party, including in the cantons, which are relevant to children such as the federal bill on criminal procedures applicable to minors, the federal bill on the criminal status of minors, and the Foreign National Act.

314. The Committee recommends that the State party:

(a) Ensure, through an appropriate mechanism, that national and cantonal laws conform with the Convention in order to avoid discrimination which may arise from existing disparities in the State party;

(b) Rigorously review and ensure that these and other laws concerning children as well as administrative regulations, both at the federal and at the cantonal level, are rights based and conform to the Convention and other international human rights instruments and standards;

(c) Ensure that adequate provision is made for their effective implementation, including budgetary allocation; and

(d) Ensure their smooth and rapid promulgation.

Coordination

315. The Committee notes that the Federal Council stipulated in its resolution dated 15 October 1997 that the Federal Department for Home Affairs is responsible for coordinating the implementation of the Convention and that coordinating mechanisms exist between cantons and between the cantons and the Federal Government. However, the Committee remains concerned that the absence of a central mechanism to coordinate the implementation of the Convention in the State party makes it difficult to achieve a comprehensive and coherent child rights policy.

316. **The Committee recommends that the State party establish an adequate permanent national mechanism to coordinate the implementation of the Convention at the federal level, between the federal and the cantonal levels and between cantons.**

317. The Committee notes that the Federal Department of Home Affairs formulated elements of a Swiss policy concerning children and youths, but remains concerned that this policy does not address all the rights of children, especially the younger child, as recognized in the Convention.

318. **The Committee recommends that the State party prepare and implement a comprehensive national plan of action for the implementation of the Convention, undertaken through an open, consultative and participatory process. This national plan of action should adopt a rights-based approach and not be limited to protection and welfare. In addition, the Committee recommends that equal attention should be paid both to young and older children. Finally, the Committee recommends that the State party make use of child-impact assessments in the formulation of legislation, budgets and policies.**

Monitoring structures

319. The Committee notes the establishment of mediators in a number of cantons and of mechanisms specialized in children's issues in a number of cantons and cities. The Committee also notes that there have been a number of parliamentary motions for the establishment of a federal national human rights institution. However, the Committee is concerned that there is no central independent mechanism to monitor the implementation of the Convention and which is empowered to receive and address individual complaints of children at the cantonal and federal levels.

320. **The Committee recommends that the State party establish a federal independent human rights institution in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (General Assembly resolution 48/134) to monitor and evaluate progress in the implementation of the Convention. It should be accessible to children, empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner, and address them effectively.**

Data collection

321. The Committee notes the measures under way to improve data collection, notably through the National Research Programme. However, the Committee remains concerned that age-brackets used by statistics - notably the national census - do not conform to the definition of the child as set out in the Convention and that not all areas of the Convention are covered.

322. **The Committee recommends that the State party collect disaggregated data on all persons under 18 years for all areas of the Convention, with specific emphasis on those who are particularly vulnerable and on fields which are not yet covered by current data, and use this data to assess progress and design policies to implement the Convention.**

Training/dissemination of the Convention

323. The Committee welcomes information that the State party will publish its initial report with the concluding observations, together with a summary of the report. However, the Committee is concerned that the Convention has not been translated into the fourth national language of the State party, namely Romansh, and that dissemination, awareness-raising and training activities are not always undertaken in a systematic and targeted manner.

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

(a) Strengthen and continue its programme for the dissemination of information on the Convention and its implementation among children and parents, civil society, and all sectors and levels of Government, including initiatives to reach vulnerable groups, especially migrant and asylum-seeking children;

(b) Translate the Convention into Romansh;

(c) Develop and disseminate systematic and ongoing training programmes on human rights, including children's rights, for all professional groups working for and with children (e.g. federal and cantonal parliamentarians, judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers and health personnel).

2. General principles

Non-discrimination

325. While acknowledging the prohibition of discrimination in the Constitution (art. 8), the Committee is concerned at the de facto discrimination against foreign children and at incidents of racial hatred and xenophobia that can have a negative effect on the development of children. The Committee is also concerned that some of the cantonal disparities in practices and services provided and in the enjoyment of rights by children may amount to discrimination.

326. **In light of article 2 and other related articles of the Convention, the Committee recommends that the State party carefully and regularly evaluate existing disparities in the enjoyment by children of their rights and undertake on the basis of that evaluation the necessary steps to prevent and combat discriminatory disparities. It also recommends that the State party strengthen its administrative measures to prevent and eliminate de facto discrimination against foreign children or children belonging to minorities.**

327. The Committee 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 follow-up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of general comment No. 1 on article 29, paragraph 1 (aims of education).

Best interests of the child

328. The Committee is concerned that the general principle of the best interests of the child (art. 3) is not fully applied and duly integrated in the implementation of the policies and programmes of the State party.

329. The Committee recommends that the State party take all appropriate measures to ensure that the general principle of the best interests of the child is appropriately integrated in all legislation and budgets, as well as judicial and administrative decisions and in projects, programmes and services which have an impact on children.

Respect for the views of the child

330. While welcoming article 11, paragraph 2, of the Constitution recognizing that the child can exercise his/her own rights in accordance with his/her maturity and the numerous legal provisions recognizing the right of the child to express his/her views, and noting the establishment of various Youth Parliaments at the cantonal or municipal levels, the Committee is still concerned that the general principle as laid down in article 12 of the Convention is not fully applied and duly integrated in practice into the implementation of the policies and programmes of the State party.

331. The Committee recommends that further efforts be made to ensure the implementation of the principle of respect for the views of the child. In this connection, particular emphasis should be placed on the right of every child to participate in the family, at school, within other institutions and bodies, and in society at large, with special attention to vulnerable groups. This general principle should also be reflected in all policies and programmes relating to children. Awareness-raising among the public at large as well as education and training of professionals on the implementation of this principle should be reinforced.

3. Civil rights and freedoms

The right to know one's identity

332. The Committee notes that, according to article 27 of the Law on Medically Assisted Procreation, a child can be informed of the identity of his/her father only if he/she has a "legitimate interest" and is concerned at the meaning of "legitimate interest" in that regard.

333. In light of article 7 of the Convention, the Committee recommends that the State party ensure, as far as possible, respect for the child's right to know his or her parents' identities.

Torture and ill-treatment

334. The Committee is deeply concerned about allegations of instances of ill-treatment by law enforcement officers against foreign children and at the prevalence of abuse.

335. **The Committee endorses the recommendations made by the Committee against Torture in that regard (A/53/44, para. 94) and, in light of article 37 of the Convention, recommends that the State party:**

(a) Set up child-sensitive mechanisms in all cantons to receive complaints against law-enforcement officers regarding ill-treatment during arrest, questioning and police custody; and

(b) Systematically train the police force on the human rights of children.

Corporal punishment

336. While noting that corporal punishment is prohibited in schools, the Committee is concerned that according to the jurisprudence of the Federal Tribunal, corporal punishment is not considered as physical violence if it does not exceed the level generally accepted by society. In addition, the Committee is concerned that corporal punishment within the family is not prohibited under law.

337. **The Committee recommends that the State party explicitly prohibit all practices of corporal punishment in the family, schools and in institutions and conduct information campaigns targeting, among others, parents, children, law enforcement and judicial officials and teachers, explaining children's rights in this regard and encouraging the use of alternative forms of discipline in a manner consistent with the child's human dignity and in conformity with the Convention, especially articles 19 and 28, paragraph 2.**

4. Family environment and alternative care

Childcare services for children of working parents

338. While welcoming a parliamentary initiative to increase the number of childcare facilities, the Committee notes with concern that according to information provided by the State party (CRC/C/78/Add.3, para. 481), the existing offer of childcare services is far from meeting the needs.

339. **In light of article 18, paragraph 3, of the Convention, the Committee recommends that the State party:**

(a) Take measures to establish more childcare services to meet the needs of working parents; and

(b) Ensure that the childcare services provided promote early childhood development, in light of the principles and provisions of the Convention.

Adoption

340. The Committee welcomes the entry into force of article 268 (c) of the Civil Code which will allow adopted children to know their biological parents, and the ratification process, expected to be completed in 2003, of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 29 May 1993. However, the Committee remains concerned that children adopted abroad must wait two years before being formally adopted, which can lead to discrimination and statelessness. In addition, the Committee is concerned that, because of the inadequate follow-up, cases of ill-treatment of children by adoptive parents have been reported.

341. The Committee recommends that the State party take the necessary measures to avoid children adopted abroad becoming stateless or discriminated against because of the time between their arrival in the State party and their formal adoption. In addition, the Committee further suggests that the State party systematically review the conditions of these children by means of an adequate follow-up with a view to eliminating ill-treatment and violations of their rights.

Abuse and neglect/violence

342. While welcoming the numerous initiatives to tackle violence against children in the family, schools and sports, the Committee remains concerned at the lack of comprehensive data and information on child abuse and/or neglect.

343. In light of article 19, the Committee recommends that the State party:

(a) Undertake studies on violence, ill-treatment and abuse against children, especially vulnerable groups of children and, including sexual abuse, particularly within the family, and bullying in schools in order to assess the extent, scope and nature of these practices;

(b) Develop awareness-raising campaigns with the involvement of children in order to prevent and combat child abuse;

(c) Evaluate the work of existing structures and provide training to the professionals involved in these types of cases; and

(d) Investigate effectively cases of domestic violence and ill-treatment and abuse of children, including sexual abuse, within the family through a child-sensitive inquiry and judicial procedure, in order to ensure better protection of child victims, including of their right to privacy.

5. Basic health and welfare

Adolescent health

344. While taking into account the advanced health care system, the very low infant mortality rate and the decrease in HIV/AIDS prevalence, the Committee is nevertheless concerned about the high number of suicides among adolescents and the limited measures to prevent this phenomenon, and the insufficient access by adolescents to counselling services, including outside schools. In addition, the Committee is concerned at the high and increasing prevalence - notably among girls - of alcohol and tobacco use. Moreover, while noting that the fatality rate is decreasing, the Committee is still concerned at the high number of children who die or are injured in road traffic accidents. Finally, the Committee is concerned at cases of female genital mutilation performed abroad.

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

(a) Pursue its efforts to decrease the prevalence of HIV/AIDS and take all necessary measures to prevent suicides among adolescents, including the collection and analysis of information, the launching of awareness-raising campaigns, and the establishment of specific programmes and counselling services;

(b) Increase its efforts to promote adolescent health policies, particularly with respect to alcohol consumption and tobacco use;

(c) Pursue its efforts to decrease the number of child victims of road traffic accidents; and

(d) Develop awareness campaigns targeted at the relevant population to put an end to the practice of female genital mutilation and to conduct a comprehensive study on this issue.

Children with disabilities

346. While welcoming the fact that the Constitution prohibits discrimination on the basis of disability (art. 8), the Committee remains concerned at the lack of statistics regarding children with disabilities and the lack of uniform practices for integrating these children in mainstream education in the various cantons. In addition, the Committee is concerned at the distinction made between children born with disability and children who become disabled as far as home care is concerned (ibid., para. 39).

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

(a) Reinforce the collection of data regarding children with disabilities;

(b) Undertake an assessment of the existing disparities in the integration of disabled children in mainstream education across the country and take all necessary measures to eliminate these differences which may amount to discrimination;

(c) Review its home care support system in order to eliminate de facto discrimination between children born with disability and children who become disabled as a result of disease or an accident.

Health insurance

348. The Committee takes note of the ongoing reform of the social security system but remains concerned that the cost of social insurance and health is very high, which may affect low-income families.

349. **The Committee endorses the concluding observations of the Committee on Economic, Social, and Cultural Rights (E/C.12/1/Add.30, para. 36) and recommends that the State party review its health insurance systems in order to lower the cost of health services, for example, by reducing premiums.**

Standard of living/social welfare

350. While noting the economic wealth and high standard of living in the State party, the Committee is concerned that 5.6 per cent of the population is affected by poverty, and that, according to information provided by the State party (Eléments d'une politique suisse de l'enfance et de la jeunesse), young families, single-parent families and families with many children are the most affected. In addition, the Committee is concerned that the family allowances or benefits vary according to canton and depend on the recipients being gainfully employed.

351. **The Committee recommends that the State party take all appropriate measures to prevent poverty in light of the principles and provisions of the Convention, especially its articles 2, 3, 6, 26 and 27, and that it review its system of family allowances and benefits, taking due account of the means-testing system, especially for families without gainful employment and self-employed families.**

6. Education

352. The Committee is concerned at the lack of information about how the aims of education, especially human rights education, are reflected in the school curricula in all the cantons of the State party, in light of article 29 of the Convention and the Committee's general comment No. 1 on the aims of education.

353. **The Committee recommends that the State party provide information in its next report on how the aims of education have been reflected in the curricula at the cantonal level.**

7. Special protection measures

Refugee, asylum-seeking and unaccompanied children

354. While welcoming the entry into force of the federal asylum legislation (Federal Asylum Act and Ordinance 1 on Asylum Procedure) on 1 October 1999, the Committee remains concerned that the procedure used for unaccompanied minors is not always in their best interests nor fully in line with relevant provisions of the Convention. In addition, in relation to the reservation made to article 10 of the Convention, the Committee is concerned that the right to family reunification is too restricted.

355. The Committee recommends that the State party simplify its approach regarding the procedures for requesting asylum and take all necessary measures to expedite them and to ensure they take into account the special needs and requirements of children, in particular unaccompanied children; these include the designation of a legal representative, the placement of such children in centres, and their access to health care and education. In addition, the Committee recommends that the State party review its system for family reunification, notably for refugees who stay for a long period in the State party.

Sexual exploitation and sexual abuse

356. While welcoming the amendments to the Penal Code prohibiting the possession of hard-core pornography, including child pornography, and the establishment of a new centre against cyber-crime in 2003, the Committee remains concerned at the lack of knowledge about the extent of sexual exploitation of children, in particular vulnerable groups, in the State party.

357. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to assessing the extent of sexual exploitation and trafficking of children, including prostitution and child pornography (including on the Internet), and implement appropriate policies and programmes for prevention and for the recovery and social reintegration of child victims, in accordance with the 1996 Declaration and Agenda for Action and the 2001 Global Commitment adopted at the World Congresses against Commercial Sexual Exploitation of Children.

Drug abuse

358. While noting the current policy of the State party to prevent and fight drug use by adolescents, the Committee is concerned at the increasing use and sale of illegal drugs among adolescents.

359. The Committee recommends that the State party pursue its awareness-raising and preventive measures, including awareness raising of the danger of drugs in schools. It further recommends that the State party allocate more resources to the child welfare service system for prevention, treatment therapies and services for recovery and social reintegration specifically tailored for children and adolescents.

Administration of juvenile justice

360. The Committee welcomes the ongoing discussion on the federal bill on the criminal status of minors, the federal bill on criminal procedures applicable to minors and on the amendment to the Federal Act concerning Judicial Organization, but remains concerned at the very low age of criminal responsibility (7 years) and considers that the new proposed age of criminal responsibility, namely 10 years, is still too low. In addition, the Committee is concerned at the lack of provisions regarding legal assistance during pre-trial detention in some cantons and at the failure to separate children from adults in pre-trial detention and imprisonment.

361. **The Committee recommends that the State party take additional steps to reform legislation and the system of juvenile justice in line with the Convention, in particular articles 37, 40 and 39, and 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, and the Vienna Guidelines for Action on Children in the Criminal Justice System.**

362. **As part of this reform, the Committee particularly recommends that the State party:**

- (a) Raise the minimum age for criminal responsibility to above 10 years and amend accordingly the federal bill on the criminal status of minors;**
- (b) Systematize the provision of legal assistance to all children in pre-trial detention;**
- (c) Separate children from adults in pre-trial detention or detention;**
- (d) Introduce systematic training programmes on relevant international standards for all professionals involved with the system of juvenile justice;**
- (e) Take into consideration the deliberations of the Committee during its day of general discussion on juvenile justice (CRC/C/46, paras. 203-238).**

Children belonging to a minority group

363. The Committee is concerned at the lack of information on Roma and Travellers and their children in the State party and that there is no policy for these children.

364. **The Committee recommends that the State party undertake a study on children belonging to the Roma and Traveller minorities to assess their situation and develop policies and programmes to prevent social exclusion and discrimination, and to allow these children to fully enjoy their rights, including access to education and health care.**

8. Optional Protocols to the Convention

365. **The Committee encourages the State party to ratify and implement the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.**

9. Dissemination of documentation

366. **Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. In addition, the Committee recommends that the State party also make widely available the summary of the State party report which they have produced. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.**

Concluding observations: United Arab Emirates

367. At its 794th and 795th meetings (see CRC/C/SR.794 and 795), held on 31 May 2002, the Committee on the Rights of the Child considered the initial report of the United Arab Emirates (CRC/C/78/Add.2), and adopted, at the 804th meeting, held on 7 June 2002, the following concluding observations.

A. Introduction

368. The Committee regrets that the report does not follow the guidelines for reporting. Information has not been provided on the general measures of implementation, and there are significant gaps in information relating to rights such as non-discrimination and protection from economic exploitation. However, the Committee appreciates the informative written replies which were submitted and the presence of a cross-sectoral delegation, which contributed to a better understanding of the process of implementation of the Convention.

B. Positive aspects

369. The Committee welcomes:

- (a) The establishment of the Sharjah Supreme Council for the Family;
- (b) The establishment of a committee on the Convention on the Rights of the Child;
- (c) The creation of the Children's City;
- (d) The establishment of a children's parliament in Sharjah;

(e) Information on the State party's participation in regional meetings on the implementation of the Convention;

(f) The dissemination of the UNESCO Passport to Equality, concerning non-discrimination of women, to several schools in the country;

(g) The State party's significant efforts in promoting the inclusion of disabled children in society;

(h) The State party's participation in international development assistance programmes.

C. Factors and difficulties impeding the implementation of the Convention

370. Noting the universal values of equality and tolerance inherent in Islam, the Committee observes that the State party's narrow interpretations of Islamic texts, particularly in areas relating to personal status law, may impede the enjoyment of some human rights protected under the Convention.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Reservations

371. The Committee welcomes information by the delegation that the reservation to article 21 will be withdrawn. However, the Committee is concerned about the remaining reservations to the Convention entered by the State party. In particular:

(a) That the exercise of the rights in articles 7 and 17 are subject to their compatibility with domestic law; and

(b) That the broad and imprecise nature of the reservation to article 14 potentially gives rise to infringements of the freedoms of thought, conscience and religion.

372. **The Committee emphasizes that it is long established in international law that States parties to a treaty cannot invoke provisions of their domestic laws as justification for their inability to perform obligations under a treaty. The Committee recommends that the State party:**

(a) **Withdraw its reservations to articles 7 and 21; and**

(b) **Study its reservation to article 14 with a view to narrowing it, taking account of the Human Rights Committee's general comment No. 22 and in the long term, to withdraw it in accordance with the Vienna Declaration and Programme of Action of the World Conference on Human Rights (1993).**

Legislation

373. The Committee welcomes information concerning draft laws (i.e. the Child Protection Act, the Disabled Persons' Act and the Juvenile Delinquency Act). However, it is concerned that several rights contained in the Convention (such as non-discrimination) are not adequately reflected in domestic law. It is also concerned that with respect to the enjoyment of children's rights throughout the State party, the application of different laws governing different legal jurisdictions may lead to discrimination. In particular, the Committee is concerned that:

(a) Gaps in federal and local legislation may result in irregularities and disparities in the outcomes of the judicial process;

(b) Discrepancies may occur between Shariah judges' decisions, and between Shariah court decisions and decisions of other types of courts in the State party;

(c) Personal status law remains uncodified;

(d) Shariah courts are not regulated by uniform procedural rules, including in the area of criminal matters; and

(e) In Shariah courts federal and local laws are considered as secondary sources, and Shariah judges allegedly do not follow Supreme Court interpretation of United Arab Emirates law.

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

(a) Conduct a comprehensive review of its domestic laws, including customary laws, administrative regulations and legal procedural rules, to ensure that they conform to international human rights standards, including the Convention;

(b) Ensure the speedy promulgation of legislation relating to child rights and its effective implementation; and

(c) Ensure that laws are sufficiently clear and precise, are published, and are accessible to the public.

Coordination

375. The Committee is concerned that the absence of a central mechanism to coordinate the implementation of the Convention in the State party makes it difficult to achieve a comprehensive and coherent child rights policy.

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

(a) Establish a central mechanism by strengthening the role of the national committee for the Convention on the Rights of the Child in intersectoral coordination and cooperation at and between national and local levels of government; and

(b) Ensure the preparation and implementation of a national plan of action for children, including the implementation of the Convention, which is comprehensive, human rights based and undertaken through an open, consultative and participatory process.

Data collection

377. The Committee welcomes information on statistics provided in the written replies, and notes the statistics available from the Ministry of Planning's web site.

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

(a) Establish a system such that disaggregated data are collected on all persons under 18 years for all areas covered by the Convention, including the most vulnerable groups (i.e. non-nationals, children living in remote areas, children with disabilities, children of economically disadvantaged households, etc.), and use these data to assess progress and design policies to implement the Convention; and

(b) Seek technical assistance from, among others, UNICEF.

Monitoring structures

379. The Committee is concerned at the absence of an independent mechanism with the mandate to regularly monitor and evaluate the progress in the implementation of the Convention, and which is empowered to receive and address complaints.

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

(a) Establish an independent national human rights institution in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (General Assembly resolution 48/134) to monitor and evaluate progress in the implementation of the Convention at the national and at the local levels. This institution should be accessible to children and empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner and to address them effectively; and

(b) Seek technical assistance from, among others, OHCHR and UNICEF.

Resource allocation

381. The Committee notes significant investment in and increased budgetary allocations for health, education and other parts of the social sector. However, it is concerned that insufficient attention has been given to the allocation of resources for programmes and policies to promote the civil and political rights of children.

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

(a) Strengthen its efforts to allocate resources for programmes and policies to promote the civil and political rights of children; and

(b) Systematically assess the impact of budgetary allocations on the implementation of child rights.

Cooperation with civil society

383. The Committee notes information on good government cooperation with national associations in the development and welfare sectors, but it is concerned that insufficient efforts have been made to involve civil society, particularly in the area of civil rights and freedoms, in the implementation of the Convention.

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

(a) Consider a systematic approach to involving civil society, especially children's associations, throughout all stages in the implementation of the Convention, including with respect to civil rights and freedoms; and

(b) Ensure that legislation regulating NGOs conforms to article 15 of the Convention and other international standards on freedom of association, as a step in facilitating and strengthening their participation.

Training/dissemination of the Convention

385. The Committee is concerned that awareness of the Convention amongst professionals working with and for children and the general public, including children themselves, remains low. The Committee is concerned that the State party is not undertaking adequate dissemination, awareness-raising and training activities in a systematic and targeted manner.

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

(a) Strengthen, expand and continue its programme for the dissemination of information on the Convention and its implementation among children and parents, civil society and all sectors and levels of Government, including initiatives to reach those vulnerable groups who are illiterate or without formal education;

(b) Develop systematic and ongoing training programmes on human rights, including children's rights, for all professional groups working for and with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers and health personnel); and

(c) Seek assistance from, among others, OHCHR and UNICEF.

2. General principles

Non-discrimination

387. Noting the significant achievements in the status of women, the Committee is nevertheless concerned that discrimination, contrary to article 2 of the Convention, persists in the State party. In particular, the Committee is concerned about discrimination against girls and women, and children born out of wedlock under existing personal status law (e.g. inheritance, custody and guardianship).

388. **In accordance with article 2 of the Convention, the Committee recommends that the State party:**

(a) **Take effective measures, including enacting or rescinding legislation where necessary, to prevent and eliminate discrimination on grounds of sex and birth in all fields of civil, economic, political, social and cultural life;**

(b) **Undertake all possible measures to reconcile the interpretation of Islamic texts with fundamental human rights;**

(c) **Take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family;**

(d) **Train members of the legal profession, especially the judiciary, to be gender sensitive. Religious leaders should be mobilized to support such efforts; and**

(e) **To continue and strengthen efforts to address these issues at the regional level, such as the Gulf Cooperation Council.**

389. The Committee is concerned at the disparities in the enjoyment of economic and social rights, particularly to health and education, experienced by non-national children.

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

(a) **Take all necessary measures to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2; and**

(b) **Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

391. **The Committee 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 follow up on the Declaration and Programme of**

Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of general comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).

Best interests of the child

392. The Committee is concerned that in actions concerning children, the general principle of the best interests of the child contained in article 3 of the Convention is not always a primary consideration, such as in matters relating to family law.

393. **The Committee recommends that the State party review its legislation and administrative measures to ensure that article 3 of the Convention is duly reflected therein and that this principle is taken into account when administrative, policy, court or other decisions are made.**

Respect for the views of the child

394. The Committee notes information on the existence of a children's parliament in Sharjah, student councils at secondary schools, as well as social service units, which deal with complaints about student behaviour. However, it is concerned that traditional attitudes towards children in society may limit the respect for their views, especially within the family and in schools. In particular, it is concerned that children are not adequately informed about how to have input into policies that affect them, nor about how their views will be taken into consideration once they have been solicited, and that sufficient attention has not been accorded to the participation of primary and secondary students in school governance, including in areas such as school regulations and management of discipline.

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

(a) **Continue to promote and facilitate, within the family, the school, institutions, the courts, and administrative bodies, respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention;**

(b) **Strengthen the mandate of the social service units to allow students to submit complaints about violations of their rights in the school setting;**

(c) **Develop skills-training programmes in community settings for parents, teachers, social workers and local officials to support children to express their informed views and opinions and to have them taken into consideration; and**

(d) **Seek assistance from, among others, UNICEF.**

3. Civil rights and freedoms

Nationality

396. The Committee is concerned that the nationality law does not grant citizenship status to children of a woman citizen of the Emirates married to a non-national, as it does where the father is a national of the Emirates.

397. The Committee recommends that the State party ensure the right of a child to a nationality without discriminating on the basis of his or her parent's sex, in accordance with articles 2 and 7 of the Convention.

Protection from torture and inhuman or degrading treatment or punishment

398. Contrary to article 37 (a) of the Convention, the Committee is seriously concerned that there is a possibility that persons under 18 may be subjected to judicial sanctions such as flogging.

399. The Committee recommends that the State party take immediate steps to abolish the imposition of flogging and other forms of cruel, inhuman or degrading treatment and punishment to persons who have committed crimes when they were under 18.

4. Family environment and alternative care

Violence/abuse/neglect/maltreatment

400. The Committee is concerned that there is insufficient information and awareness of the ill-treatment of children, including corporal punishment, within the family, schools and institutions.

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

(a) Conduct a study to assess the nature and extent of ill-treatment and abuse of children, and design policies and programmes to address it;

(b) Take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family, schools and in institutions;

(c) Carry out public education campaigns about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment;

(d) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervening where necessary;

- (e) Investigate and prosecute instances of ill-treatment, ensuring that the abused child is not victimized in legal proceedings and that his/her privacy is protected;**
- (f) Provide care, recovery and reintegration for victims;**
- (g) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment; and**
- (h) Seek assistance from, among others, UNICEF and WHO.**

5. Health

Adolescent health

402. The Committee is concerned at insufficient information available in relation to adolescent health, such as access to reproductive health services and mental health counselling services.

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

- (a) Ensure that adolescents have access to and are provided with education on reproductive health and other adolescent health issues, as well as with child-sensitive and confidential counselling services;**
- (b) Strengthen efforts in the area of adolescent health education within the school system; and**
- (c) Seek assistance from, among others, UNICEF and WHO.**

6. Education

Education

404. The Committee is concerned that the aims of education presented in the report do not adequately reflect the aims outlined in article 29 of the Convention, and in particular that:

- (a) The system of public education continues to emphasize rote learning rather than analytical skills development, and is not child-centred;**
- (b) The choice of some preparatory, secondary and higher education programmes may be restricted for girls; and**
- (c) The development and respect for human rights, tolerance and equality of the sexes and religious and ethnic minorities is not explicitly part of the curricula.**

405. **The Committee recommends that the State party, taking into account the Committee's general comment No. 1 on the aims of education:**

- (a) Undertake a process of curriculum and teaching methodology reform - with the full participation of children - which stresses the importance of critical thinking and problem-solving skills development;**
- (b) Direct education towards the development of the child's personality, talents and mental and physical abilities to their fullest potential;**
- (c) Include human rights education, including children's rights, in the curricula, particularly with respect to the development of and respect for human rights, tolerance and equality of the sexes and of religious and ethnic minorities; and**
- (d) Seek assistance from, among others, UNICEF and UNESCO.**

7. Special measures of protection

Economic exploitation

406. Despite noting some efforts by the State party, the Committee is seriously concerned at the hazardous situation of children involved in camel racing. In particular, it is concerned that very young children are sometimes involved; that children are trafficked, particularly from Africa and South Asia, for this purpose; that children are denied education and health care; and that such involvement produces serious injuries, even fatalities. It concurs with the ILO Committee of Experts on the Application of Conventions and Recommendations, which has previously indicated to the State party that the employment of children as camel jockeys constitutes dangerous work under article 3, paragraph 1, of ILO Convention No. 138.

407. **In accordance with article 32 of the Convention and ILO Conventions Nos. 138 and 182, which the State party has ratified, the Committee recommends that the State party:**

- (a) Take immediate and effective steps to ensure the implementation of article 32 of the Convention on the Rights of the Child and ILO Conventions Nos. 138 and 182, taking into account ILO Recommendations Nos. 146 and 190;**
- (b) Undertake awareness-raising campaigns on trafficking in countries of origin and strengthen cooperation with those countries;**
- (c) Undertake a regional initiative (e.g. through the Gulf Cooperation Council) in this regard, including bilateral and multilateral cooperation; and**
- (d) Seek assistance from ILO and UNICEF.**

Administration of juvenile justice

408. Noting with appreciation measures to reform the administration of juvenile justice, the Committee is nevertheless concerned that the age of criminal responsibility of 7 years is too low, and that persons under 18 may be prosecuted for crimes in the same manner as adults (i.e. without special procedures), and be subjected to the same penalties as adults.

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

(a) Raise the minimum age of criminal responsibility in accordance with the principles and provisions of the Convention;

(b) Ensure that its system of juvenile justice includes the establishment of juvenile courts and that it fully integrates the provisions of the Convention, in particular articles 37, 39 and 40, as well as with other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and the Guidelines for Action on Children in the Criminal Justice System;

(c) Expedite the promulgation of the draft juvenile justice law, ensuring that it is applicable to all persons under 18 and that adequate resources are allocated for its effective implementation;

(d) Ensure that deprivation of liberty is only used as a measure of last resort, for the shortest possible time, is authorized by the court, and that persons under 18 are not detained with adults;

(e) Ensure that children have access to legal aid and independent and effective complaints mechanisms;

(f) Consider alternative measures to deprivation of liberty, such as probation, community service or suspended sentences;

(g) Train professionals in the area of rehabilitation and social recovery of children; and

(h) Seek assistance from, among others, the OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

8. Optional Protocols

410. **The Committee encourages the State party to ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.**

9. Dissemination of documentation

411. **Finally, the Committee recommends that in accordance with article 44, paragraph 6, of the Convention, the initial report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the parliament and the general public, including concerned non-governmental organizations.**

Concluding observations: St. Vincent and the Grenadines

A. Introduction

412. The Committee considered the initial report of Saint Vincent and the Grenadines (CRC/C/28/Add.18) at its 796th and 797th meetings (see CRC/C/SR.796-797), held on 2 June 2002, and adopted, at the 804th meeting, held on 7 June 2002, the following concluding observations.

413. The Committee welcomes the submission of the State party's initial report and the written replies to its list of issues (CRC/C/Q/SVG/1). The Committee notes the constructive dialogue it had with the State party's high-level delegation.

B. Positive factors

414. The Committee welcomes the strengthening of the State party's health-care infrastructure.

415. The Committee welcomes:

- (a) The State party's abolition of the death penalty for all persons below age 18;
- (b) The setting up of a family court under the Domestic Violence Act of 1995 to deal specifically and speedily with cases of domestic violence;
- (c) The programme to strengthen parental skills and empower the family.

416. The Committee notes, in addition, the State party's good cooperation with NGOs.

C. Factors and difficulties impeding the implementation of the Convention

417. The Committee notes:

- (a) The difficult geographic and demographic conditions of the State party;

(b) That difficult socio-economic conditions place limitations upon the State party's financial and human resources;

(c) That severe unemployment has led to high emigration, leaving many single parent and grandparent headed households;

(d) That poverty and long-standing economic and social disparities have a negative impact on respect for the rights of individual children.

D. Subjects of concern and the Committee's recommendations

1. General measures of implementation

Legislation

418. While noting that the State party has begun, within the framework of the Organization of Eastern Caribbean States (OECS), a process of harmonizing its legislation with regard to children and the family, the Committee is nevertheless concerned that this process is slow, that some existing legislation is outdated and does not fully take into consideration the Convention's principles and provisions, and that there has not been a general review of legislation of direct relevance to children since before the State party ratified the Convention.

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

(a) **Continue and strengthen its ongoing efforts to conduct a general review of the conformity of its legislation with the principles and provisions of the Convention;**

(b) **Where needed, amend existing legislation or adopt new legislation with a view to strengthening the legislative framework for the implementation of the Convention and, in this context, make every effort to proceed with the OECS (and partners') programme for the harmonization of laws relating to families and children (as described in the replies to the list of issues);**

(c) **Proceed with the commitment, as mentioned by the delegation, to consider the adoption by Parliament of a rights-based children's code, compiling the main elements of domestic legislation of direct relevance to children and incorporating the provisions and principles of the Convention, including the best interests principle;**

(d) **Seek technical assistance from UNICEF and OHCHR.**

Implementation, coordination, national plan of action and monitoring

420. While noting the establishment of the National Committee on the Rights of the Child, the adoption of the National Youth Policy, that the Ministry of Social Development, Cooperation, the Family, Gender and Ecclesiastical Affairs is the institution charged with ensuring the

coordination of governmental bodies working to implement the Convention, and the State party's adoption of a new programme of action in cooperation with UNICEF for the period 2003-2008 with a set of defined priorities, the Committee remains concerned that:

- (a) The State party lacks a clearly defined and comprehensive child rights policy and plan of action for implementation of the Convention;
- (b) Coordination of implementation of the Convention between different government ministries remains insufficient;
- (c) There is no effective independent mechanism which can receive and act upon complaints of child rights violations, including complaints from children.

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

- (a) With a view to integrating the child rights perspective of the Convention into all relevant programmes and activities, strengthen its children's rights policy and develop a national plan of action for the implementation of the Convention, ensuring that it is prepared through an open, consultative and participatory process;**
- (b) Strengthen the coordination of State party efforts to implement the Convention, including through strengthening the resources of those organs with a coordinating role and through the use of multisectoral programmes;**
- (c) Establish an independent structure to receive complaints of violations of children's rights which has the authority and capacity to receive and investigate individual complaints in a child-sensitive manner and address them effectively, such as through empowerment of the National Human Rights Association;**
- (d) Seek technical assistance from UNICEF and OHCHR.**

Resources for children

422. The Committee is concerned that the State party has not fully complied with the provisions of article 4 of the Convention in terms of the allocation of resources for the implementation of the Convention.

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

Data collection

424. The Committee joins the State party (as indicated in the replies to the list of issues) in expressing concern at the lack of an adequate data collection mechanism and the absence of up-to-date, comprehensive and accurate data.

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

(a) Establish an effective mechanism for the systematic collection of disaggregated quantitative and qualitative data incorporating all the areas covered by the Convention and covering all children below the age of 18 years;

(b) Make use of indicators and data in the formulation of policies and programmes for the effective implementation of the Convention;

(c) Seek technical assistance from, inter alia, UNICEF.

Dissemination of the Convention

426. Noting the efforts made, including through annual celebration of the month of May as the Month of the Child, and with the strong involvement of NGOs, the Committee remains concerned that additional progress needs to be made by the State party with regard to dissemination of the Convention.

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

(a) Strengthen its efforts to disseminate the principles and provisions of the Convention, as a means of sensitizing society on children's rights;

(b) Undertake systematic education and training on the provisions of the Convention for all professional groups working for and with children, in particular administrative personnel, parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal and local workers, relevant personnel working in institutions and places of detention, teachers and health personnel, including psychologists and paediatricians, and social workers;

(c) Seek technical assistance from, inter alia, UNICEF.

2. Definition of the child

428. The Committee is concerned that:

(a) A variety of different ages and related terms are applied to children within the State party and that these can lead to confusion with regard to the implementation of the Convention;

(b) The difference in the minimum legal age of marriage for girls (15) and boys (16) is discriminatory and both ages are low.

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

- (a) **Clarify the ages and terms applied to children;**
- (b) **Raise the minimum legal age of marriage of girls to the one of boys (16).**

3. General principles

Discrimination

430. The Committee is concerned that:

(a) The Constitution of Saint Vincent and the Grenadines does not fully reflect the provisions of article 2 of the Convention and, in particular, does not specifically prohibit discrimination on the grounds of language, national, ethnic or social origin, property, disability, birth or other status;

(b) With reference, inter alia, to the findings of the Committee on the Elimination of Racial Discrimination, there are occurrences of racial discrimination affecting children, including the children of some minorities, such as the Amerindians and Asians, who form a disproportionate proportion of the population with lower-income levels;

(c) Children with disabilities are de facto discriminated against by the absence of specific legislation to cater for their special needs and to provide them with appropriate facilities, and by the absence of effective policies and programmes to facilitate their integration into regular schools;

(d) Children who are known to be infected with HIV/AIDS are discriminated against at school by some teachers.

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

(a) **Amend its legislation, including the Constitution, to ensure that it fully corresponds with the provisions of article 2 of the Convention and to ensure the full implementation of non-discrimination provisions, giving special attention to children infected or affected by HIV/AIDS, to children with disabilities and to racial discrimination;**

(b) **Adopt legislation providing for the protection of the rights of children with disabilities, including with regard to the provision of special services and facilities for children in need of such support.**

432. **The Committee 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 follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of General Comment No. 1 on article 29.1 of the Convention (aims of education).**

Best interests of the child

433. Noting the recognition of the best interests principle in the Adoption and Domestic Violence Acts, the Committee remains concerned that the principle is not fully recognized and implemented in other relevant legislation and in decisions relevant to children, including with regard to education and health.

434. The Committee recommends that the State party ensure that the best interests principle is reflected in all relevant legislation, policies and programmes, and otherwise in the implementation of the Convention.

Respect for the views of the child

435. While noting the State party's efforts to ensure child participation, including through a mock parliament and debates in school, the Committee remains concerned that children have limited opportunities in school, in courts, administrative processes or in the home to express their views.

436. In the light of article 12 of the Convention, the Committee recommends that the State party ensure that children's views are given due consideration in courts, schools, relevant administrative and other processes concerning children and in the home through, inter alia, the adoption of appropriate legislation, the training of professionals working with and for children, and the use of information campaigns.

4. Civil rights and freedoms

Name and nationality

437. The Committee is concerned that many children born out of wedlock do not know the identity of their father, inter alia, because of societal pressures that cause mothers to be reluctant to file a paternity action.

438. Noting the supportive role that the Department of Family Services is already playing in this regard, the Committee recommends that the State party further facilitate and support the activities (including paternity procedures) which will contribute to the full implementation of the rights of children to know their parents.

Ill-treatment and other forms of violence

439. The Committee is deeply concerned that corporal punishment is widely practised in schools, in the administration of justice, in other institutions and within the family, and that it is regulated by law and used against children from an early age.

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

(a) Prohibit through legislative and administrative provisions the use of corporal punishment in all contexts, including in schools, in the administration of justice, in other institutions and within the family;

(b) Make use of information and education campaigns to sensitize parents, professionals working with children and the public in general to the harm caused by corporal punishment and to the importance of alternative, non-violent, forms of discipline, as provided for in article 28.2 of the Convention.

5. Family environment and alternative care

Family environment

441. Noting the assistance provided to families, inter alia, by the Public Assistance Board under the Ministry of Social Development and through the Ministries of Education and Health, the Committee remains concerned that:

(a) A large proportion of Vicentian families are living in poverty;

(b) The difficult domestic employment situation has obliged many parents, and sometimes both parents, to migrate, leaving children in the care of grandparents or under the responsibility of an older child;

(c) Almost half of all families are headed by women single parents and their related poverty places children in these families at particular risk of violations of their rights;

(d) Mothers are only able to claim child maintenance for a child aged over 5 if the claim process was initiated before the child reached the age of 5, and there are disparities between the child maintenance awards made to the children of unmarried mothers (domestic court) and married mothers (magistrates court).

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

(a) Make every effort to provide support to children within the context of the family and consider, inter alia, means of improving employment prospects within the State party for parents;

(b) Give particular attention to the situation of children in single parent families, especially families headed by mothers, and to grandparent and child-headed families;

(c) Strengthen its efforts to secure child maintenance payments in adequate amounts, ensuring also that there are no disparities between those accorded to the children of married and unmarried mothers;

(d) Implement the recommendations made in paragraphs 238 to 240 of the State party's report;

(e) Consider ratifying the 1973 Hague Convention No. 23 on the Recognition and Enforcement of Decisions relating to Maintenance Obligations.

Alternative care

443. Acknowledging the State party's efforts to establish an adequate foster care service, the Committee is concerned that:

(a) There is no legislative basis for foster care procedures;

(b) The alternative care services for children who have been abandoned by, or who are otherwise separated from, their parents are not sufficient;

(c) In some instances of "adoption" (especially international adoption), children are handed over for money or with promises of financial assistance to those giving up the child.

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

(a) Establish a legal basis for alternative care, including foster care;

(b) Make use of existing structures, urgently establish alternative care procedures which can provide support, including long-term solutions where needed, for children separated from their parents;

(c) Give particular attention to the possibility of abuse of adoption procedures for trafficking in children and consider, inter alia, strengthening monitoring of intercountry adoption and ratifying the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption;

(d) Seek assistance through international cooperation, including from UNICEF.

6. Basic health and welfare

445. While noting the progress made in the area of child health care, including in the numbers of health centres established and their staffing levels, the Committee remains concerned at:

(a) The lack of basic medicines to meet the needs of sick children;

(b) Infant mortality rates;

(c) Levels of undernutrition;

- (d) The gradual rise in obesity;
- (e) The lack of an adequate number of dentists available to children.

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

(a) Continue and strengthen its ongoing efforts to establish community health clinics in the countryside, and ensure that these and all other medical facilities are adequately stocked with appropriate basic medicines;

(b) Continue and strengthen efforts to reduce infant mortality and undernutrition and take preventive action to avoid a rise in the rates of obesity among children;

(c) Increase the numbers of dentists available to treat children.

Children with disabilities

447. The Committee is concerned that:

(a) The State party's statistics on the numbers of children with disabilities may be incomplete and, in particular, do not take into consideration those children who hardly ever leave their homes;

(b) Children with disabilities, including learning disabilities, are not integrated, as a matter of policy, into regular schools and that an insufficient number of teachers have received specialized training in this regard;

(c) Some children with disabilities are often obliged to remain at home and do not have access to many public buildings as a result of physical barriers such as stairs.

448. **In the context of the Committee's comments under section 3 of these concluding observations, and taking note of the United Nations Guidelines on Disabilities and the results of the Committee's day of general discussion on the rights of children with disabilities (6 October 1997), the Committee recommends that the State party:**

(a) Conduct a survey to identify the exact number of children with disabilities, including children who stay at home, and the causes of, and ways to prevent, disabilities in children;

(b) Ensure the integration within the State party's child rights policy of the rights of children with disabilities with regard to, inter alia, non-discrimination, participation, survival and development, health, education (including vocational education for future employment) and integration into society;

(c) Ensure access for children with disabilities to public transportation and public buildings, including all schools and hospitals;

- (d) Train additional teachers to teach and counsel children with disabilities;**
- (e) Strengthen the assistance, including financial assistance and counselling, provided to the families of children with disabilities;**
- (f) Seek international cooperation from, inter alia, UNICEF, in this regard.**

Abuse and neglect

449. Noting the recent establishment of the Register of Child Abuse, the annual celebration of Child Abuse Awareness and Prevention Month and the active involvement of the Department of Family Services as the body that receives and handles reports of child abuse and neglect, the Committee remains concerned that:

- (a) The instance of child abuse, including sexual abuse, is high and, as noted in its report, the State party has made insufficient efforts to address this concern;**
- (b) The abuse, including sexual abuse, of children often occurs within the family, committed by parents and siblings, and is often hidden;**
- (c) Some perpetrators of sexual abuse are able to pay money to the families of victims to avoid prosecution and even to perpetuate the abuse;**
- (d) There are many cases of neglect of children by parents, including the late presentation of a sick child at a hospital or clinic;**
- (e) Only the police and not the social services have the authority to remove a child from a family situation in which the child is suffering abuse or neglect, and this may add to the trauma suffered by the child.**

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

- (a) Undertake a study on the scope and nature of child abuse and neglect;**
- (b) Address the abuse, including sexual abuse, and neglect of children, giving particular attention to their occurrence within the family, through, inter alia, developing a strategy and programmes of prevention, response and support to victims;**
- (c) In the context of the Committee's recommendation under section 1 of these concluding observations:**
 - (i) Strengthen further the capacity of the Department of Family Services and the work of the Register of Child Abuse;**
 - (ii) Establish effective child-sensitive procedures and mechanisms to receive, monitor and investigate complaints, and to intervene where necessary;**

- (iii) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment;**
- (d) Consider giving the necessary legal authority to the social services to take urgent action to protect children from abuse;**
- (e) Strengthen its efforts to prosecute persons responsible for perpetrating abuse and provide medical help and counselling to those perpetrators in need of such assistance;**
- (f) Take all necessary measures to prohibit payment and acceptance of money with the purpose of perpetrators of sexual abuse against children avoiding prosecution, and prosecute the persons concerned;**
- (g) Provide child victims of abuse with appropriate medical and psychological support, including recovery and social reintegration assistance for child victims and their families;**
- (h) Strengthen the education provided to young parents in the care and early attention they should give to their sick children and in the prevention of abuse and neglect;**
- (i) Take into consideration the recommendations the Committee adopted on the occasion of its days of general discussion on children and violence (CRC/C/100, para. 688, and CRC/C/111, paras. 701-745);**
- (j) Seek assistance from, among others, UNICEF and the World Health Organization.**

Adolescent health

451. The Committee is concerned that:

- (a) Adolescents face health risks, including from sexual exploitation, maltreatment, drug and alcohol abuse, and HIV/AIDS;**
- (b) The rate of teenage pregnancy is high.**

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

- (a) Increase its efforts to promote adolescent health, including mental health, policies, particularly with respect to reproductive health and substance abuse and health education in schools, ensuring the full participation of adolescents;**
- (b) Consider means of reducing teenage pregnancy, including strengthening reproductive health education for adolescents, and ensure the provision of full health and counselling support for pregnant girls and that these girls are able to continue their formal education.**

7. Education, leisure and cultural activities

453. While noting the significant increase in the numbers of pre-schools for children between the ages of 3 and 5 and efforts to set minimum standards for these schools, and noting also the increase in the proportion of trained teachers in primary and secondary schools (as indicated in the replies to the list of issues), the Committee remains concerned that:

- (a) Pre-schools are not regulated by the Government, buildings are insufficiently equipped and personnel inadequately trained;
- (b) The proportion of untrained teachers in primary schools remains high - approximately 25 per cent of the total;
- (c) Despite passage of the 1992 Education Act, compulsory primary education is not yet enforced;
- (d) The number of children passing the secondary school entrance examination is extremely low;
- (e) Children have insufficient access to books and other reading materials.

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

- (a) Adopt legislation regulating pre-schools, including with regard to the standards of buildings and other facilities and the training of staff, and continue its current efforts in this regard;**
- (b) Continue the progress made so far in providing training for primary school teachers;**
- (c) Follow through with its commitment, as expressed by the delegation, to enforce compulsory education requirements from September 2002 and to consider raising the age of compulsory education from 14 to 16;**
- (d) Review the system of secondary school entrance examinations and take action to address problems identified, with a view, inter alia, to raising significantly the numbers of children graduating from primary to secondary school;**
- (e) In the light of the Committee's General Comment on article 29.1 of the Convention and the aims of education (CRC/GC/2001/1), take measures to strengthen the accessibility, quality and management of schools and take action to address problems identified;**

(f) Continue its ongoing efforts to increase the computerization of schools, and ensure that all children have access to appropriate books and other reading materials;

(g) Seek technical assistance from UNICEF and UNESCO in this regard.

8. Special protection measures

Economic exploitation

455. The Committee:

(a) Is concerned at the child labour situation;

(b) Joins the State party in expressing concern that existing legislation with regard to working children is outdated and provides insufficient protection to children;

(c) Notes that data with regard to child labour are scarce.

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

(a) Undertake a survey to assess the scope and nature of child labour in all sectors;

(b) Conduct a review of legislation with regard to working children and amend it to ensure its compatibility with the principles and provisions of the Convention, and adopt and implement ILO Convention No. 138 concerning the Minimum Age for Admission to Employment;

(c) Take action to implement all legislation and policies relevant to addressing child labour concerns and protecting the rights of children in the context of their economic exploitation.

Street children

457. While noting the establishment of a programme to reintegrate street children into their families (as indicated in the replies to the list of issues), the Committee remains concerned at the situation of street children and at the lack of relevant data in this regard.

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

(a) Undertake a study on the scope and causes of the phenomenon;

(b) Create a legislative framework and continue and strengthen its ongoing efforts to assist street children, including with regard to their reintegration into their families.

Sexual exploitation and abuse

459. The Committee is concerned:

(a) At the sexual exploitation of children, including boys and including street children, for payment;

(b) That the State party lacks accurate data and an adequate policy in this regard.

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

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

(b) **Develop an effective and comprehensive policy addressing the sexual exploitation of children, including the factors that place children at risk of such exploitation;**

(c) **Implement appropriate policies and programmes for prevention and for the recovery and 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.**

The illicit use of drugs and substances

461. The Committee is concerned that:

(a) The illicit use of drugs and substances by children is increasing, including the use of crack cocaine and marijuana, as well as other substances, and that some of the children abusing drugs and using substances are placed, for this reason, in mental health institutions;

(b) The State party lacks adequate data and treatment programmes in this regard.

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

(a) **Undertake a survey on the scope of substance abuse by children, including the collection of data;**

(b) **Take action to combat substance abuse by children, including through public education campaigns, and ensure that child drug and substance abusers are not placed in mental institutions unnecessarily and have access to effective structures and procedures for treatment, counselling, recovery and reintegration.**

Administration of justice

463. While recognizing the State party's efforts in this domain the Committee remains concerned that:

- (a) The age of criminal responsibility, fixed at 8 years of age, is too low and that juvenile justice protections are not afforded to all persons under the age of 18;
- (b) With only very limited exceptions, the State party does not provide legal assistance to children, and that children from disadvantaged backgrounds are frequently left without such support;
- (c) Children are sometimes forced by the police to confess to criminal offences when they are held in custody at police stations, and are sometimes subject to ill-treatment;
- (d) Juveniles are not usually deprived of their liberty as a "last resort" and, because legislation does not provide a sufficient range of sentencing alternatives to deprivation of liberty, juveniles and young people, especially from 16 years upwards, are sometimes sent to prison when a lesser punishment could have been applied;
- (e) Children who have been charged are detained with adult persons charged with crimes, in police stations and for long periods of time, because there are no juvenile criminal detention facilities;
- (f) Children who are charged jointly with adults are tried in regular courts;
- (g) There is no institution used exclusively for children where children purging a prison sentence can be sent, that the "Approved Schools" provided for in the Juvenile Act do not exist and that, as a consequence, convicted children over 16 are sent to adult prison;
- (h) The Corporal Punishment of Juveniles Act allows for the caning of juveniles who have been found guilty of crime.

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

- (a) Significantly raise the age of criminal responsibility and ensure that all children under the age of 18 benefit from the special protection measures recognized by juvenile justice standards;**
- (b) Ensure that all children benefit from free legal assistance in the context of juvenile justice proceedings;**
- (c) Ensure that deprivation of liberty is used only as a last resort and that provision is made for adequate alternatives to deprivation of liberty, such as community service orders;**

- (d) Ensure the protection of child detainees from ill-treatment and/or being forced to make confessions by the police;**
- (e) Establish a system through which children who are detained or imprisoned are separated from adults, and establish alternative institutions to prisons, suited to the education and rehabilitation of delinquents;**
- (f) Urgently prohibit the corporal punishment of children in the context of the juvenile justice system;**
- (g) In this regard and in the light of the Committee's day of discussion on juvenile justice, develop mechanisms and provide adequate resources to ensure the full implementation of juvenile justice standards, in particular articles 37, 40 and 39 of the Convention, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines);**
- (h) Seek assistance from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.**

9. Optional Protocols

465. The Committee encourages the State party to ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

10. Dissemination of the report, written answers, concluding observations, and the next report

466. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records of the discussion and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring at all levels of administration of the State party and among the general public, including concerned non-governmental organizations.

Reporting

467. In the light of the recommendation on reporting periodicity adopted by the Committee at its twenty-ninth session (CRC/C/114, chap. I), the Committee, aware of the considerable delay in the State party's reporting, underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States' responsibilities to children under the Convention includes

ensuring that the Committee on the Rights of the Child has regular opportunities to examine progress made in the implementation of the Convention. In this regard, regular and timely reporting by State parties is crucial. The Committee recognizes that some States parties experience difficulties in initiating timely and regular reporting. As an exceptional measure, in order to help the State party catch up with its reporting obligations under the Convention, the Committee invites the State party to submit its second and third reports in one consolidated report by 24 November 2005, which is the required date of submission of the third periodic report. The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.

Concluding observations: Spain

468. The Committee considered the second periodic report of Spain (CRC/C/70/Add.9), submitted on 12 October 1998, at its 798th and 799th meetings (see CRC/C/SR.798 and 799), held on 4 June 2002, and adopted, at the 804th meeting, held on 7 June 2002, the following concluding observations.

A. Introduction

469. The Committee welcomes the submission of the State party's second periodic report, which follows the guidelines for reporting, but regrets the late submission of the written replies to its list of issues (CRC/C/Q/SPA/2). Furthermore, it welcomes the large high-ranking delegation representing different departments and sectors sent by the State party and the frank dialogue and positive reactions to the suggestions and recommendations made during the discussion.

B. Positive aspects

470. The Committee welcomes the great progress and achievements made by the State party since the examination of the initial report to the Committee in 1994. It notes with appreciation that it has made the protection and promotion of the rights of the child a general rule in the society.

471. The Committee welcomes the new laws adopted at the national and the Autonomous Community levels to ensure better compliance of the domestic legislation with the provisions of the Convention, in line with its previous recommendation (CRC/C/15/Add.28 of 24 October 1994, para.18). In particular, it notes the Organizational Act 1/1996 of 15 January on the legal protection of minors, the partial amendment of the Civil Code and the Civil Proceedings Act (the Protection of Minors Act), the Organizational Act 5/2000 of 12 January on penal responsibility for minors, and the amendments to the Criminal Code with reference to offences against sexual integrity (Act 11/1999) and protection of victims of ill-treatment (Act 14/1999).

472. The Committee notes with satisfaction that, in line with its previous recommendation on coordination mechanisms (*ibid.*, para.12), the State party established the Observatory for Children in 1999. It further notes that some Autonomous Communities created institutions or services specifically responsible for children, among others the Council of Children's Affairs of

Andalusia, the Office for the Defence of the Rights of the Child of the Balearic Islands, the provincial coordination committees for the care of children in Castilla-La Mancha, and the Institute for Children and the Family of Madrid, and that a network of Municipalities for children's rights was established in 1996.

473. The Committee notes the various social programmes and policies for children at the national and Autonomous Community levels, those for the provision of social services and for poverty eradication, programmes for the support of families in special situations and, in line with its previous recommendation (ibid., para. 21), the National Plan of Action for Social Inclusion of 2001 and the Comprehensive Plan for Support to the Family (2001-2004).

474. The Committee welcomes the establishment of the post of assistant to the *Defensor del Pueblo* (Ombudsman) in charge of issues related to children, who can also receive complaints. It further notes the establishment of various independent organs dealing with violations of children's rights at the Autonomous Community level.

475. In line with its previous recommendation (ibid., para. 20), the Committee welcomes the improvement of safeguards in the cases of intercountry adoption contained in Act 1/1996, and the ratification of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993.

476. The Committee notes with satisfaction that, in line with its previous recommendation (ibid., para.15), the State party has increased its assistance to developing countries in the field of children and notes in particular that Spain was the third donor country to the International Programme for the Elimination of Child Labour (IPEC) programme for the period 2000-2001.

477. The Committee notes with appreciation that Spain was the first European country to ratify both Optional Protocols to the Convention on the Rights of the Child. It further notes its ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182).

C. Principal areas of concern and recommendation

1. General measures of implementation

Committee's previous recommendations

478. The Committee regrets that some of the concerns and recommendations it made upon consideration of the State party's initial report (CRC/C/8/Add.6) have been insufficiently addressed, particularly those contained in paragraphs 12 (coordination), 13 (data collection), 14 (resources for children), 16 (non-discrimination), 18 (legislation), 22 (child asylum-seekers and unaccompanied children) and 23 (ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families). Those concerns and recommendations are reiterated in the present document.

479. **The Committee urges the State party to make every effort to address its recommendations contained 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 second periodic report.**

Legislation

480. The Committee shares the concern expressed by the State party (CRC/C/70/Add.9, para. 103) that future progress in the field of child legislation will have to lie in the area of real guarantees of the exercise of the rights enunciated in the legal instruments, including more explicit recognition of the Convention as a part of positive law and more widespread citation of the Convention in legal procedures.

481. **The Committee encourages the State party to fully implement the legislation using a rights-based approach and in conformity with the Convention.**

Coordination and comprehensive strategy

482. The Committee, while recognizing the efforts made by the State party to improve coordination, including through the work of the Observatory for Children, shares the concerns raised by the State party (*ibid.*, paras. 128-129) about the need for intersectoral policies for children and to improve coordination in order to secure integrated action both at national and at Autonomous Community levels. It further notes with concern the absence of a comprehensive policy for children.

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

(a) **Strengthen effective coordination within and between government agencies at national, regional and local levels in the implementation of policies for the promotion and protection of the child, as it previously recommended (CRC/C/15/Add.28, para. 12);**

(b) **Formulate a comprehensive strategy for children on the basis of the principles and provisions of the Convention; and**

(c) **Develop and enforce intersectoral policies for children.**

Resources for children

484. The Committee notes with concern that there is not yet a balanced redistribution of resources at the central, regional and local levels and that not all the Autonomous Communities provide the same level of social policies and services for the most marginalized groups in society, in particular, poor families, single-parent families, Roma children and children of migrant families. It notes with particular concern the budgetary problems affecting the autonomous cities of Ceuta and Melilla with reference to care of unaccompanied migrant children.

485. **In light of article 4 of the Convention and in line with its previous recommendation (ibid., para. 14), the Committee encourages the State party:**

(a) To consider ways through which all children can be guaranteed equal access to the same standard of services, irrespective of where they live for example, by establishing nationwide minimum standards for, and allocation of resources to, the implementation of the Convention's provisions, in particular in the areas of health, education and other social welfare services;

(b) To identify clearly its priorities with respect to child rights issues in order to ensure that funds are allocated to the maximum extent of available resources for the full implementation of the economic, social and cultural rights of children, in particular for children belonging to the most vulnerable groups in society; and

(c) To identify the amount and proportion of the budget spent on children at the national, regional and local levels in order to evaluate the impact and effect of the expenditures on children.

Data collection

486. The Committee, while welcoming the creation of Basic Statistics on Child Protection and of a database on children and the efforts of the Observatory for Children to harmonize the system with the Autonomous Communities, remains concerned at the fragmentation of information, which is also due to the various systems and indicators used in each Autonomous Community.

487. **In line with its previous recommendation (ibid., para. 13), the Committee reiterates its recommendation that the State party:**

(a) Strengthen its mechanism for collecting and analysing systematically disaggregated data on all persons under 18 for all areas covered by the Convention, with special emphasis on the most vulnerable groups, including Roma children, children belonging to migrant families, unaccompanied migrant children and children of economically and socially disadvantaged households;

(b) Use these indicators and data effectively for the formulation and evaluation of policies and programmes for the implementation and monitoring of the Convention.

Dissemination

488. While noting with appreciation efforts to disseminate the Convention among NGOs and the media, the Committee considers that education for children and the public at large and training activities for professional groups on children's rights need ongoing attention, in particular to provide a better understanding of the legal obligations of the Convention.

489. **In line with its previous recommendation (ibid., para. 16), the Committee reiterates its recommendation that the State party:**

(a) Continue and strengthen its efforts to disseminate the Convention both to children and to the broader public, including appropriate material specifically for children translated in the different languages spoken in Spain, including languages of migrant children;

(b) Undertake systematic education and training programmes on the principles and provisions of the Convention for all professional groups working for and with children, such as judges, lawyers, law enforcement officials, civil servants, teachers, health personnel and social workers.

2. Definition of the child

490. The Committee expresses its concern at the low age of marriage, which can be 14 years of age with the judge's permission, and at the wide variety of minimum ages in civil matters in the various Autonomous Communities.

491. **The Committee recommends that the State party review its legislation with a view to increasing the minimum age of marriage and harmonizing minimum ages for civil matters in the various Autonomous Communities.**

3. General principles

General principles

492. The Committee is concerned that the principles of non-discrimination, best interests of the child, right to life, survival and development of the child and respect for the views of the child are not fully reflected in the State party's legislation and administrative and judicial decisions, as well as in policies and programmes relevant to children at both national and local levels.

493. **The Committee reiterates its previous recommendation (ibid., para. 11) that the State party:**

(a) Appropriately integrate the general principles of the Convention, namely articles 2, 3, 6 and 12, in all relevant legislation concerning children;

(b) Apply them in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on all children; and

(c) Apply these principles in planning and policy-making at every level, as well as in actions taken by social and health welfare and educational institutions, courts of law and administrative authorities.

Non-discrimination

494. The Committee is concerned that the principle of non-discrimination is not fully implemented for children of Roma origin, children of migrant workers, particularly when they are not legal, and unaccompanied foreign children, especially with regard to their access to adequate health care and educational facilities.

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

(a) Monitor the situation of children, in particular those belonging to the above-mentioned vulnerable groups, who are exposed to discrimination; and

(b) Develop, on the basis of the results of this monitoring, comprehensive strategies containing specific and well-targeted actions aimed at eliminating all forms of discrimination.

496. **The Committee 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 follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of general comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).**

4. Civil rights and freedoms

Corporal punishment

497. In light of its previous recommendation (*ibid.*, para. 18), the Committee deeply regrets that article 154 of the Civil Code, stating that parents “may administer punishment to their children reasonably and in moderation”, has not yet been revised. It acknowledges the information provided in the State party’s replies to the list of issues that a draft law for the revision of article 154 is under development.

498. **The Committee reiterates its previous recommendation to amend article 154 in order to delete the reference to reasonable chastisement. It further recommends that the State party:**

(a) Prohibit all forms of violence, including corporal punishment, in the upbringing of children, in conformity with article 19 of the Convention;

(b) Conduct awareness campaigns and promote alternative forms of discipline in families.

5. Family environment and alternative care

Children deprived of family environment

499. The Committee notes with concern that there are different procedures for child's protection in the 17 Autonomous Communities and that they are not always compatible with the best interest of the child, especially with regard to children placed in foster families. It further notes that there is an insufficient number of family courts dealing with the protection of children not in conflict with the law and that they take a long time to deal with the judicial procedures.

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

(a) Ensure that protection procedures for children have a minimum common standard and are compatible with the best interest of the child;

(b) Provide more human and financial resources to family courts so they can deal with their work more expeditiously.

Family reunification

501. The Committee expresses its concern at delays in the procedure for family reunification of recognized refugees, in particular for the issuance of the necessary visa and travel documents by the Ministry for Foreign Affairs.

502. **In light of article 10 of the Convention and in line with its previous recommendation (ibid., para. 22), the Committee reiterates its recommendation that applications for asylum made for the purpose of family reunification be dealt with in a positive, humane and expeditious manner.**

Abuse and neglect

503. The Committee, while acknowledging the important role of the System of Social Care for Children in Social Difficulties, remains concerned about the extent of domestic violence, the lack of standardized procedures for the identification and reporting of cases of neglect, ill-treatment and abuse, and the limited services for the support of victims.

504. **In light of article 19 of the Convention, the Committee recommends that the State party:**

(a) Undertake studies on domestic violence, violence against children, ill-treatment and abuse, including sexual abuse, and implement the statistical system created to keep a record of incidents of physical and mental violence and neglect against children, in order to assess the extent and nature of these practices;

(b) Adopt and implement effectively adequate measures and policies, including public campaigns, and encourage changing attitudes;

(c) Investigate effectively cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, within a child-sensitive inquiry and judicial procedure in order to ensure better protection of child victims, including the protection of their right to privacy;

(d) Take measures to provide support services to children in legal proceedings and for the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment and violence, in accordance with article 39 of the Convention;

(e) Take into account the Committee's recommendations adopted at its days of general discussion on "Violence against children within the family and in schools" (see CRC/C/111) and on "State violence against children" (see CRC/C/100).

6. Basic health and welfare

Adolescent health

505. The Committee notes with concern the number of children and adolescents addicted to drugs, in particular synthetic drugs, alcohol and smoking, and the fact that consumption of alcohol and tobacco is socially accepted and not perceived as a risk. It further expresses its concern at the increase in the number of teenage pregnancies.

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

(a) Enforce existing programmes, such as the National Drug Plan for 2002-2008 and those at Autonomous Community level, with a focus on preventive action and awareness raising on the danger of synthetic drugs, alcohol and tobacco;

(b) Take steps to address adolescent health concerns, including teenage pregnancy and sexually transmitted diseases, through, inter alia, sex education, including birth control measures such as the use of condoms;

(c) Strengthen its mental health and counselling services, ensuring that these are accessible and sensitive to adolescents.

Harmful traditional practices

507. The Committee expresses its concern at reports that female genital mutilation is practised in Spain on girls of sub-Saharan origin.

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

- (a) Undertake a study on the extent and nature of female genital mutilation practised in Spain or abroad on girls who live in Spain;**
- (b) Organize an information and awareness campaign, taking into account the result of the study, to prevent this practice; and**
- (c) Take the necessary steps to prohibit it.**

7. Education, leisure and cultural activities

Education

509. The Committee notes with concern:

- (a) The high rate of truancy and school drop-out and the difficult school integration of Roma children, children belonging to migrant families or children living in socio-economically deprived areas;**
- (b) That some children belonging to migrant families, particularly girls, do not complete their compulsory education or have great difficulties in attending school;**
- (c) The rather widespread bullying in schools;**
- (d) The negative impact of terrorism on children's development.**

510. The Committee further notes that a Quality Education Act is under development.

511. **In light of articles 28 and 29 of the Convention, the Committee recommends that the State party:**

- (a) Ensure regular attendance at schools and the reduction of truancy and drop-out rates, especially with regard to Roma children and children belonging to migrant families;**
- (b) Take measures to prevent bullying and other forms of violence in schools, in light of the Committee's recommendations adopted at its day of general discussion on "Violence against children within the family and in schools";**
- (c) Ensure that the educational process will promote the culture of peace and tolerance, as well as address the negative impact of terrorism on the physical and psychological well-being of children;**
- (d) Take into consideration the Committee's general comment No. 1 on the aims of education in the development of the Quality Education Act.**

8. Special protection measures

Unaccompanied foreign children

512. The Committee is deeply alarmed about the conditions of unaccompanied foreign children, mostly Moroccans, especially in the autonomous cities of Ceuta and Melilla. In particular, it expresses its concern at reports of:

- (a) Ill-treatment of children by police during forced expulsion to the country of origin where, in some cases, they were deported without access to legal assistance and interpretation;
- (b) Failure to provide for these children the temporary legal residency status to which they are entitled under the law because the Department of Social Welfare, as their legal guardian, did not apply for it;
- (c) Overcrowding and bad conditions of residential centres and cases of ill-treatment by residential centre staff and other children;
- (d) Denial of access to health care and education, although guaranteed by law;
- (e) Summary expulsions of children without ensuring that they are effectively returned to family or social welfare agencies in their country of origin.

513. **The Committee recommends that the State party urgently take the necessary measures in order to:**

- (a) Ensure the implementation of Organizational Act 4/2000 and other laws by providing to unaccompanied foreign children access to residential care, education, emergency services and other health care, and temporary residency documents;**
- (b) Provide the autonomous cities of Ceuta and Melilla with the necessary financial and human resources for the care of these children;**
- (c) Coordinate with the Government of Morocco to ensure that when children are repatriated from Spain to Morocco, they are returned to family members willing to care for them or to an appropriate social service agency;**
- (d) Take all measures to prevent irregular procedures in the expulsion of unaccompanied foreign children;**
- (e) Investigate in an effective way reported cases of ill-treatment of these children;**
- (f) Provide unaccompanied foreign children with information about their rights under Spanish and international law, including the right to apply for asylum;**

(g) Take all necessary measures to improve the conditions and safety of residential centres and adequately train residential centre staff;

(h) Establish effective mechanisms to receive and address complaints from children in care, monitor standards of care and, in light of article 25 of the Convention, establish regular periodic review of placements;

(i) Consider signing and ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as previously recommended (ibid., para. 23).

Economic exploitation

514. The Committee expresses its concern at reports of child labour, especially in family business and the agricultural sector, and at the lack of information on this issue.

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

(a) Undertake studies, such as the one conducted by the Ministry of Social Labour and Social Affairs and the Spanish Committee for UNICEF on “Diagnosis concerning various types of exploitation of juveniles in Spain”, to assess the nature and extent of child labour in Spain, in particular in family businesses and in the agricultural sector;

(b) Develop, on the basis of the results of these studies, comprehensive strategies containing specific and well-targeted actions aimed at preventing and eliminating child labour;

(c) Continue to implement programmes aimed at preventing and eliminating child labour through awareness-raising activities and detection of causative factors.

Sexual exploitation

516. The Committee expresses its concern at reports of child prostitution in the suburbs of large cities and in holiday resorts, involving vulnerable children living on the fringes of society.

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

(a) Protect all persons under 18 from all forms of sexual exploitation, even when children have consented, under pressure of money, threats or, allegedly, “freely”, to such acts;

(b) Organize campaigns for protection against sexual abuse, prostitution and child pornography;

(c) Implement the National Plan of Action against Commercial Sexual Exploitation of Children 2002-2003.

Children belonging to minority groups

518. While noting the State party's policies targeting the specific needs of the Roma, such as the projects for the Comprehensive Social Intervention for the Care, Prevention of Exclusion and Integration of the Gypsy people and the Gypsy Development Plan, the Committee remains concerned about the difficult social situation of Roma children and their insufficient access to the education system.

519. **The Committee strongly urges the State party:**

(a) To take measures to improve and implement more effectively existing legislation and policies with regard to assuring protection of the rights of all children from minority groups, giving particular attention to the situation of Roma children;

(b) Continue to ensure the participation of persons from minorities, including children, in the drafting and implementation of these policies.

Administration of juvenile justice

520. The Committee welcomes the adoption of the Organizational Act 5/2000 of 12 January on penal responsibility for minors and its educational character, but notes that it would need additional human and financial resource to be implemented effectively. It further notes with concern that the Organizational Act 7/2000 on terrorism increases the period of police custody and the length of prison terms for children accused of terrorism (to up to 10 years). It expresses its concern also at the fact that deprivation of liberty is not used as last resort and that in some cases detention centres are overcrowded.

521. **In light of articles 37 to 40 and other relevant international standards, the Committee recommends that the State party:**

(a) Allocate adequate human and financial resources in order to ensure the full implementation of the Organizational Act 5/2000;

(b) Align the period of police custody for children accused of terrorism with the provisions of the Act and review the length of prison terms for children accused of terrorism;

(c) Provide training on the new juvenile system to those responsible for administering juvenile justice;

(d) Encourage the use of alternative measures to the deprivation of liberty.

9. Dissemination of documentation

522. Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the second periodic report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the parliament and the general public, including concerned non-governmental organizations.

10. Periodicity for submission of reports

523. In light of the recommendation on reporting periodicity adopted by the Committee and described in the report on its twenty-ninth session (CRC/C/114), the Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention is ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by States parties is crucial. As an exceptional measure, in order to help the State party catch up with its reporting obligations in full compliance with the Convention, the Committee invites the State party to submit its third and fourth reports in one consolidated report by 4 January 2008, the due date for the submission of the fourth report. The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.

Concluding observations: The Kingdom of the Netherlands (Netherlands Antilles)

524. The Committee considered the State party's initial report on the Netherlands Antilles (CRC/C/61/Add.4) at its 800th and 801st meetings (see CRC/C/SR.800 and 801), held on 5 June 2002, and adopted, at its 804th meeting, held on 7 June 2002, the following concluding observations.

A. Introduction

525. The Committee welcomes the submission of the State party's initial report on the Netherlands Antilles which followed the established guidelines. The Committee also welcomes the timely submission of the written replies to its list of issues (CRC/C/6/Add.4), which allowed for a clearer understanding of the situation of children in the Netherlands Antilles. The Committee, however, expresses its concern that the State party has submitted a separate report on behalf of the Netherlands Antilles.

526. The Committee is encouraged by the constructive, frank and open dialogue held with the State party's delegation which was composed of well-informed representatives of the Netherlands Antilles.

B. Positive factors

527. The Committee notes the State party's efforts, through the enactment of legislation, to facilitate the implementation of the Convention in the Netherlands Antilles. In particular, the Committee notes the enactment of a new Civil Code in January 2001, which eliminates discrimination against children born out of wedlock, including with respect to their inheritance rights, and which lowers the age of civil majority from 21 to 18. The Committee further welcomes the amended Labour Regulation which increases the minimum age for employment to 15 years old, and notes with satisfaction the introduction of compulsory basic education for all children between the ages of 4 and 15.

528. The Committee welcomes with satisfaction the 1996 report entitled "From social needs to economic perspectives", which includes an urgency programme and a structural programme, and notes the Participatory Poverty Assessment of 1999 and the nine multisectoral Poverty Eradication Programmes initiated in 2000 through the Fund for Social Development, ensuring a fuller implementation of child rights.

529. The Committee notes with satisfaction the adoption in 1999 of the National Youth Policy Programme in order to improve central and island cooperation in regard to youth problems as well as to serve as a national plan of action for dealing with youth issues, and an "Urgency Programme for the Youth", with the goal of improving the quality of life and socio-economic integration of high-risk youth. The Committee further welcomes the introduction of the Directorate for Youth Development to coordinate and monitor policy in the field of child rights, and the use of creative materials by the Task Force for the Dissemination of the Convention to children and the public at large.

530. The Committee welcomes recent efforts taken by the State party to promote cooperation with and participation by non-governmental organizations in policy development and implementation of the Convention through a central NGO body which interacts closely with NGOs on all the islands.

531. The Committee also welcomes the establishment of a mechanism for coordinating external aid on the basis of equality within the State party between the Kingdom of the Netherlands, the Netherlands Antilles and Aruba, as defined in the Charter of the Kingdom and the 1987 protocol.

532. The Committee notes with satisfaction that a National Strategic Plan (NSP) for the prevention and control of HIV/AIDS has been developed, in cooperation with UNAIDS, the United Nations Development Programme, the Caribbean Epidemiology Center, the Pan-American Health Organization and the Caribbean Community.

C. Factors and difficulties impeding the implementation of the Convention

533. The Committee acknowledges that the economic and social difficulties facing the Netherlands Antilles have had a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular, it notes the impact of the structural adjustment programme, the increasing levels of unemployment and poverty and the added

difficulties caused by hurricanes and other natural disasters on the islands. The Committee further notes the country's geographic spread, which poses problems in the provision of services and the coordination of policies and programmes.

D. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation

Reservations

534. The Committee is concerned that the reservations made by the State party with respect to articles 26, 37 and 40 of the Convention, as well as the declaration concerning article 22, have not yet been withdrawn and are still applicable to the Netherlands Antilles.

535. In light of the Vienna Declaration and Programme of Action (1993), the Committee encourages the State party in its intention, as stated by the delegation, to withdraw all of its reservations and declarations, including with respect to the Netherlands Antilles.

Legislation

536. The Committee welcomes efforts by the State party to harmonize legislation with the Convention, such as the introduction of a new Civil Code in January 2001. Yet, the Committee is concerned that the new Civil Code and the Family Law are not sufficiently known within the Netherlands Antilles.

537. The Committee recommends that the State party:

(a) Continue in its effort to ensure that the new provisions of the Civil Code and Family Law are published and accessible to the public, and are sufficiently known and understood by all professional groups working for and with children;

(b) Review the legislation in order to achieve full compliance with the Convention and its rights-based approach.

Independent monitoring structures

538. The Committee expresses concern at the absence of an independent mechanism in the State party to assess progress in implementing the Convention and to register and address complaints from children directly concerning violations of their rights under the Convention.

539. The Committee encourages the State party to establish an independent and effective mechanism in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (General Assembly resolution 48/134), provided with adequate human and financial resources and easily accessible to children, that:

- (a) Monitors the implementation of the Convention;**
- (b) Deals with complaints from children in a child-sensitive, direct and expeditious manner;**
- (c) Provides remedies for violations of their rights under the Convention.**

In this regard, the Committee further recommends that the State party consider seeking technical assistance from, among others, UNICEF and OHCHR.

Resources for children

540. Whilst the Committee welcomes the State party's determination in redistributing resources according to the priorities set by the Netherlands Antilles for a fuller implementation of the Convention, the Committee is concerned that cultural rights for children, in particular for marginalized groups, are not sufficiently protected.

541. **In light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to an effective and progressive implementation of article 4 of the Convention by prioritizing budgetary allocations for the economic, social and cultural rights of children, to the maximum extent of available resources (at all levels) and including through development cooperation.**

Data collection

542. The Committee is concerned at the lack of an adequate data collection mechanism within the State party to permit the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

543. **The Committee recommends that the State party, as a matter of priority, systematically collect disaggregated data incorporating all the areas covered by the Convention and covering all children below the age of 18 years, with specific emphasis on those who are in need of special protection and including children within the juvenile justice system. The State party should also develop indicators to effectively monitor and evaluate progress achieved in the implementation of the Convention and assess the impact of policies that affect children. In this context, the Committee recommends that the State party seeks technical assistance from, among others, the United Nations Population Fund (UNFPA), UNDP and UNICEF.**

Dissemination

544. While the Committee notes with appreciation the initiatives of the State party to promote awareness of the principles and provisions of the Convention in the Netherlands Antilles, and welcomes the translation of the Convention into the major languages, the Committee is concerned that civil servants, professional groups, children, parents and the general public are

still not sufficiently aware of the Convention and the rights-based approach enshrined therein. The Committee is also concerned that insufficient efforts have been taken to publicize the initial report of the Netherlands Antilles.

545. **The Committee recommends that:**

(a) The State party strengthen its awareness-raising efforts and encourage the islands to undertake systematic education and training on the rights of the Convention for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, social workers, as well as children and their parents;

(b) Recommends that the Netherlands Antilles seek to ensure that the Convention is fully integrated into the curricula at all levels of the educational system, on all the islands.

2. Definition of the child

546. The Committee is concerned that specific protection is only afforded to children of 16 years and below in the administration of the justice system.

547. The Committee recommends that specific protection be provided in the area of the administration of justice to all children up to the age of 18, in conformity with the Convention.

3. General principles

Non-discrimination

548. The Committee is concerned that:

(a) The principle of non-discrimination against children is not guaranteed in legislation;

(b) Discrimination on some of the grounds mentioned in article 2 of the Convention is still not a punishable offence under the Criminal Code;

(c) There is discrimination against children with disabilities;

(d) There are discrepancies in the enjoyment of rights in relation to certain vulnerable groups, especially children from immigrant families who have only limited access to adequate health, education and other social services.

549. **The Committee recommends that the Netherlands Antilles:**

(a) Ensure that all relevant legislation prohibits discrimination on all the grounds covered by article 2 of the Convention;

(b) Address all forms of discrimination against children mentioned in points (c) and (d) above;

(c) Take strong proactive measures to ensure that children of immigrant families have equal access to education, health and other services.

550. **The Committee 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 Netherlands Antilles to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of general comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).**

Best interest of the child

551. The Committee is concerned that the principle of the best interest of the child (art. 3) is not expressly included in the legislation and the administrative and judicial decisions of the State party, as well as in policies and programmes relevant to children at both national and local levels.

552. **The Committee recommends that the State party apply the principle of the best interest of the child as a primary consideration in all relevant legislation concerning children and in all legal, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on all children.**

The right to life, survival and development

553. The Committee expresses its concern that one of the leading causes of death among older children is homicide.

554. **The Committee recommends that the Netherlands Antilles study the problem of homicide amongst youth and take effective measures to address the root causes based on the results of the study.**

Respect for the views of the child

555. While noting the State party's efforts in this regard, including the establishment of Youth Summits, Youth Advisory Groups and a Youth Parliament, the Committee remains concerned that:

(a) The views of the child are still not fully respected and taken into account at school and at home;

(b) Few of the Youth Advisory Groups are still active, and the Youth Parliament only includes a minority of persons under 18.

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

(a) **Promote and facilitate, within the family, the school, the courts and administrative bodies, respect for the views of children and their participation in all matters affecting them, according to their age and majority;**

(b) **Provide information to children and their parents, teachers, government officials, the judiciary, traditional leaders and society at large on children's right to participate and to have their views taken into account;**

(c) **Continue and strengthen its efforts to assure child participation in all spheres that affect their lives, including through reinforcing the work of and increasing the number and representation of children involved in Youth Parliaments, Summits and Advisory Groups, and ensure that girls in particular take an active role within these bodies and other participatory mechanisms;**

(d) **Ensure that the current education reforms include specific mechanisms to guarantee children's involvement and expression in school policy and the development of curriculum.**

4. Civil rights and freedoms

Birth registration

557. While the Committee takes note of the State party's efforts in the area of birth registration, including the three-months "grace period" given to undocumented migrants to register themselves, the Committee remains concerned that a large percentage of children, especially those from migrant families, are not registered and thus have not been able to enjoy their rights fully.

558. **The Committee recommends that the Netherlands Antilles, in light of article 7 of the Convention, expand systems and procedures for the immediate registration of the birth of all children and campaign to raise awareness of the importance of birth registration. Special emphasis should be placed on the registration of children belonging to the most vulnerable groups, including children belonging to migrant families.**

Violence/abuse/neglect/maltreatment

559. The Committee welcomes the launching of the National Action Plan "Towards Advice and Reporting Centres against Child Abuse in the Netherlands Antilles" in October 2001, which aims to create recognizable, accessible and effective centres to deal with child abuse. The

Committee is concerned, however, that there is insufficient information and awareness of the ill-treatment and abuse of children and that whilst corporal punishment has been formally banned and made a punishable offence in schools as a matter of policy, this form of punishment continues to be practised in schools, as well as in the home and in public institutions such as prisons and in alternative care contexts.

560. **The Committee recommends that the Netherlands Antilles:**

- (a) Take all legislative measures to prohibit all forms of physical and mental violence, including corporal punishment, against children (boys as well as girls) in the home, schools and in all other contexts;**
- (b) Conduct a study to assess the nature and extent of ill-treatment and abuse of children, and design policies and programmes to address it;**
- (c) Carry out public education campaigns about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment;**
- (d) Encourage the establishment of a steering committee for “Advice and Reporting Centres against Child Abuse” on each island, as suggested in the National Action Plan, and ensure that these centres possess effective procedures and mechanisms for reporting and referring cases of child abuse and neglect, as well as appropriate measures for the protection of child victims;**
- (e) Provide care, recovery and reintegration for victims;**
- (f) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of ill-treatment cases;**
- (g) Take into consideration the recommendations of the Committee adopted on its days of general discussion on children and violence in September 2000 (CRC/C/100, para. 688) and September 2001 (CRC/C/111, paras. 701-745);**
- (h) Take measures, including through legislation, to support and protect child victims and witnesses in legal proceeding;**
- (i) Seek assistance from, among others, UNICEF and WHO.**

5. Family environment and alternative care

Family environment

561. The Committee is concerned that as noted by the State party, “an increasing number of families on the Netherlands Antilles are finding it extremely difficult to fulfil their basic role of educating and raising their children” (CRC/C/6/Add.4, para. 98), and at the large number of

single-parent families, mostly headed by women, and the inadequate assistance provided to them. The Committee is further concerned at the disparities in the availability and accessibility of day-care services between islands.

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

(a) **Take steps to ensure that parents and families understand and fulfil their obligations towards children and give consideration to means of providing families with additional support, including through the implementation of the 1997 government memorandum on the family;**

(b) **Establish an effective mechanism for the provision of adequate social welfare;**

(c) **Introduce a national policy on day-care services with a view to ensuring uniformity across all islands.**

Recovery of maintenance

563. The Committee notes that while the Civil Code obliges parents to meet the costs of maintaining and educating their child, in practice it is difficult to recover this maintenance and often it is the mother who carries full responsibility for the upbringing of the child.

564. **The Committee recommends that the State party implement a more proactive and effective policy for collecting maintenance from solvent parents who refuse to pay.**

Children deprived of a family environment

565. The Committee expresses its concern that:

(a) Current facilities available for the alternative care of children deprived of their family environment are insufficient, in particular in the Windward Islands where no foster homes are available;

(b) The Island Ordinances on alternative care have not been sufficiently implemented, monitoring and follow-up of placements in institutions is inadequate, and personnel available in this field are insufficiently trained.

566. **The Committee recommends that the Netherlands Antilles:**

(a) **Develop programmes to facilitate alternative care, in particular foster care in the Windward Islands;**

(b) **Strengthen efforts to improve the quality of care available, including through the implementation of the Ordinances on alternative care for all islands;**

- (c) Provide training, including in children's rights, for social and welfare workers;**
- (d) Ensure that placements in institutions are periodically reviewed, as required under article 25 of the Convention;**
- (e) Establish an independent complaint mechanism for children in alternative care institutions;**
- (f) Strengthen its collaboration with NGOs in this area, and consider renewing its support to NGOs providing alternative care facilities.**

6. Basic health and welfare

567. While the Committee notes the efforts of the State party to improve health care for children through, inter alia, free and accessible preventive health care on all five islands, developing health education programmes for youngsters and adolescents and providing free of charge mental health care for 0-19 year olds, the Committee is concerned at the insufficient number of trained medical personnel; the inaccessibility of health services to children not enrolled in the health-care system; the very low rates of breastfeeding and the inadequate education of health workers and the general public on the advantages of breastfeeding, and the limited psychological and physical programmes available for treating child victims of hurricanes and other natural disasters. The Committee is further concerned at the disparity in the quality of health services among the islands.

568. **The Committee recommends that:**

- (a) Greater efforts be undertaken to make the necessary professional and financial resources available;**
- (b) Every effort be made to improve public knowledge of basic health-care measures, including prevention and reproductive health, and provide for the affordable availability of contraception so that unwanted pregnancy does not occur;**
- (c) Efforts to reach unregistered schools, specifically makeshift schools, are continued and strengthened;**
- (d) The State party develop a national campaign to inform parents and train professionals on the advantages of breastfeeding and continue and expand to all islands its initiative to introduce "baby-friendly" hospitals;**
- (e) Comprehensive and consistent programmes for treating victims of hurricanes be developed;**

(f) National legislation for health care be introduced so as to ensure that disparities in the quality of health care among the islands is rectified;

(g) Social security and health insurance be broadened so as to include all children within the State party.

Children with disabilities

569. The Committee is concerned that:

(a) There are insufficient resources and specialized staff for children with disabilities and a lack of specialized institutions, in particular in the Windward Islands;

(b) Undocumented children do not have access to this care;

(c) Insufficient efforts have been made to facilitate the inclusion of children with disabilities into the educational system and generally within society.

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

(a) Undertake studies to determine the causes of and ways to prevent disabilities in children;

(b) In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (CRC/C/69, paras. 310-339), further encourage the integration of children with disabilities into the regular educational system and their inclusion in society, notably by providing special training to teachers and making the physical environment, including schools, sports and leisure facilities and all other public areas more physically accessible;

(c) Undertake an awareness-raising campaign with the participation of children, to sensitize the public about the rights and special needs of children with disabilities as well as children with mental health concerns;

(d) Provide assistance to the parents or others caring for children with disabilities;

(e) Seek technical assistance for the training of professional staff working with and for children with disabilities.

Adolescent health

571. While the Committee welcomes the introduction of “Healthy Lifestyles” and “Reproductive Health” into the education curriculum, the Committee remains concerned at the high rates of early pregnancy and the lack of information, counselling and preventive programmes on reproductive health. It also notes the rise in the number of children and youth using drugs, and the growing number of cases of HIV/AIDS among the youth.

572. **The Committee recommends that the Netherlands Antilles:**

(a) Implement the programme on reproductive health proposed in 1996 following the national workshop on reproductive health;

(b) Develop youth-sensitive and confidential counselling, care and rehabilitation facilities that are accessible without parental consent and to those not enrolled in the regular education system, when this is in the best interests of the child;

(c) Ensure that adolescents (both girls and boys) have access to and are provided with education on reproductive health and other adolescent health issues, as well as with child-sensitive and confidential counselling services, and strengthen efforts in the area of adolescent health education within the educational system.

HIV/AIDS

573. Whilst welcoming the efforts taken to develop a national strategic plan for the prevention and control of HIV/AIDS within the Netherlands Antilles, the Committee remains concerned at the increasing incidence of HIV/AIDS. The Committee is deeply concerned about the very serious impact of HIV/AIDS on the cultural, economic, political, social and civil rights and freedoms of children infected with or affected by HIV/AIDS, including the general principles of the Convention and with particular reference to non-discrimination and the rights to health care, education, food and housing, as well as to information and freedom of expression.

574. **The Committee recommends that the State party integrate respect for the rights of the child into the development and implementation of its HIV/AIDS policies and strategies on behalf of children infected with and affected by HIV/AIDS, as well as their families, including by taking into consideration the recommendations the Committee adopted at its day of general discussion on “Children living in a world with HIV/AIDS” (CRC/C/80, para. 243) and to involve children in implementing this strategy.**

7. Education, leisure and cultural activities

575. The Committee welcomes and is encouraged by the introduction of the Foundation Based Education in August 2002, which includes in its curriculum subjects such as Human Rights, Healthy Lifestyles, Reproductive Health and Social Development, and which provides a more participatory approach for children within school life. The Committee remains concerned, however, at:

- (a) High drop-out rates in primary and secondary school, especially among boys;
- (b) Insufficient number of well-trained teaching staff;
- (c) The disparity among the islands in enrolment rates and access to education;
- (d) High illiteracy rates for boys and girls;
- (e) Various forms of discrimination and exclusion which affect the right to education of certain groups of children, such as pregnant adolescents, undocumented children and children with disabilities, reflecting insufficient attention to articles 28 and 29 of the Convention.

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

- (a) Seek to implement participatory measures to encourage children, especially boys, to stay in school during the period of compulsory education;**
- (b) Take effective measures through, inter alia, non-formal measures to address the high illiteracy rates;**
- (c) Extend resources to support children to go to secondary education;**
- (d) Effectively implement the Foundation Based Education as of August 2002 and monitor its progress, ensuring that children are consulted in this process and that teachers are sufficiently trained in this new approach to education;**
- (e) Ensure that pregnant girls of compulsory school age stay in school and are provided with adequate support mechanisms to continue their education after the child is born;**
- (f) Increase the number, capacity and quality of special education institutions for children with special education needs;**
- (g) Address education towards the aims mentioned in article 29, paragraph 1, of the Convention and the Committee's general comment on the aims of education.**

Leisure and cultural activities

577. The Committee welcomes efforts by the State party to increase after school care centres for children, and introduce after school programmes and facilities for youth. Yet, the Committee is concerned that there is a lack of affordable sports facilities and other recreational programmes, and not enough activities of a cultural nature.

578. **The Committee recommends that the State party organize cultural after school activities such as drawing, plastic arts, dance and music, in participation with children, and make available free and accessible public sports facilities.**

8. Special protection measures

Refugee and internally displaced children

579. The Committee notes with concern the State party's declaration concerning article 22. The Committee is further concerned at the absence of legislation, policies and procedures in the Netherlands Antilles regarding the protection of the rights of refugee and unaccompanied children.

580. **The Committee recommends that the State party withdraw the declaration concerning article 22 and take effective legal and other measures to ensure adequate protection of refugee and unaccompanied children and implement programmes and policies to ensure their access to health, education and other social services.**

Economic exploitation

581. The Committee, whilst welcoming the introduction of the new Labour Regulation which increases the minimum age for employment to 15, remains concerned that:

- (a) For night work and hazardous work the minimum age of 15 is too low and not in conformity with international standards;
- (b) Children 12 years and above who have not completed primary education may work;
- (c) Insufficient information and inadequate data are available on the situation of child labour and economic exploitation within the Netherlands Antilles;
- (d) There is inadequate enforcement of the child labour law, in particular with regard to hazardous labour, and no monitoring mechanisms available to address the situation.

582. **The Committee recommends that:**

- (a) **Child labour laws be reviewed and implemented, labour inspectorates be strengthened and penalties be imposed in cases of violations;**
- (b) **Special attention be paid to enforcing laws prohibiting children under the age of 18 from work that might be hazardous to their health, safety or development, in line with ILO Minimum Age Convention, 1973 (No. 138).**

Sexual exploitation and trafficking

583. The Committee is concerned at:

- (a) The absence of data and of a comprehensive study on the issue of sexual exploitation and sexual abuse of children;

(b) The limited programmes available for providing physical and psychological recovery and social reintegration of child victims of such abuse and exploitation;

(c) Legislation making sexual exploitation of children only a criminal offence up to the age of 16 and not 18, and the exclusion of boys from this legislation.

584. In light of article 34 of the Convention, the Committee recommends that the Netherlands Antilles:

(a) Implement appropriate policies and programmes for prevention and for the reintegration and recovery of child victims according to the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;

(b) Extend coverage of legislation to ensure protection of children from sexual exploitation up to the age of 18;

(c) Undertake studies with a view to assessing the scope of exploitation of children, including for prostitution and pornography.

Substance abuse

585. The Committee expresses concern at:

(a) The high incidence of drug abuse and drug trafficking involving children, particularly in St. Maarten and Curaçao;

(b) The absence of data on this problem as well as the lack of a comprehensive national plan of action to combat drug abuse and trafficking amongst children;

(c) The limited psychological, social and medical programmes and services available for the treatment of drug-addicted children.

586. The Committee recommends that the Netherlands Antilles:

(a) Review and update national legislation on drugs;

(b) In light of article 33 of the Convention, 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) Support rehabilitative, reintegration and recovery programmes dealing with child victims of drug and substance abuse.

Administration of juvenile justice

587. The Committee is seriously concerned about the implications of the reservation entered by the State party on the applicability of adult criminal law to children over 16 years of age which is applicable to the Netherlands Antilles, and the reservation to article 40, which stipulates that for minor offences children need not be heard in the presence of a legal representative. The Committee is further concerned at reports that minors below 16 are held together with adults in detention facilities. In addition, the Committee is concerned that there are insufficient facilities for children in conflict with the law, limited training programmes for professionals working in the juvenile justice system, no available complaint mechanism directly accessible for children whose rights have been violated, and a lack of statistical data on the juvenile justice system.

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

(a) **Develop laws, policies and mechanisms and provide adequate resources to ensure the full implementation of juvenile justice standards and in particular articles 37, 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and in the light of the Committee's 1995 day of general discussion on the administration of juvenile justice (see CRC/C/46, chap. III, sect. C);**

(b) **Apply the special protection of the juvenile justice system to all children below 18;**

(c) **Ensure that minors are always heard in the presence of a legal representative; consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time; protect the rights of children deprived of their liberty, including those pertaining to conditions of detention; and ensure that children are always separated from adults and remain in regular contact with their families while in the juvenile justice system;**

(d) **Seek assistance from, among others, OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.**

9. Optional protocols

589. **The Committee encourages the State party to consider ratifying and extending to the Netherlands Antilles the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.**

10. Dissemination of the report, written answers, concluding observations

590. **In light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party on the Netherlands Antilles be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within all levels of administration of the Netherlands Antilles and the general public, including concerned non-governmental organizations.**

591. **Finally, the Committee expects the next periodic report of the State party to include information from all three autonomous entities of the Kingdom of the Netherlands.**

IV. INTERSESSIONAL ACTIVITIES OF THE COMMITTEE

592. Since the end of the last session, Committee members participated in a certain number of international activities related to the mandate and work of the Committee.

593. On 20 April 2002, Mrs. Karp participated in the third meeting of the Steering Committee of the International Bureau for Children's Rights held in Vienna. The aim of the meeting was to work on draft guidelines on "Justice for child victims and witnesses of crime". Mrs. Karp is a member of the Steering Committee. The guidelines will be based on the Convention on the Rights of the Child and reflect its rights-based approach and will include examples of good practices and develop tools to assist in their implementation by the judiciary and law enforcement personnel.

594. Mrs. Sardenberg attended the Third International Meeting of UNESCO Chairs on Human Rights, Democracy, Peace and Tolerance, held in Stadtschlaining, Austria, from 24 to 27 April 2002. In the context of the Strategy on Human Rights, currently under elaboration by UNESCO, aimed at mainstreaming human rights in the organization and developing a programme of work and a research agenda on economic, social and cultural rights, Mrs. Sardenberg was invited to present the experience of the Committee on the Rights of the Child, including its innovative methods of work and its successes in mainstreaming children's rights throughout programmes and activities.

595. Mr. Doek and Mrs. Karp represented the Committee at the General Assembly Special Session on Children held at Headquarters from 8 to 10 May 2002. Mr. Al-Sheedi, Mrs. Chutikul and Mrs. Ouedraogo also participated in the Special Session. Mr. Doek participated in the first global meeting of children's human rights institutions held on 8 May where he made a statement on behalf of the Committee.

596. Mrs. Chutikul made two presentations at the international conference entitled “21st century slavery - the human rights dimension to trafficking in human beings”, held in Rome from 15 to 17 May 2002. This meeting was co-organized by the Embassy of the United States of America to the Holy See and the Holy See.

597. Mr. Doek attended an international symposium on child labour held from 22 to 24 February 2002 in Hattingen, Germany where he made a presentation on “The elimination of economic exploitation of children and the Convention on the Rights of the Child” and one on “Ways to strengthen the complaints procedures, particularly the individual complaint”. From 24 to 26 February he attended an international conference on child labour in The Hague organized by the Netherlands Ministry of Social Affairs and Employment in collaboration with ILO/IPEC and the International Association of Labour Inspectors. From 1 to 3 March he attended an interdisciplinary symposium on the “Best interests of the child” organized by the Swiss Association for Child Protection and the University of Fribourg. He gave a presentation on “Socio-political aspects of the best interests of the child”.

598. On 7 March Mr. Doek visited Dublin at the invitation of the Human Rights Institution of Northern Ireland. He met with representatives of various youth groups and the Minister of Education, made a presentation at the launch of the Institute’s first report on children’s rights and visited a Travellers’ site on the outskirts of the city. Mr. Doek visited UNICEF headquarters in New York (9-12 March) where he met with officials to discuss, inter alia, the possibilities of further strengthening the collaboration between the Committee and UNICEF. On 13 and 14 March Mr. Doek attended the Global Consultation on Children’s and Adolescent’s Health in Stockholm organized by WHO/UNICEF; he participated actively in a workshop on “Policies for equitable health outcomes”.

599. From 14 to 16 March Mr. Doek gave a keynote address on “Leading principles of juvenile justice” to a seminar on children’s rights and juvenile justice held in Beirut organized by an NGO coalition and UNICEF. On 19 May Mr. Doek participated in a meeting in London of the Young People’s Rights Network where a very active and dedicated group of young people presented - via a moot court process - their critical observations on and recommendations for the implementation of the Convention in the United Kingdom, whose second periodic report was scheduled to be discussed at the thirty-first session of the Committee.

V. COOPERATION WITH UNITED NATIONS AND OTHER COMPETENT BODIES

600. During the pre-sessional working group and the session itself, the Committee held various meetings with United Nations bodies and specialized agencies, as well as other competent bodies, in the framework of its ongoing dialogue and interaction with these bodies in the light of article 45 of the Convention.

601. On 30 and 31 May 2002, Mrs. Karp represented the Committee at a review meeting on global guidelines for the prevention of child abuse and neglect organized in Geneva by WHO. This meeting was held within the partnership between WHO and the International Society for the Prevention of Child Abuse and Neglect (SPCAN) which aims to develop a set of guidelines for the prevention of child maltreatment within the general framework of the Convention on the Rights of the Child.

602. From 27 to 31 May 2002, the United Nations Working Group on Contemporary Forms of Slavery held its twenty-seventh session in Geneva. On 30 May, Mrs. Sardenberg addressed the Working Group on relevant developments relating to the Convention on the Rights of the Child, including the entry into force of the two Optional Protocols. Mrs. Sardenberg also discussed the results of the Second World Congress against Commercial Sexual Exploitation of Children held in Yokohama, Japan, from 17 to 21 December 2001.

603. On 3 June 2002, Mrs. Sardenberg participated in Geneva in the launching of a UNICEF publication on birth registration entitled "Birth registration: right from the start". This publication was prepared by UNICEF's Innocenti Research Centre in Florence, Italy, and is part of the Innocenti Digest collection. The following day Mrs. Sardenberg attended an event on child labour sponsored by ILO and involving groups of children who discussed the negative impact of child labour on children's enjoyment of their human rights. The children planted, in the gardens of the ILO, a paper flower for each State party to ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The event was part of the launching of the SCREAM (Supporting Child Rights through Education, Arts and the Media) project, an educational and social mobilization programme aimed at drawing children and their teachers into joining the campaign against child labour through the use of the performing arts.

VI. WORKING METHODS

604. At its 804th meeting, held on 7 June 2002, the Committee adopted a recommendation on its methods of work in which it requested States parties to limit the length of their reports to 120 pages (see chap. I).

VII. GENERAL COMMENTS

605. At its 778th meeting, held on 21 May 2002, the Committee discussed its future general comment on HIV/AIDS and its future general comment on independent monitoring bodies.

VIII. DRAFT PROVISIONAL AGENDA FOR THE THIRTY-FIRST SESSION

606. The following is the draft provisional agenda for the thirtieth 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. General comments.
8. *Day of general discussion*
8. Future meetings.
9. Other matters.

IX. ADOPTION OF THE REPORT

607. At its 804th meeting, held on 7 June 2002, the Committee considered the draft report on its thirtieth session. The report was adopted unanimously by the Committee.

Annex I

**STATES WHICH HAVE SIGNED, RATIFIED OR ACCEDED
TO THE CONVENTION ON THE RIGHTS OF THE CHILD
AS AT 7 JUNE 2002 (191)**

<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of instrument of ratification/ accession^a</u>	<u>Date of entry into force</u>
Afghanistan	27 September 1990	28 March 1994	27 April 1994
Albania	26 January 1990	27 February 1992	28 March 1992
Algeria	26 January 1990	16 April 1993	16 May 1993
Andorra	2 October 1995	2 January 1996	1 February 1996
Angola	14 February 1990	5 December 1990	4 January 1991
Antigua and Barbuda	12 March 1991	5 October 1993	4 November 1993
Argentina	29 June 1990	4 December 1990	3 January 1991
Armenia		23 June 1993 ^a	22 July 1993
Australia	22 August 1990	17 December 1990	16 January 1991
Austria	26 January 1990	6 August 1992	5 September 1992
Azerbaijan		13 August 1992 ^a	12 September 1992
Bahamas	30 October 1990	20 February 1991	22 March 1991
Bahrain		13 February 1992 ^a	14 March 1992
Bangladesh	26 January 1990	3 August 1990	2 September 1990
Barbados	19 April 1990	9 October 1990	8 November 1990
Belarus	26 January 1990	1 October 1990	31 October 1990
Belgium	26 January 1990	16 December 1991	15 January 1992
Belize	2 March 1990	2 May 1990	2 September 1990
Benin	25 April 1990	3 August 1990	2 September 1990
Bhutan	4 June 1990	1 August 1990	2 September 1990
Bolivia	8 March 1990	26 June 1990	2 September 1990
Bosnia and Herzegovina ^b			6 March 1992
Botswana		14 March 1995 ^a	13 April 1995
Brazil	26 January 1990	24 September 1990	24 October 1990
Brunei Darussalam		27 December 1995 ^a	26 January 1996
Bulgaria	31 May 1990	3 June 1991	3 July 1991
Burkina Faso	26 January 1990	31 August 1990	30 September 1990
Burundi	8 May 1990	19 October 1990	18 November 1990
Cambodia	22 September 1992	15 October 1992	14 November 1992
Cameroon	25 September 1990	11 January 1993	10 February 1993

<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of instrument of ratification/ accession^a</u>	<u>Date of entry into force</u>
Canada	28 May 1990	13 December 1991	12 January 1992
Cape Verde		4 June 1992 ^a	4 July 1992
Central African Republic	30 July 1990	23 April 1992	23 May 1992
Chad	30 September 1990	2 October 1990	1 November 1990
Chile	26 January 1990	13 August 1990	12 September 1990
China	29 August 1990	2 March 1992	1 April 1992
Colombia	26 January 1990	28 January 1991	27 February 1991
Comoros	30 September 1990	22 June 1993	21 July 1993
Congo		14 October 1993 ^a	13 November 1993
Cook Islands		6 June 1997 ^a	6 July 1997
Costa Rica	26 January 1990	21 August 1990	20 September 1990
Côte d'Ivoire	26 January 1990	4 February 1991	6 March 1991
Croatia ^b			8 October 1991
Cuba	26 January 1990	21 August 1991	20 September 1991
Cyprus	5 October 1990	7 February 1991	9 March 1991
Czech Republic ^b			1 January 1993
Democratic People's Republic of Korea	23 August 1990	21 September 1990	21 October 1990
Democratic Republic of the Congo	20 March 1990	27 September 1990	27 October 1990
Denmark	26 January 1990	19 July 1991	18 August 1991
Djibouti	30 September 1990	6 December 1990	5 January 1991
Dominica	26 January 1990	13 March 1991	12 April 1991
Dominican Republic	8 August 1990	11 June 1991	11 July 1991
Ecuador	26 January 1990	23 March 1990	2 September 1990
Egypt	5 February 1990	6 July 1990	2 September 1990
El Salvador	26 January 1990	10 July 1990	2 September 1990
Equatorial Guinea		15 June 1992 ^a	15 July 1992
Eritrea	20 December 1993	3 August 1994	2 September 1994
Estonia		21 October 1991 ^a	20 November 1991
Ethiopia		14 May 1991 ^a	13 June 1991
Fiji	2 July 1993	13 August 1993	12 September 1993
Finland	26 January 1990	20 June 1991	20 July 1991
France	26 January 1990	7 August 1990	6 September 1990
Gabon	26 January 1990	9 February 1994	11 March 1994
Gambia	5 February 1990	8 August 1990	7 September 1990
Georgia		2 June 1994 ^a	2 July 1994

<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of instrument of ratification/ accession^a</u>	<u>Date of entry into force</u>
Germany	26 January 1990	6 March 1992	5 April 1992
Ghana	29 January 1990	5 February 1990	2 September 1990
Greece	26 January 1990	11 May 1993	10 June 1993
Grenada	21 February 1990	5 November 1990	5 December 1990
Guatemala	26 January 1990	6 June 1990	2 September 1990
Guinea		13 July 1990 ^a	2 September 1990
Guinea-Bissau	26 January 1990	20 August 1990	19 September 1990
Guyana	30 September 1990	14 January 1991	13 February 1991
Haiti	20 January 1990	8 June 1995	8 July 1995
Holy See	20 April 1990	20 April 1990	2 September 1990
Honduras	31 May 1990	10 August 1990	9 September 1990
Hungary	14 March 1990	7 October 1991	6 November 1991
Iceland	26 January 1990	28 October 1992	27 November 1992
India		11 December 1992 ^a	11 January 1993
Indonesia	26 January 1990	5 September 1990	5 October 1990
Iran (Islamic Republic of)	5 September 1991	13 July 1994	12 August 1994
Iraq		15 June 1994 ^a	15 July 1994
Ireland	30 September 1990	28 September 1992	28 October 1992
Israel	3 July 1990	3 October 1991	2 November 1991
Italy	26 January 1990	5 September 1991	5 October 1991
Jamaica	26 January 1990	14 May 1991	13 June 1991
Japan	21 September 1990	22 April 1994	22 May 1994
Jordan	29 August 1990	24 May 1991	23 June 1991
Kazakhstan	16 February 1994	12 August 1994	11 September 1994
Kenya	26 January 1990	30 July 1990	2 September 1990
Kiribati		11 December 1995 ^a	10 January 1996
Kuwait	7 June 1990	21 October 1991	20 November 1991
Kyrgyzstan		7 October 1994	6 November 1994
Lao People's Democratic Republic		8 May 1991 ^a	7 June 1991
Latvia		14 April 1992 ^a	14 May 1992
Lebanon	26 January 1990	14 May 1991	13 June 1991
Lesotho	21 August 1990	10 March 1992	9 April 1992
Liberia	26 April 1990	4 June 1993	4 July 1993
Libyan Arab Jamahiriya		15 April 1993 ^a	15 May 1993
Liechtenstein	30 September 1990	22 December 1995	21 January 1996

<u>States</u>	<u>Date of signature</u>	<u>Date of receipt of instrument of ratification/ accession^a</u>	<u>Date of entry into force</u>
Lithuania		31 January 1992 ^a	1 March 1992
Luxembourg	21 March 1990	7 March 1994	6 April 1994
Madagascar	19 April 1990	19 March 1991	18 April 1991
Malawi		2 January 1991 ^a	1 February 1991
Malaysia		17 February 1995 ^a	19 March 1995
Maldives	21 August 1990	11 February 1991	13 March 1991
Mali	26 January 1990	20 September 1990	20 October 1990
Malta	26 January 1990	30 September 1990	30 October 1990
Marshall Islands	14 April 1993	4 October 1993	3 November 1993
Mauritania	26 January 1990	16 May 1991	15 June 1991
Mauritius		26 July 1990 ^a	2 September 1990
Mexico	26 January 1990	21 September 1990	21 October 1990
Micronesia (Federated States of)		5 May 1993 ^a	4 June 1993
Monaco		21 June 1993 ^a	21 July 1993
Mongolia	26 January 1990	5 July 1990	2 September 1990
Morocco	26 January 1990	21 June 1993	21 July 1993
Mozambique	30 September 1990	26 April 1994	26 May 1994
Myanmar		15 July 1991 ^a	14 August 1991
Namibia	26 September 1990	30 September 1990	30 October 1990
Nauru		27 July 1994 ^a	26 August 1994
Nepal	26 January 1990	14 September 1990	14 October 1990
Netherlands	26 January 1990	6 February 1995	7 March 1995
New Zealand	1 October 1990	6 April 1993	6 May 1993
Nicaragua	6 February 1990	5 October 1990	4 November 1990
Niger	26 January 1990	30 September 1990	30 October 1990
Nigeria	26 January 1990	19 April 1991	19 May 1991
Niue		20 December 1995 ^a	19 January 1996
Norway	26 January 1990	8 January 1991	7 February 1991
Oman		9 December 1996 ^a	8 January 1997
Pakistan	20 September 1990	12 November 1990	12 December 1990
Palau		4 August 1995 ^a	3 September 1995
Panama	26 January 1990	12 December 1990	11 January 1991
Papua New Guinea	30 September 1990	1 March 1993	31 March 1993
Paraguay	4 April 1990	25 September 1990	25 October 1990
Peru	26 January 1990	4 September 1990	4 October 1990

<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of instrument of ratification/ accession^a</u>	<u>Date of entry into force</u>
Philippines	26 January 1990	21 August 1990	20 September 1990
Poland	26 January 1990	7 June 1991	7 July 1991
Portugal	26 January 1990	21 September 1990	21 October 1990
Qatar	8 December 1992	3 April 1995	3 May 1995
Republic of Korea	25 September 1990	20 November 1991	20 December 1991
Republic of Moldova		26 January 1993 ^a	25 February 1993
Romania	26 January 1990	28 September 1990	28 October 1990
Russian Federation	26 January 1990	16 August 1990	15 September 1990
Rwanda	26 January 1990	24 January 1991	23 February 1991
Saint Kitts and Nevis	26 January 1990	24 July 1990	2 September 1990
Saint Lucia		16 June 1993 ^a	16 July 1993
Saint Vincent and the Grenadines	20 September 1993	26 October 1993	25 November 1993
Samoa	30 September 1990	29 November 1994	29 December 1994
San Marino		25 November 1991 ^a	25 December 1991
Sao Tome and Principe		14 May 1991 ^a	13 June 1991
Saudi Arabia		26 January 1996 ^a	25 February 1996
Senegal	26 January 1990	31 July 1990	2 September 1990
Seychelles		7 September 1990 ^a	7 October 1990
Sierra Leone	13 February 1990	18 June 1990	2 September 1990
Singapore		5 October 1995 ^a	4 November 1995
Slovakia ^b			1 January 1993
Slovenia ^b			25 June 1991
Solomon Islands		10 April 1995 ^a	10 May 1995
Somalia	9 May 2002		
South Africa	29 January 1993	16 June 1995	16 July 1995
Spain	26 January 1990	6 December 1990	5 January 1991
Sri Lanka	26 January 1990	12 July 1991	11 August 1991
Sudan	24 July 1990	3 August 1990	2 September 1990
Suriname	26 January 1990	1 March 1993	31 March 1993
Swaziland	22 August 1990	7 September 1995	6 October 1995
Sweden	26 January 1990	29 June 1990	2 September 1990
Switzerland	1 May 1991	24 February 1997	26 March 1997
Syrian Arab Republic	18 September 1990	15 July 1993	14 August 1993
Tajikistan		26 October 1993 ^a	25 November 1993
Thailand		27 March 1992 ^a	26 April 1992
The former Yugoslav Republic of Macedonia ^b			17 September 1991

<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of instrument of ratification/ accession^a</u>	<u>Date of entry into force</u>
Togo	26 January 1990	1 August 1990	2 September 1990
Tonga		6 November 1995 ^a	6 December 1995
Trinidad and Tobago	30 September 1990	5 December 1991	4 January 1992
Tunisia	26 February 1990	30 January 1992	29 February 1992
Turkey	14 September 1990	4 April 1995	4 May 1995
Turkmenistan		20 September 1993 ^a	19 October 1993
Tuvalu		22 September 1995 ^a	22 October 1995
Uganda	17 August 1990	17 August 1990	16 September 1990
Ukraine	21 February 1991	28 August 1991	27 September 1991
United Arab Emirates		3 January 1997 ^a	2 February 1997
United Kingdom of Great Britain and Northern Ireland	19 April 1990	16 December 1991	15 January 1992
United Republic of Tanzania	1 June 1990	10 June 1991	10 July 1991
Uruguay	26 January 1990	20 November 1990	20 December 1990
Uzbekistan		29 June 1994 ^a	29 July 1994
Vanuatu	30 September 1990	7 July 1993	6 August 1993
Venezuela	26 January 1990	13 September 1990	13 October 1990
Viet Nam	26 January 1990	28 February 1990	2 September 1990
Yemen	13 February 1990	1 May 1991	31 May 1991
Yugoslavia	26 January 1990	3 January 1991	2 February 1991
Zambia	30 September 1990	5 December 1991	5 January 1992
Zimbabwe	8 March 1990	11 September 1990	11 October 1990

^a Accession.

^b Succession.

Annex II

**STATES WHICH HAVE SIGNED (109), OR RATIFIED OR
ACCEDED TO (33) THE OPTIONAL PROTOCOL TO THE
CONVENTION ON THE RIGHTS OF THE CHILD ON THE
INVOLVEMENT OF CHILDREN IN ARMED CONFLICT
AS AT 7 JUNE 2002
(entered into force on 12 February 2002)**

<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of instrument of ratification/accession</u>
Andorra	7 September 2000	30 April 2001
Argentina	15 June 2000	
Austria	6 September 2000	1 February 2002
Azerbaijan	8 September 2000	
Bangladesh	6 September 2000	6 September 2000
Belgium	6 September 2000	6 May 2002
Belize	6 September 2000	
Benin	22 February 2001	
Bosnia and Herzegovina	7 September 2000	
Brazil	6 September 2000	
Bulgaria	8 June 2001	12 February 2002
Burkina Faso	16 November 2001	
Burundi	13 November 2001	
Cambodia	27 June 2000	
Cameroon	5 October 2001	
Canada	5 June 2000	7 July 2000
Cape Verde		10 May 2002 ^a
Chad	3 May 2002	
Chile	15 November 2001	
China	15 March 2001	
Colombia	6 September 2000	
Costa Rica	7 September 2000	
Croatia	8 May 2002	
Cuba	13 October 2000	
Czech Republic	6 September 2000	30 November 2001

<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of instrument of ratification/accession</u>
Democratic Republic of the Congo	8 September 2000	11 November 2001
Denmark	7 September 2000	
Dominican Republic	9 May 2002	
Ecuador	6 September 2000	
El Salvador	18 September 2000	18 April 2002
Finland	7 September 2000	10 April 2002
France	6 September 2000	
Gabon	8 September 2000	
Gambia	21 December 2000	
Germany	6 September 2000	
Greece	7 September 2000	
Guatemala	7 September 2000	9 May 2002
Guinea-Bissau	8 September 2000	
Holy See	10 October 2000	24 October 2001
Hungary	11 March 2002	
Iceland	7 September 2000	1 October 2001
Indonesia	24 September 2001	
Ireland	7 September 2000	
Israel	14 November 2001	
Italy	6 September 2000	9 May 2002
Jamaica	8 September 2000	9 May 2002
Japan	10 May 2002	
Jordan	6 September 2000	
Kazakhstan	6 September 2000	
Kenya	8 September 2000	28 January 2002
Latvia	1 February 2002	
Lebanon	11 February 2002	
Lesotho	6 September 2000	
Liechtenstein	8 September 2000	
Lithuania	13 February 2002	
Luxembourg	8 September 2000	
Madagascar	7 September 2000	
Malawi	7 September 2000	
Maldives	10 May 2002	
Mali	8 September 2000	16 May 2002

<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of instrument of ratification/accession</u>
Malta	7 September 2000	9 May 2002
Mauritius	11 November 2001	
Mexico	7 September 2000	15 March 2002
Micronesia (Federal States of)	8 May 2002	
Monaco	26 June 2000	13 November 2001
Mongolia	12 November 2001	
Morocco	8 September 2000	22 May 2002
Namibia	8 September 2000	16 April 2002
Nauru	8 September 2000	
Nepal	8 September 2000	
Netherlands	7 September 2000	
New Zealand	7 September 2000	12 November 2001
Nigeria	8 September 2000	
Norway	13 June 2000	
Pakistan	26 September 2001	
Panama	31 October 2000	8 August 2001
Paraguay	13 September 2000	
Peru	1 November 2000	
Philippines	8 September 2000	8 May 2002
Poland	13 February 2002	
Portugal	6 September 2000	
Republic of Korea	6 September 2000	
Republic of Moldova	8 February 2002	
Romania	6 September 2000	10 November 2001
Russian Federation	15 February 2001	
Rwanda		23 April 2002 ^a
San Marino	5 June 2000	
Senegal	8 September 2000	
Seychelles	23 January 2001	
Sierra Leone	8 September 2000	15 May 2002
Singapore	7 September 2000	
Slovakia	30 November 2001	
Slovenia	8 September 2000	
South Africa	8 February 2002	
Spain	6 September 2000	8 March 2002

<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of instrument of ratification/accession</u>
Sri Lanka	21 August 2000	8 September 2000
Sudan	9 May 2002	
Suriname	10 May 2002	
Sweden	8 June 2000	
Switzerland	7 September 2000	
The former Yugoslav Republic of Macedonia	17 July 2001	
Togo	15 November 2001	
Tunisia	22 April 2002	
Turkey	8 September 2000	
Uganda		6 May 2002 ^a
Ukraine	7 September 2000	
United Kingdom of Great Britain and Northern Ireland	7 September 2000	
United States of America	5 July 2000	
Uruguay	7 September 2000	
Venezuela	7 September 2000	
Viet Nam	8 September 2000	20 December 2001
Yugoslavia	8 October 2001	

^a Accession.

Annex III

**STATES WHICH HAVE SIGNED (103) OR RATIFIED OR ACCEDED
TO (33) THE OPTIONAL PROTOCOL TO THE CONVENTION ON
THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN,
CHILD PROSTITUTION AND CHILD PORNOGRAPHY AS
AT 7 JUNE 2002
(entered into force on 18 January 2002)**

<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of instrument of ratification/accession</u>
Andorra	7 September 2000	30 April 2001
Antigua and Barbuda	18 December 2001	30 April 2002
Argentina	1 April 2002	
Australia	18 December 2001	
Austria	6 September 2000	
Azerbaijan	8 September 2000	
Bangladesh	6 September 2000	6 September 2000
Belarus		23 January 2002 ^a
Belgium	6 September 2000	
Belize	6 September 2000	
Benin	22 February 2001	
Bolivia	10 November 2001	
Bosnia and Herzegovina	7 September 2000	
Brazil	6 September 2000	
Bulgaria	8 June 2001	12 February 2002
Burkina Faso	16 November 2001	
Cambodia	27 June 2000	30 May 2002
Cameroon	5 October 2001	
Canada	10 November 2001	
Cape Verde		10 May 2002 ^a
Chad	8 May 2002	
Chile	28 June 2000	
China	6 September 2000	
Colombia	6 September 2000	
Costa Rica	7 September 2000	9 April 2002

<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of instrument of ratification/accession</u>
Croatia	8 May 2002	13 May 2002
Cuba	13 October 2000	25 September 2001
Cyprus	8 February 2001	
Democratic Republic of the Congo		11 November 2001 ^a
Denmark	7 September 2000	
Ecuador	6 September 2000	
Finland	7 September 2000	
France	6 September 2000	
Gabon	8 September 2000	
Gambia	21 December 2000	
Germany	6 September 2000	
Greece	7 September 2000	
Guatemala	7 September 2000	9 May 2002
Guinea-Bissau	8 September 2000	
Holy See	10 October 2000	24 October 2001
Honduras		8 May 2002 ^a
Hungary	11 March 2002	
Iceland	7 September 2000	9 July 2001
Indonesia	24 September 2001	
Ireland	7 September 2000	
Israel	14 November 2001	
Italy	6 September 2000	9 May 2002
Jamaica	8 September 2000	
Japan	10 May 2002	
Jordan	6 September 2000	
Kazakhstan	6 September 2000	24 August 2001
Kenya	8 September 2000	
Latvia	1 February 2002	
Lebanon	10 October 2001	
Lesotho	6 September 2000	
Liechtenstein	8 September 2000	
Luxembourg	8 September 2000	
Madagascar	7 September 2000	
Malawi	7 September 2000	
Maldives	10 May 2002	10 May 2002

<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of instrument of ratification/accession</u>
Mali		16 May 2002 ^a
Malta	7 September 2000	
Mauritius	11 November 2001	
Mexico	7 September 2000	15 March 2002
Micronesia (Federated States of)	8 May 2002	
Monaco	26 June 2000	
Mongolia	12 November 2001	
Morocco	8 September 2000	2 October 2001
Namibia	8 September 2000	16 April 2002
Nauru	8 September 2000	
Nepal	8 September 2000	
Netherlands	7 September 2000	
New Zealand	7 September 2000	
Niger	27 March 2002	
Nigeria	8 September 2000	
Norway	13 June 2000	2 October 2001
Pakistan	26 September 2001	
Panama	31 October 2000	9 February 2001
Paraguay	13 September 2000	
Peru	1 November 2000	8 May 2002
Philippines	8 September 2000	
Poland	13 February 2002	
Portugal	6 September 2000	
Qatar		14 December 2001 ^a
Republic of Korea	6 September 2000	
Republic of Moldova	8 February 2002	
Romania	6 September 2000	18 October 2001
Rwanda		14 March 2002 ^a
San Marino	5 June 2000	
Senegal	8 September 2000	
Seychelles	23 January 2001	
Sierra Leone	8 September 2000	17 September 2001
Slovakia	30 November 2001	
Slovenia	8 September 2000	
Spain	6 September 2000	18 December 2001

<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of instrument of ratification/accession</u>
Sri Lanka	8 May 2002	
Suriname	10 May 2002	
Sweden	8 September 2000	
Switzerland	7 September 2000	
The former Yugoslav Republic of Macedonia	17 July 2001	
Togo	15 November 2001	
Tunisia	22 April 2002	
Turkey	8 September 2000	
Uganda		30 November 2001
Ukraine	7 September 2000	
United Kingdom of Great Britain and Northern Ireland	7 September 2000	
United States of America	5 July 2000	
Uruguay	7 September 2000	
Venezuela	7 September 2000	8 May 2002
Viet Nam	8 September 2000	20 December 2001
Yugoslavia	8 October 2001	

^a Accession.

Annex IV

MEMBERSHIP OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

<u>Name of member</u>	<u>Country of nationality</u>
Mr. Ibrahim Abdul Aziz AL-SHEDDI**	Saudi Arabia
Ms. Ghalia Mohd Bin Hamad AL-THANI**	Qatar
Ms. Saisuree CHUTIKUL**	Thailand
Mr. Luigi CITARELLA**	Italy
Mr. Jacob Egbert DOEK*	Netherlands
Ms. Amina Hamza EL GUINDI*	Egypt
Ms. Judith KARP*	Israel
Ms. Awa N'Deye OUEDRAOGO*	Burkina Faso
Ms. Marilia SARDENBERG**	Brazil
Ms. Elisabeth TIGERSTEDT-TÄHTELÄ*	Finland

* Term expires on 28 February 2003.

** Term expires on 28 February 2005.

Annex V

**LIST OF INITIAL AND SECOND PERIODIC REPORTS
CONSIDERED BY THE COMMITTEE ON THE RIGHTS
OF THE CHILD AS AT 7 JUNE 2002**

	<u>State party reports</u>	<u>Observations adopted by the Committee</u>
<u>Third session</u> (January 1993)		
Bolivia	CRC/C/3/Add.2	CRC/C/15/Add.1
Sweden	CRC/C/3/Add.1	CRC/C/15/Add.2
Viet Nam	CRC/C/3/Add.4 and 21	CRC/C/15/Add.3
Russian Federation	CRC/C/3/Add.5	CRC/C/15/Add.4
Egypt	CRC/C/3/Add.6	CRC/C/15/Add.5
Sudan	CRC/C/3/Add.3	CRC/C/15/Add.6 (preliminary)
<u>Fourth session</u> (September-October 1993)		
Indonesia	CRC/C/3/Add.10	CRC/C/15/Add.7 (preliminary)
Peru	CRC/C/3/Add.7	CRC/C/15/Add.8
El Salvador	CRC/C/3/Add.9 and 28	CRC/C/15/Add.9
Sudan	CRC/C/3/Add.3 and 20	CRC/C/15/Add.10
Costa Rica	CRC/C/3/Add.8	CRC/C/15/Add.11
Rwanda	CRC/C/8/Add.1	CRC/C/15/Add.12 (preliminary)
<u>Fifth session</u> (January 1994)		
Mexico	CRC/C/3/Add.11	CRC/C/15/Add.13
Namibia	CRC/C/3/Add.12	CRC/C/15/Add.14
Colombia	CRC/C/8/Add.3	CRC/C/15/Add.15 (preliminary)
Romania	CRC/C/3/Add.16	CRC/C/15/Add.16
Belarus	CRC/C/3/Add.14	CRC/C/15/Add.17

State party reportsObservations adopted
by the CommitteeSixth session
(April 1994)

Pakistan	CRC/C/3/Add.13	CRC/C/15/Add.18
Burkina Faso	CRC/C/3/Add.19	CRC/C/15/Add.19
France	CRC/C/3/Add.15	CRC/C/15/Add.20
Jordan	CRC/C/8/Add.4	CRC/C/15/Add.21
Chile	CRC/C/3/Add.18	CRC/C/15/Add.22
Norway	CRC/C/8/Add.7	CRC/C/15/Add.23

Seventh session
(September-October 1994)

Honduras	CRC/C/3/Add.17	CRC/C/15/Add.24
Indonesia	CRC/C/3/Add.10 and 26	CRC/C/15/Add.25
Madagascar	CRC/C/8/Add.5	CRC/C/15/Add.26
Paraguay	CRC/C/3/Add.22	CRC/C/15/Add.27 (preliminary)
Spain	CRC/C/8/Add.6	CRC/C/15/Add.28
Argentina	CRC/C/8/Add.2 and 17	CRC/C/15/Add.35 (adopted at the eighth session)

Eighth session
(January 1995)

Philippines	CRC/C/3/Add.23	CRC/C/15/Add.29
Colombia	CRC/C/8/Add.3	CRC/C/15/Add.30
Poland	CRC/C/8/Add.11	CRC/C/15/Add.31
Jamaica	CRC/C/8/Add.12	CRC/C/15/Add.32
Denmark	CRC/C/8/Add.8	CRC/C/15/Add.33
United Kingdom of Great Britain and Northern Ireland	CRC/C/11/Add.1	CRC/C/15/Add.34

Ninth session
(May-June 1995)

Nicaragua	CRC/C/3/Add.25	CRC/C/15/Add.36
Canada	CRC/C/11/Add.3	CRC/C/15/Add.37
Belgium	CRC/C/11/Add.4	CRC/C/15/Add.38
Tunisia	CRC/C/11/Add.2	CRC/C/15/Add.39
Sri Lanka	CRC/C/8/Add.13	CRC/C/15/Add.40

	<u>State party reports</u>	<u>Observations adopted by the Committee</u>
<u>Tenth session</u> (October-November 1995)		
Italy	CRC/C/8/Add.18	CRC/C/15/Add.41
Ukraine	CRC/C/8/Add.10/Rev.1	CRC/C/15/Add.42
Germany	CRC/C/11/Add.5	CRC/C/15/Add.43
Senegal	CRC/C/3/Add.31	CRC/C/15/Add.45
Portugal	CRC/C/3/Add.30	CRC/C/15/Add.46
Holy See	CRC/C/3/Add.27	CRC/C/15/Add.47
<u>Eleventh session</u> (January 1996)		
Yemen	CRC/C/8/Add.20	CRC/C/15/Add.47
Mongolia	CRC/C/3/Add.32	CRC/C/15/Add.48
Yugoslavia	CRC/C/8/Add.26	CRC/C/15/Add.49
Iceland	CRC/C/11/Add.6	CRC/C/15/Add.50
Republic of Korea	CRC/C/8/Add.21	CRC/C/15/Add.51
Croatia	CRC/C/8/Add.19	CRC/C/15/Add.52
Finland	CRC/C/8/Add.22	CRC/C/15/Add.53
<u>Twelfth session</u> (May-June 1996)		
Lebanon	CRC/C/18/Add.23	CRC/C/15/Add.54
Zimbabwe	CRC/C/3/Add.35	CRC/C/15/Add.55
China	CRC/C/11/Add.7	CRC/C/15/Add.56
Nepal	CRC/C/3/Add.34	CRC/C/15/Add.57
Guatemala	CRC/C/3/Add.33	CRC/C/15/Add.58
Cyprus	CRC/C/8/Add.24	CRC/C/15/Add.59
<u>Thirteenth session</u> (September-October 1996)		
Morocco	CRC/C/28/Add.1	CRC/C/15/Add.60
Nigeria	CRC/C/8/Add.26	CRC/C/15/Add.61
Uruguay	CRC/C/3/Add.37	CRC/C/15/Add.62
United Kingdom (Hong Kong)	CRC/C/11/Add.9	CRC/C/15/Add.63
Mauritius	CRC/C/3/Add.36	CRC/C/15/Add.64
Slovenia	CRC/C/8/Add.25	CRC/C/15/Add.65

State party reportsObservations adopted
by the CommitteeFourteenth session
(January 1997)

Ethiopia	CRC/C/8/Add.27	CRC/C/15/Add.66
Myanmar	CRC/C/8/Add.9	CRC/C/15/Add.67
Panama	CRC/C/8/Add.28	CRC/C/15/Add.68
Syrian Arab Republic	CRC/C/28/Add.2	CRC/C/15/Add.69
New Zealand	CRC/C/28/Add.3	CRC/C/15/Add.70
Bulgaria	CRC/C/8/Add.29	CRC/C/15/Add.71

Fifteenth session
(May-June 1997)

Cuba	CRC/C/8/Add.30	CRC/C/15/Add.72
Ghana	CRC/C/3/Add.39	CRC/C/15/Add.73
Bangladesh	CRC/C/3/Add.38 and 49	CRC/C/15/Add.74
Paraguay	CRC/C/3/Add.22 and 47	CRC/C/15/Add.75
Algeria	CRC/C/28/Add.4	CRC/C/15/Add.76
Azerbaijan	CRC/C/11/Add.8	CRC/C/15/Add.77

Sixteenth session
(September-October 1997)

Lao People's Democratic Republic	CRC/C/8/Add.32	CRC/C/15/Add.78
Australia	CRC/C/8/Add.31	CRC/C/15/Add.79
Uganda	CRC/C/3/Add.40	CRC/C/15/Add.80
Czech Republic	CRC/C/11/Add.11	CRC/C/15/Add.81
Trinidad and Tobago	CRC/C/11/Add.10	CRC/C/15/Add.82
Togo	CRC/C/3/Add.42	CRC/C/15/Add.83

Seventeenth session
(January 1998)

Libyan Arab Jamahiriya	CRC/C/28/Add.6	CRC/C/15/Add.84
Ireland	CRC/C/11/Add.12	CRC/C/15/Add.85
Micronesia (Federated States of)	CRC/C/28/Add.5	CRC/C/15/Add.86

	<u>State party reports</u>	<u>Observations adopted by the Committee</u>
<u>Eighteenth session</u> (May-June 1998)		
Hungary	CRC/C/8/Add.34	CRC/C/15/Add.87
Democratic People's Republic of Korea	CRC/C/3/Add.41	CRC/C/15/Add.88
Fiji	CRC/C/28/Add.7	CRC/C/15/Add.89
Japan	CRC/C/41/Add.1	CRC/C/15/Add.90
Maldives	CRC/C/8/Add.33 and 37	CRC/C/15/Add.91
Luxembourg	CRC/C/41/Add.2	CRC/C/15/Add.92
<u>Nineteenth session</u> (September-October 1998)		
<u>Initial reports</u>		
Ecuador	CRC/C/3/Add.44	CRC/C/15/Add.93
Iraq	CRC/C/41/Add.3	CRC/C/15/Add.94
Thailand	CRC/C/11/Add.13	CRC/C/15/Add.96
Kuwait	CRC/C/8/Add.35	CRC/C/15/Add.97
<u>Second periodic reports</u>		
Bolivia	CRC/C/65/Add.1	CRC/C/15/Add.95
<u>Twentieth session</u> (January 1999)		
<u>Initial reports</u>		
Austria	CRC/C/11/Add.14	CRC/C/15/Add.98
Belize	CRC/C/3/Add.46	CRC/C/15/Add.99
Guinea	CRC/C/3/Add.48	CRC/C/15/Add.100
<u>Second periodic reports</u>		
Sweden	CRC/C/65/Add.3	CRC/C/15/Add.101
Yemen	CRC/C/70/Add.1	CRC/C/15/Add.102

State party reportsObservations adopted
by the CommitteeTwenty-first session
(17 May-4 June 1999)Initial reports

Barbados	CRC/C/3/Add.45	CRC/C/15/Add.103
St. Kitts and Nevis	CRC/C/3/Add.51	CRC/C/15/Add.104
Benin	CRC/C/3/Add.52	CRC/C/15/Add.106
Chad	CRC/C/3/Add.50	CRC/C/15/Add.107

Second periodic reports

Honduras	CRC/C/65/Add.2	CRC/C/15/Add.105
Nicaragua	CRC/C/65/Add.4	CRC/C/15/Add.108

Twenty-second session
(20 September-
8 October 1999)Initial reports

Venezuela	CRC/C/3/Add.54 and 59	CRC/C/15/Add.109
Vanuatu	CRC/C/28/Add.8	CRC/C/15/Add.111
Mali	CRC/C/3/Add.53	CRC/C/15/Add.113
Netherlands	CRC/C/51/Add.1	CRC/C/15/Add.114

Second periodic reports

Russian Federation	CRC/C/65/Add.5	CRC/C/15/Add.10
Mexico	CRC/C/65/Add.6	CRC/C/15/Add.112

Twenty-third session
(10-28 January 2000)Initial reports

India	CRC/C/28/Add.10	CRC/C/15/Add.115
Sierra Leone	CRC/C/3/Add.43	CRC/C/15/Add.116
The former Yugoslav Republic of Macedonia	CRC/C/8/Add.36	CRC/C/15/Add.118
South Africa	CRC/C/51/Add.2	CRC/C/15/Add.122
Armenia	CRC/C/28/Add.9	CRC/C/15/Add.119
Grenada	CRC/C/3/Add.55	CRC/C/15/Add.121

	<u>State party reports</u>	<u>Observations adopted by the Committee</u>
	<u>Second periodic reports</u>	
Peru	CRC/C/65/Add.8	CRC/C/15/Add.120
Costa Rica	CRC/C/65/Add.7	CRC/C/15/Add.117

Twenty-fourth session
(15 May-2 June 2000)

	<u>Initial reports</u>	
Iran (Islamic Republic of)	CRC/C/41/Add.5	CRC/C/15/Add.123
Georgia	CRC/C/41/Add.4/Rev.1	CRC/C/15/Add.124
Kyrgyzstan	CRC/C/41/Add.6	CRC/C/15/Add.127
Cambodia	CRC/C/11/Add.16	CRC/C/15/Add.128
Malta	CRC/C/3/Add.56	CRC/C/15/Add.129
Suriname	CRC/C/28/Add.11	CRC/C/15/Add.130
Djibouti	CRC/C/8/Add.39	CRC/C/15/Add.131

	<u>Second periodic reports</u>	
Jordan	CRC/C/70/Add.4	CRC/C/15/Add.125
Norway	CRC/C/70/Add.2	CRC/C/15/Add.126

Twenty-fifth session
(18 September-
6 October 2000)

	<u>Initial reports</u>	
Burundi	CRC/C/3/Add.58	CRC/C/15/Add.133
United Kingdom of Great Britain and Northern Ireland (Isle of Man)	CRC/C/11/Add.19 and Corr.1	CRC/C/15/Add.134
United Kingdom of Great Britain and Northern Ireland (Overseas Territories)	CRC/C/41/Add.7 and 9	CRC/C/15/Add.135
Tajikistan	CRC/C/28/Add.14	CRC/C/15/Add.136
Central African Republic	CRC/C/11/Add.18	CRC/C/15/Add.138
Marshall Islands	CRC/C/32/Add.12	CRC/C/15/Add.139
Slovakia	CRC/C/11/Add.17	CRC/C/15/Add.140
Comoros	CRC/C/28/Add.13	CRC/C/15/Add.141

State party reportsObservations adopted
by the CommitteeSecond periodic reports

Finland	CRC/C/70/Add.3	CRC/C/15/Add.132
Colombia	CRC/C/70/Add.5	CRC/C/15/Add.137

Twenty-sixth session
(8-26 January 2001)Initial reports

Latvia	CRC/C/11/Add.22	CRC/C/15/Add.142
Liechtenstein	CRC/C/61/Add.1	CRC/C/15/Add.143
Lithuania	CRC/C/11/Add.21	CRC/C/15/Add.146
Lesotho	CRC/C/11/Add.20	CRC/C/15/Add.147
Saudi Arabia	CRC/C/61/Add.2	CRC/C/15/Add.148
Palau	CRC/C/51/Add.3	CRC/C/15/Add.149
Dominican Republic	CRC/C/8/Add.40 and 44	CRC/C/15/Add.150

Second periodic reports

Ethiopia	CRC/C/70/Add.7	CRC/C/15/Add.144
Egypt	CRC/C/65/Add.9	CRC/C/15/Add.145

Twenty-seventh session
(21 May-8 June 2001)Initial reports

Turkey	CRC/C/51/Add.4	CRC/C/15/Add.152
Democratic Republic of the Congo	CRC/C/3/Add.57	CRC/C/15/Add.153
Côte d'Ivoire	CRC/C/8/Add.41	CRC/C/15/Add.155
United Republic of Tanzania	CRC/C/8/Add.14/Rev.1	CRC/C/15/Add.156
Bhutan	CRC/C/3/Add.60	CRC/C/15/Add.157
Monaco	CRC/C/28/Add.15	CRC/C/15/Add.158

Second periodic reports

Denmark	CRC/C/70/Add.6	CRC/C/15/Add.151
Guatemala	CRC/C/65/Add.10	CRC/C/15/Add.154

State party reports

Observations adopted
by the Committee

Twenty-eighth session
(24 September-
12 October 2001)

Initial reports

Mauritania	CRC/C/8/Add.42	CRC/C/15/Add.159
Kenya	CRC/C/3/Add.62	CRC/C/15/Add.160
Oman	CRC/C/78/Add.1	CRC/C/15/Add.161
Qatar	CRC/C/51/Add.5	CRC/C/15/Add.163
Cameroon	CRC/C/28/Add.16	CRC/C/15/Add.164
Gambia	CRC/C/3/Add.61	CRC/C/15/Add.165
Uzbekistan	CRC/C/41/Add.8	CRC/C/15/Add.167
Cape Verde	CRC/C/11/Add.23	CRC/C/15/Add.168

Second periodic reports

Portugal	CRC/C/65/Add.11	CRC/C/15/Add.162
Paraguay	CRC/C/65/Add.12	CRC/C/15/Add.166

Twenty-ninth session
(14 January-
1 February 2002)

Initial reports

Greece	CRC/C/28/Add.17	CRC/C/15/Add.170
Gabon	CRC/C/41/Add.10	CRC/C/15/Add.171
Mozambique	CRC/C/41/Add.11	CRC/C/15/Add.172
Andorra	CRC/C/61/Add.3	CRC/C/15/Add.176
Malawi	CRC/C/8/Add.43	CRC/C/15/Add.174
Bahrain	CRC/C/11/Add.24	CRC/C/15/Add.175

Second periodic reports

Lebanon	CRC/C/70/Add.8	CRC/C/15/Add.169
Chile	CRC/C/65/Add.13	CRC/C/15/Add.173

State party reportsObservations adopted
by the Committee

Thirtieth session
(21 May-7 June 2002)

Initial reports

Guinea-Bissau	CRC/C/3/Add.63	CRC/C/15/Add.177
Niger	CRC/C/3/Add.29/Rev.1	CRC/C/15/Add.179
Switzerland	CRC/C/78/Add.3	CRC/C/15/Add.182
United Arab Emirates	CRC/C/78/Add.2	CRC/C/15/Add.183
St. Vincent and the Grenadines	CRC/C/28/Add.18	CRC/C/15/Add.184
Netherlands (Netherlands Antilles)	CRC/C/61/Add.4	CRC/C/15/Add.186

Second periodic reports

Belgium	CRC/C/83/Add.2	CRC/C/15/Add.178
Belarus	CRC/C/65/Add.15	CRC/C/15/Add.180
Tunisia	CRC/C/83/Add.1	CRC/C/15/Add.181
Spain	CRC/C/70/Add.9	CRC/C/15/Add.185

Annex VI

**PROVISIONAL LIST OF REPORTS SCHEDULED FOR CONSIDERATION AT
THE COMMITTEE'S THIRTY-FIRST AND THIRTY-SECOND SESSIONS**

Thirty-first session
(16 September-
4 October 2002)

Initial reports

Republic of Moldova	CRC/C/28/Add.19
Israel	CRC/C/8/Add.44
Seychelles	CRC/C/3/Add.64

Second periodic reports

United Kingdom of Great Britain and Northern Ireland	CRC/C/83/Add.3
Poland	CRC/C/70/Add.12
Ukraine	CRC/C/70/Add.11
Sudan	CRC/C/65/Add.17
Argentina	CRC/C/70/Add.10
Burkina Faso	CRC/C/65/Add.18

Thirty-second session
(13-31 January 2003)

Initial reports

Solomon Islands	CRC/C/51/Add.6
Haiti	CRC/C/8/Add.45
Estonia	CRC/C/8/Add.45

Second periodic reports

Romania	CRC/C/65/Add.19
Czech Republic	CRC/C/83/Add.4
Italy	CRC/C/70/Add.13
Iceland	CRC/C/83/Add.5
Republic of Korea	CRC/C/70/Add.14
Viet Nam	CRC/C/65/Add.20