



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the second periodic report of Barbados\*

#### I. Introduction

1. The Committee considered the second periodic report of Barbados (CRC/C/BRB/2) at its 2164th and 2166th meetings (see CRC/C/SR.2164 and 2166), held on 17 and 18 January 2017, and adopted the present concluding observations at its 2193rd meeting, held on 3 February 2017.

2. The Committee welcomes the submission of the second periodic report of the State party, albeit delayed, and the written replies to the list of issues (CRC/C/BRB/Q/2/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

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

3. The Committee welcomes the progress achieved by the State party in various areas, including the ratification in 2013 of the Convention on the Rights of Persons with Disabilities and the adoption of a number of new legislative acts and institutional and policy measures related to children's rights since its last review. It also welcomes the significant progress made in the areas of the health and education of children, in particular the reduction in child and infant mortality rates and the increase in the enrolment rates in primary and secondary schools.

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

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

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

4. **The Committee recommends that the State party take all necessary measures to address its previous recommendations of 1999 (CRC/C/15/Add.103) which have not been implemented or not sufficiently implemented.**

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



### Legislation

5. The Committee appreciates the State party's ongoing efforts to reform national legislation pertaining to the rights of the child. It is, however, concerned at the delay in the adoption of the new legislation and that some parts of the State party's legislation remain to be harmonized with the Convention, in particular, legislation related to the definition of the child, administration of juvenile justice, violence against children and custody.

**6. The Committee urges the State party to expedite the adoption of the proposed legislative amendments concerning children and revise the relevant administrative regulations and protocols, while ensuring that the laws concerning children are rights-based and in full conformity with the Convention.**

### Comprehensive policy and strategy

7. While noting the adoption of the National Youth Policy in 2011, the Committee is concerned at the lack of a comprehensive policy to specifically promote and protect children's rights.

**8. The Committee recommends that the State party develop a comprehensive policy on children that encompasses all areas covered by the Convention and, on the basis of that policy, develop a strategy for its application that is supported by sufficient human, technical and financial resources.**

### Coordination

9. While noting the establishment of a national monitoring committee on the rights of children, the Committee is seriously concerned at the insufficient coordination of all activities relating to the implementation of the Convention at the cross-sectoral, national and local levels.

**10. The Committee recommends that the State party establish an appropriate coordinating body at the interministerial level, with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention at the cross-sectoral, national and local levels. The State party should ensure that the coordinating body is provided with the necessary human, technical and financial resources for its effective operation.**

### Allocation of resources

11. The Committee takes note of the use of a programme-based budget and of the systematic evaluation of expenditures by semester. Nevertheless, it is concerned that there are no specific budgetary allocations for implementation of all the provisions of the Convention. The Committee is also concerned at the lack of assessment of the effectiveness, efficiency and equity of the budget.

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

(a) **Conduct a comprehensive assessment of budget needs and allocate in a transparent manner funds to progressively address the disparities in indicators related to all children's rights;**

(b) **Ensure transparent and participatory budgeting through public dialogue, especially with children, and for the proper accountability of local authorities;**

(c) **Define budgetary lines for children in disadvantaged or vulnerable situations who may require affirmative social measures and make sure that those budgetary lines are protected, even in situations of economic crisis, natural disasters or other emergencies;**

(d) **Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability with which resources are allocated to the implementation of the Convention.**

### Data collection

13. While appreciating a noticeable development with regard to improving the collection of data on the situation of children, in cooperation with United Nations agencies, the Committee is concerned that the collection of data on the status of children's rights remains weak, including in the areas of education, trafficking and juvenile justice, and does not allow for disaggregation and analysis.

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

(a) **Expediently improve its system of collecting data on all aspects of children's rights up to the age of 18. The data should cover all areas of the Convention and should be disaggregated by age, sex, disability, geographic location and ethnic origin, in order to facilitate analysis of the situation of all children, particularly those in situations of vulnerability;**

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

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

(d) **Strengthen its technical cooperation with, among others, the United Nations Children's Fund (UNICEF) and regional mechanisms.**

### Independent monitoring

15. The Committee expresses its concern at the lack of progress in establishing a specific desk for children within the existing Office of the Ombudsman, as previously recommended by the Committee (see CRC/C/15/Add.103, para. 9). The Committee is also concerned that the possibility for children to submit complaints and obtain redress remains very limited in the State party.

16. **In the light of its general comment No. 2 (2002) on the role of independent human rights institutions in the promotion and protection of the rights of the child and the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), the Committee recommends that the State party:**

(a) **Take measures to expediently establish a specific mechanism for monitoring children's rights, either within the Office of the Ombudsman or separately, that is able to receive, investigate and address complaints from children in a child-sensitive manner;**

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

### Dissemination, awareness-raising and training

17. While recognizing various awareness-raising activities conducted by the State party in cooperation with UNICEF to disseminate information on children's rights, the Committee remains concerned at the general lack of knowledge of and compliance with children's rights.

18. **The Committee recommends that the State party strengthen its awareness-raising programmes on the Convention, including through greater media engagement, in a child-friendly manner, promoting the active involvement of children themselves in public outreach activities and ensuring targeted measures for parents, social workers, teachers and law enforcement officials.**

## **B. Definition of the child**

19. The Committee is concerned that although the minimum age of marriage is 18 years, children may still be married from the age of 16 with the consent of their parents.

20. **The Committee recommends that the State party amend its Family Law Act to remove any exception to the minimum age of marriage, which is set at 18 years.**

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

### **Non-discrimination**

21. While the Committee notes that the Constitution provides for non-discrimination on the grounds of race, place of origin, political opinions, colour, creed or sex, it is concerned at the persistent discrimination against migrant children and children with disabilities.

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

(a) **Consider amending section 23 of the Constitution to include a reference to discrimination on the basis of nationality or other status, in line with article 2 of the Convention;**

(b) **Ensure the full implementation of the relevant existing laws prohibiting discrimination, including by strengthening public education campaigns to address negative social attitudes towards migrant children and children with disabilities.**

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

23. The Committee notes that the principle of the best interests of the child is enshrined in some of the State party's legislation and the information provided by the delegation that it will be further incorporated through the ongoing legislative reform. However, the Committee is concerned that it will still not be an overarching rule to be applied in all areas of the law. It is further concerned that this rule will not be adequately implemented in practice, owing to the absence of any mechanism to determine and assess the best interests of the child where children's interests are at stake. The Committee is also concerned that, in cases of divorce or separation, there is no specific mechanism to protect the best interests of the child.

24. **In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to and have an impact on children. In that regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving the principle interests of the best interests of the child due weight as a primary consideration, including in cases of family break-up.**

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

25. The Committee notes with appreciation the progress made in establishing mechanisms for students to voice their views at school through student councils. The Committee is still concerned, however, at the limited recognition of the right of the child to be heard in the legislation and the absence of general mechanisms for the exercise of the right to be heard.

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

(a) **Take measures to ensure the effective implementation of legislation recognizing the right of the child to be heard in relevant legal proceedings, including**

by establishing systems and/or procedures for social workers and courts to comply with that principle;

(b) **Conduct research to identify the issues that are most important to children, hear their views on those issues, find out how well their voices are heard in family decisions affecting their lives and the channels through which they currently and potentially have the most influence on national and local decision-making;**

(c) **Develop toolkits to standardize public consultations on national policy development and ensure a high level of inclusiveness and participation in such consultations, including consulting children on issues that affect them;**

(d) **Conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family, community and schools, including within student council bodies, with particular attention paid to children in vulnerable situations.**

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

##### **Civil rights and freedoms**

27. While noting the information on the initiatives taken by the State party to combat negative traditional stereotypes regarding the role of children and ensure their civil rights and freedoms, the Committee remains concerned about insufficient legislative measures to enhance that process and accept children fully as subjects of rights.

28. **With reference to its previous recommendation (see CRC/C/15/Add.103, para. 18), the Committee urges the State party to take further legislative and other measures to guarantee the full enjoyment of civil rights and freedoms by every child.**

##### **Nationality**

29. The Committee welcomes the commitment made by the State party during the universal periodic review in 2013 to amend national legislation to reflect the fact that any child born outside the State party to a citizen is entitled to citizenship by descent. However, the Committee is concerned that the Constitution and Citizenship Act contain provisions that discriminate on the basis of the gender and marital status of the parents and do not fully safeguard against children being stateless.

30. **Taking into account target 16.9 of the Sustainable Development Goals on providing legal identity for all, including birth registration, the Committee recommends that the State party amend its Citizenship Act and establish safeguards to prevent children from being stateless. It also recommends that the State party consider withdrawing its reservation to the Convention relating to the Status of Stateless Persons and consider ratifying the Convention on the Reduction of Statelessness.**

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

##### **Corporal punishment**

31. While welcoming the promotion of positive forms of discipline through awareness-raising and training programmes, in cooperation with UNICEF, the Committee remains deeply concerned that corporal punishment is lawful and widely used in homes and schools, and legally allowed in institutions as punishment in the case of children who commit criminal offences.

32. **In the light of its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to:**

(a) **Explicitly prohibit in legislation corporal punishment in all settings, including at home, in schools and in the justice system, without any exception;**

- (b) **Ensure that the prohibition of corporal punishment is adequately monitored and enforced;**
- (c) **Continue promoting positive, non-violent and participatory forms of child-rearing and discipline, strengthen teacher training on positive discipline and ensure that behaviour management guidelines are part of teacher training programmes;**
- (d) **Establish a complaints mechanism in schools so that children can safely and confidentially report teachers who continue to use corporal punishment;**
- (e) **Ensure that offenders are brought before the competent administrative and judicial authorities;**
- (f) **Conduct awareness-raising programmes, including campaigns, training sessions and other activities to promote a change in the mindset on corporal punishment in all settings.**

#### **Abuse and neglect**

33. The Committee notes with appreciation the recent amendment to the Domestic Violence Act and the “Break the silence” campaign, campaigns run by Parent Education for Development in Barbados to prevent child abuse and neglect and the recently established Family Conflict Unit within the Royal Barbados Police Force. However, it is concerned that the level of child abuse remains high and abuse is widespread in the State party. While noting the efforts of the State party to develop protocols and establish procedures and mechanisms to receive, monitor and investigate cases of child abuse and neglect, the Committee is concerned that they are still pending consideration and approval. The Committee is also concerned that the resources available to the Child Care Board are not sufficient to allow it to carry out its wide scope of work efficiently in local communities.

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

- (a) **Establish a national database on all cases of domestic violence against children and undertake a comprehensive assessment of the extent, causes and nature of such violence;**
- (b) **Encourage community-based programmes aimed at preventing and tackling domestic violence, child abuse and neglect, including by involving former victims, volunteers and community members, and providing training support to them;**
- (c) **Ensure that the Child Care Board is provided with sufficient human, technical and financial resources for its effective operation;**
- (d) **Further strengthen awareness-raising and education programmes, including campaigns with the involvement of children, in order to formulate a comprehensive strategy for preventing and combating child abuse.**

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

35. The Committee remains concerned that the State party’s legislation does not provide strong protection against child sexual abuse. It is further concerned at the absence of a comprehensive policy to address the sexual exploitation of children.

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

- (a) **Adopt appropriate laws that clearly and explicitly define and prohibit child sexual abuse and exploitation;**
- (b) **Initiate a prompt, efficient, effective and child-friendly system for the mandatory reporting of cases of child sexual abuse and exploitation in the home, in schools, in institutions or in other settings, investigate and prosecute all reports and**

**allegations of child sexual abuse and exploitation, and punish perpetrators by handing down sentences commensurate with the gravity of the crime;**

(c) **Conduct awareness-raising activities to combat the stigmatization of victims of sexual exploitation and abuse, including incest;**

(d) **Ensure the development of programmes and policies for the prevention of abuse and the recovery and social reintegration of child victims.**

#### **Helplines**

37. The Committee is concerned that the State party has not established a free-of-charge helpline service accessible for children at the national level.

38. **The Committee recommends that the State party ensure the establishment of a regionally harmonized three-digit 24-hour helpline free of charge, available to all children at the national level.**

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

#### **Family environment**

39. The Committee notes with appreciation the ongoing reform in the area of family law and the State party's efforts to establish a unified family court. However, it is concerned at the lack of protection for children in cases of cross-border child-related family disputes.

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

(a) **Expedite the ongoing reform process in the area of family law and the establishment of the family court;**

(b) **Consider ratifying the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children, the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance and the Protocol on the Law Applicable to Maintenance Obligations;**

(c) **Take all necessary measures to strengthen its international cooperation by concluding bilateral, multilateral and regional agreements on the protection of children in cases of cross-border child-related family disputes.**

#### **Children deprived of a family environment**

41. The Committee takes note of the State party's efforts in promoting family-type foster care for children deprived of a family environment. It is, however, concerned at the difficulties of recruiting foster parents for short-term and emergency placements, as well as for children with disabilities and those over the age of 10 years, resulting in the placement of children in institutions.

42. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee reiterates its previous recommendation that the State party:**

(a) **Strengthen its promotion and support for family-type alternative care for all children deprived of parental care without discrimination, and prioritize family-type care over institutional care;**

(b) **Ensure that adequate human, technical and financial resources, as well as medical, psychological and educational services, are allocated to alternative care centres and relevant child protection institutions, in order to facilitate to the greatest extent possible the rehabilitation and social reintegration of children resident therein.**

### Adoption

43. The Committee is concerned that the State party only practises closed adoption and the adopted child does not therefore have the right to know his or her biological parents.

44. **The Committee recommends that the State party ensure that its legislation guarantees the right of the adopted child to know his or her origins and biological parents.**

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

### Children with disabilities

45. The Committee notes with appreciation the adoption of the policy on persons with disabilities, the development of special curricula and individualized education plans, and the establishment of the first secondary school and vocational centre for adolescents with special needs. It is, however, concerned at the lack of information on the implementation of the policy, as well as on measures taken by the State party in relation to the assessment, prevention, early detection, intervention, treatment and rehabilitation of children with disabilities, their access to social services, inclusive education and funding available to support the programmes and policies.

46. **In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to:**

- (a) **Adopt a human rights-based approach to disability;**
- (b) **Set up a comprehensive strategy for the inclusion of children with disabilities;**
- (c) **Ensure effective implementation of the policy on persons with disabilities;**
- (d) **Strengthen its efforts to improve inclusive education and ensure that inclusive education is given priority over the placement of children in specialized institutions and classes;**
- (e) **Take immediate measures to ensure that children with disabilities have access to health care, including early detection and intervention programmes;**
- (f) **Train and assign specialized teachers and professionals in integrated classes, providing individual support and all due attention to children with learning difficulties;**
- (g) **Undertake awareness-raising campaigns aimed at government officials, the public and families, to combat the stigmatization of and prejudice against children with disabilities and promote a positive image of such children.**

### Adolescent health

47. The Committee remains concerned at the lack of access to sexual and reproductive health information and services, including modern contraception methods, by adolescent girls and the consequent high rate of teenage pregnancies and abortions, and transmission of HIV. The Committee is also concerned at the growing alcohol and drug consumption by children and adolescents in the State party.

48. **In the light of its general comment No. 4 (2003) on adolescent health and development in the context of the Convention, the Committee recommends that the State party:**

- (a) **Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention paid to preventing early pregnancy and sexually transmitted infections, including HIV;**



(b) **Develop and implement a policy to protect the rights of pregnant teenagers, adolescent mothers and their children and combat discrimination against them;**

(c) **Ensure adequate sexual and reproductive health services for adolescents, in particular access to modern contraception methods, including emergency contraception, as well as antenatal, delivery and postnatal care, safe abortion and post-abortion care, and a monitoring mechanism;**

(d) **Take measures to raise awareness of and foster responsible parenthood and sexual behaviour, with particular attention given to boys and men;**

(e) **Address the incidence of drug and alcohol consumption by children and adolescents by, inter alia, providing children and adolescents with accurate and objective information and life-skills education on preventing substance abuse, including tobacco and alcohol, and develop accessible and youth-friendly drug-dependence treatment and harm reduction services.**

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

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

49. The Committee welcomes efforts made by the State party to improve the enjoyment of the right to education. It is, however, concerned at the lack of information on dropout rates, in particular among girls, due to early pregnancy.

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

(a) **Undertake a study on children who drop out of school;**

(b) **Ensure that girls are not expelled from school because they are pregnant;**

(c) **Ensure the adoption and implementation of re-entry policies, enabling adolescent mothers to return to school after pregnancy.**

### **Early childhood development**

51. The Committee welcomes the information provided by the delegation about the recent opening of a new pre-primary facility in the State party. However, it is concerned that a significant number of babies and toddlers are still waiting to be enrolled in public nurseries. It is also concerned at the insufficient data on early childhood care and education, which limits analysis of the situation.

52. **Taking note of target 4.2 of the Sustainable Development Goals on ensuring that all girls and boys have access to quality early childhood development, care and pre-primary education, the Committee recommends that the State party further strengthen its efforts to improve access to quality early childhood care and education and collect disaggregated data on early childhood care.**

### **Human rights education**

53. **The Committee recommends that the State party develop a national plan of action for human rights education, including on children's rights, as recommended in the framework of the World Programme for Human Rights Education.**

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

### **Children in situations of migration**

54. The Committee is concerned that the constitutional protection from discrimination (section 23 (3) (a)) is not fully applicable to migrant children. It is also concerned that the amendment of the Education Act limits the award of bursaries, grants, awards and

scholarships to citizens of the State party and excludes migrant children even when they are legal residents.

**55. The Committee recommends that the State party consider extending constitutional protection to all children, including migrant children, in particular in the area of education.**

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

56. The Committee notes with serious concern that despite the ratification of the main International Labour Organization (ILO) conventions on child labour, the State party's legislation is not in line with international standards, as it does not establish a clear minimum age for children's work and does not prohibit the involvement of children in hazardous work. The Committee is also concerned at the lack of data on the extent of child labour in the State party, as well as at the weak mechanism of child labour inspection.

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

(a) **Harmonize the legislation on child labour with international standards, establish a clear minimum age for children's work, explicitly prohibit the employment of children under the age of 18 in hazardous work and establish a list of hazardous occupations;**

(b) **Develop a comprehensive framework of labour inspection, occupational health and safety standards and a system for collecting data on the extent of child labour in the State party;**

(c) **Further engage with international donors, agencies, civil society organizations and the business sector in order to combat child labour and the economic exploitation of children who are at risk of being engaged in the worst forms of child labour, particularly those in disadvantaged and marginalized situations;**

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

#### **Sale, trafficking and abduction**

58. The Committee notes with appreciation the establishment of a national task force for the prevention of trafficking in persons in 2012 and the adoption of the Transnational Organised Crime (Prevention and Control) Act in 2010, making trafficking in persons a criminal offence. It is, however, concerned at the high level of internal trafficking of children and that the State party is a source and destination country for children trafficked for labour and sexual exploitation. The Committee expresses its concern at the lack of information on the situation in general and at the lack of effective measures to address and prevent the abduction and sale of and trafficking in children.

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

(a) **Establish a mechanism for the comprehensive and systematic collection of data on the abduction and sale of and trafficking in children and ensure that the data are disaggregated by, inter alia, sex, age and ethnic origin, with particular attention paid to children living in the most vulnerable situations;**

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

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

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

60. The Committee notes the information provided by the State party on the current review of its juvenile justice system and the elaboration of the juvenile justice bill, as well as the removal of indeterminate detention "at Her Majesty's pleasure" and the review of the cases of children who are currently so detained. However, it remains deeply concerned that:

- (a) While the age of criminal responsibility has been raised to 11, it remains low;
- (b) Children older than 16 are not considered children by the juvenile justice system, are treated and tried as adults and therefore lack the protection afforded by the Convention;
- (c) In spite of the provisions of the Community Legal Services Act, children detained and/or convicted for criminal offences are not always represented by legal counsel in practice and parents can waive their children's right to legal counsel;
- (d) The juvenile justice system is focused on punishment rather than prevention and there are no legal provisions to ensure that deprivation of liberty is used as a last resort and for the shortest time possible;
- (e) Children can be sentenced to deprivation of liberty for long periods of time for status offences;
- (f) The Reformatory and Industrial Schools Act mixes children in conflict with the law and children in need of care and protection in a punishment-oriented institution and regime.

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

- (a) **Expedite the adoption of the new juvenile justice legislation and raise the minimum age of criminal responsibility in accordance with acceptable international standards;**
- (b) **Ensure that the new juvenile justice system is in line with the principles of the Convention and is applicable to all persons under the age of 18 years;**
- (c) **Ensure the provision of qualified and independent legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings;**
- (d) **Promote alternative measures to detention, such as diversion, probation, mediation, counselling or community service, wherever possible, and ensure that detention is used as a last resort only and for the shortest possible period of time and that it is reviewed on a regular basis, with a view to withdrawing it;**
- (e) **In cases where detention is unavoidable, ensure that children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services;**
- (f) **Remove status offences as a ground for deprivation of liberty of children;**
- (g) **Establish separate facilities for children in need of care and protection and for children deprived of their liberty, and ensure that those facilities are run by distinct specialized personnel and are governed by distinct specialized policies and practices.**

## **J. Ratification of the Optional Protocol to the Convention on a communications procedure**

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

## **K. Ratification of international human rights instruments**

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

(a) The Optional Protocol to the Convention on the involvement of children in armed conflict;

(b) The Optional Protocol to the Convention on the sale of children, child prostitution and child pornography;

(c) The International Convention for the Protection of All Persons from Enforced Disappearance;

(d) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(e) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol;

(f) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

## **L. Cooperation with regional bodies**

64. The Committee recommends that the State party cooperate with the Organization of American States (OAS) on the implementation of the Convention and other human rights instruments, both in the State party and in other OAS member States.

## **IV. Implementation and reporting**

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

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

### **B. Next report**

66. The Committee invites the State party to submit its third to seventh periodic report by 6 November 2022 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

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