



**Convention on the  
Rights of the Child**

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**Committee on the Rights of the Child**

**Forty-ninth session**

15 September–3 October 2008

**Report on the forty-ninth session**

(Geneva, 15 September–3 October 2008)

## Contents

<i>Chapter</i>	<i>Paragraphs</i>	<i>Page</i>
I. Organizational and other matters .....	1–13	3
A. States parties to the Convention .....	1–2	3
B. Opening and duration of the session .....	3	3
C. Membership and attendance .....	4–7	3
D. Agenda .....	8	4
E. Pre-sessional working group .....	9–11	4
F. Organization of work .....	12	5
G. Future regular meetings .....	13	5
II. Reports submitted by States parties .....	14–22	5
III. Consideration of reports of States parties .....	23–32	6
IV. Cooperation with United Nations and other competent bodies .....	33	94
V. Methods of work of the Committee .....	34–35	94
VI. General comments .....	36	94
VII. Day of general discussion .....	37–94	94
A. Background .....	38–43	94
B. Summary .....	44–60	95
C. Recommendations .....	61–94	100
VIII. Future day of general discussion .....	95	105
IX. Future meetings .....	96	105
X. Adoption of the report .....	97	105
<i>Annexes</i>		
I. Membership of the Committee on the Rights of the Child .....		106
II. Day of general discussion: outline .....		107
III. Day of general discussion: list of representatives of States parties, organizations and bodies registered for participation .....		111
IV. Day of general discussion: list of submissions .....		113
V. Oral statement of programme budget implications in connection with the decision of the Committee on the Rights of the Child to work in two chambers .....		115

## **I. Organizational and other matters**

### **A. States parties to the Convention**

1. As at 3 October 2008, the closing date of the forty-ninth session of the Committee on the Rights of the Child, there were 193 States parties to the Convention on the Rights of the Child. The Convention was adopted by the General Assembly in its resolution 44/25 of 20 November 1989 and opened for signature and ratification or accession in New York on 26 January 1990. It entered into force on 2 September 1990, in accordance with the provisions of its article 49.<sup>1</sup>

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 123 States parties and signed by 123 States. The Optional Protocol entered into force on 12 February 2002. Also as at the same date, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography had been ratified or acceded to by 129 States parties and signed by 115 States. It entered into force on 18 January 2002. The two Optional Protocols to the Convention were adopted by the General Assembly in its resolution 54/263 of 25 May 2000 and opened for signature and ratification or accession in New York on 5 June 2000.<sup>2</sup>

### **B. Opening and duration of the session**

3. The Committee on the Rights of the Child held its forty-ninth session at the United Nations Office at Geneva from 15 September to 3 October 2008. The Committee held 27 meetings. An account of the Committee's deliberations at its forty-ninth session is contained in the relevant summary records (see CRC/C/SR.1343 to SR.1369).

### **C. Membership and attendance**

4. All the members of the Committee attended the forty-ninth session (with the exception of Joyce Aluoch, Alya Al Thani and Kamal Siddiqui). A list of members, together with an indication of the duration of their terms of office, is provided in annex I to the present report.

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

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

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

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<sup>1</sup> An updated list of States that have signed, ratified or acceded to the Convention is available at [www.ohchr.org](http://www.ohchr.org) and <http://untreaty.un.org>.

<sup>2</sup> A list of States that have signed, ratified or acceded to the two Optional Protocols is available at [www.ohchr.org](http://www.ohchr.org) and <http://untreaty.un.org>.

*General consultative status*

International Council of Women, International Movement ATD Fourth World, International Save the Children Alliance, Zonta International.

*Special consultative status*

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

*Others*

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

**D. Agenda**

8. At its 1343th meeting, on 15 September 2008, the Committee adopted the following agenda on the basis of the provisional agenda (CRC/C/49/1):

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

**E. Pre-sessional working group**

9. In accordance with a decision of the Committee at its first session, a pre-sessional working group met in Geneva from 9–13 June 2008. All members with the exception of Ms. Al Thani, Ms. Aluoch, Mr. Siddiqui and Ms. Vuckovic-Sahovic participated in the meeting. Representatives of OHCHR, UNICEF and UNHCR also participated. A representative of the NGO Group for the Convention on the Rights of the Child, as well as representatives of various national and international non-governmental organizations, also attended.

10. The purpose of the pre-sessional working group is to facilitate the Committee's work under articles 44 and 45 of the Convention, article 12 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and article 8 of the Optional Protocol to the Convention on the Rights of the

Child on the involvement of children in armed conflict, primarily by reviewing State party reports and identifying in advance the main questions that would need to be discussed with the representatives of the reporting States. It also provides an opportunity to consider questions relating to technical assistance and international cooperation.

11. Ms. Lee chaired the pre-sessional working group, which held nine meetings, at which it examined lists of issues put before it by members of the Committee relating to the second periodic report of Djibouti, the consolidated third and fourth periodic report of the United Kingdom, the initial reports submitted to the Committee on the Optional Protocol on the involvement of children in armed conflict (Uganda and United Kingdom) and on the Optional Protocol on the sale of children, child prostitution and child pornography (Austria, Lithuania and Uganda). 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 8 August 2008.

## **F. Organization of work**

12. The Committee considered the organization of its work at its 1343rd meeting, held on 15 September 2008. The Committee had before it the tentative programme of work for the forty-ninth session, prepared by the Secretary-General in consultation with the Chairperson of the Committee.

## **G. Future regular meetings**

13. The Committee decided that its fiftieth session would take place from 12 to 31 January 2009 and that its pre-sessional working group for the fifty-first session would meet from 2 to 6 February 2009.

## **II. Reports submitted by States parties**

14. The Committee had before it the note by the Secretary-General on States parties to the Convention and status of the submission of reports (CRC/C/49/2).

15. The Committee was informed that between its forty-eighth and forty-ninth sessions, the Secretary-General had received the consolidated second, third and fourth periodic report of Angola, the second periodic reports of Burundi and Grenada, the third periodic report of Tunisia, the consolidated third and fourth periodic reports of Belgium, Spain and Sudan and the fourth periodic reports of Denmark and Nicaragua.

16. The Committee was also informed that the following initial reports under the Optional Protocol on the involvement of children in armed conflict had been received: Bosnia and Herzegovina, Nicaragua, Sri Lanka, Sudan and Ukraine.

17. It was also informed that the initial reports under the Optional Protocol on the sale of children, child prostitution and child pornography from Bosnia and Herzegovina, Colombia, Nicaragua and the former Yugoslav Republic of Macedonia had been received.

18. As at 3 October 2008, the Committee had received 193 initial reports, 122 second periodic reports, 45 third periodic reports and 22 fourth periodic reports. The Committee had further received 47 initial reports under the Optional Protocol on the sale of children, child prostitution and child pornography and 61 under the Optional Protocol on the involvement of children in armed conflict. A total of 389 reports have been considered by the Committee. To date, the Committee has considered 41 initial reports under the Optional

Protocol on the involvement of children in armed conflict and 30 initial reports under the Optional Protocol on the sale of children, child prostitution and child pornography.

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

20. The following reports, listed in the order in which they were received by the Secretary-General, and by treaty, were before the Committee at its forty-ninth session: Bhutan (CRC/C/BTN/2); United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/4); Djibouti (CRC/C/DJI/2); the United Republic of Tanzania (CRC/C/OPSC/TZA/1); Austria (CRC/C/OPSC/AUT/1); Lithuania (CRC/C/OPSC/LTU/1); Uganda (CRC/C/OPSC/UGA/1); United Kingdom of Great Britain and Northern Ireland (CRC/C/OPAC/GBR/1); the United Republic of Tanzania (CRC/C/OPAC/TZA/1) and Uganda (CRC/C/OPAC/UGA/1).

21. 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.

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

### **III. Consideration of reports of States parties**

#### **23. Austria**

(1) The Committee considered the initial report of Austria under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/AUT/1) at its 1344th meeting (see CRC/C/SR.1344), held on 15 September 2008, and adopted at its 1369th meeting, held on 3 October 2008, the following concluding observations.

#### **Introduction**

(2) The Committee welcomes the submission of the State party's initial report, as well as the replies to its list of issues submitted in a timely fashion, though it regrets that the report was not prepared in full accordance with the Committee's reporting guidelines and that civil society was not adequately consulted in the drafting process of the report. The Committee appreciates the constructive and informative dialogue held with the State party's multi-sectoral delegation.

(3) The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's second periodic report (CRC/C/15/Add.251) on 28 January 2005 and the concluding observations adopted on the initial report under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/AUT/CO/1) on 28 January 2005.

## I. General observations

### A. Positive aspects

- (4) The Committee notes with appreciation:
- (a) The reform of the Criminal Code, pursuant to the Criminal Law Amendment Acts (2001, 2002 and 2004), which, inter alia, broadened the scope of offences relating to child pornography and strengthened penalties relating to sexual offences;
  - (b) The adoption, in 2004, of the National Plan of Action for the Rights of Children and Adolescents, which provides for a series of measures to prevent offences referred to in the Optional Protocol;
  - (c) The adoption of the National Action Plan against Human Trafficking which draws attention to child-specific aspects of human trafficking, and the establishment, in 2004, of a task force on human trafficking, and a “Sub-Task Force”, in 2007, to identify concrete demand-oriented measures for victims of child trafficking.
- (5) The Committee further commends the State party on its accession to, or ratification of:
- (a) The United Nations Convention against Transnational Organized Crime, in 2004;
  - (b) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2004;
  - (c) The European Convention on the Compensation of Victims of Violent Crimes, in 2006;
  - (d) The Council of Europe Convention on Action against Trafficking in Human Beings, in 2006.

## II. Data

### Data collection

(6) The Committee welcomes the statistical data provided in the State party report and the replies to the list of issues, including data on the sale, trafficking, child prostitution and child pornography. However, the Committee regrets that currently, statistics for all sexual crimes against minors are grouped together and are not disaggregated by, inter alia, sex and age. The Committee also regrets that disaggregated data on asylum-seeking and refugee children and on domestic and intercountry adoptions is still not available.

**(7) The Committee recommends that a comprehensive data collection system be established in order to ensure that data on sale, trafficking, child prostitution and child pornography are systematically collected and analysed, and disaggregated by, inter alia, age and sex, as they provide essential tools for measuring policy implementation.**

## III. General measures of implementation

### National Plan of Action

(8) While welcoming the adoption by the State party of the National Plan of Action for the Rights of Children and Adolescents in 2004 and the steps taken towards its

implementation, the Committee is however concerned that the Plan does not include all areas covered by the Optional Protocol.

(9) **The Committee recommends that the State party take all necessary measures to ensure the implementation of the specific obligations arising from the Optional Protocol in its national strategies and programmes in consultation and cooperation with relevant stakeholders, by taking into account the Declaration and Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children in Stockholm in 1996 and the Global Commitment adopted at the Second World Congress against Commercial Sexual Exploitation of Children in Yokohama in 2001. In this regard, the Committee recommends that the State party ensure the allocation of sufficient resources to ensure the full implementation of all existing national strategies and programmes. Furthermore, the Committee encourages the State party to continue to strengthen the follow-up to the implementation of the National Plan of Action against Human Trafficking.**

#### **Coordination and evaluation**

(10) While noting the role played by the various governmental and non-governmental entities in the implementation of the Optional Protocol, the Committee is concerned about the absence of a mechanism mandated to effectively coordinate between these institutions, including at the provincial and national levels.

(11) **The Committee recommends that the State party establish a permanent mechanism with the mandate to coordinate and evaluate the implementation of the Optional Protocol, including at the provincial and national levels, with the active and systematic participation of children, including the Federal Youth Council. Furthermore, it is recommended that the State party provide the coordinating mechanism with a specific and adequate mandate, as well as sufficient human and financial resources to enable it to be fully operational.**

#### **Dissemination and training**

(12) The Committee welcomes the organization of numerous information campaigns related to the sexual exploitation of children, aimed at children, the general public and government officials, as well as training seminars for judges and public prosecutors on child victims of sexual abuse and human trafficking. However, the Committee remains concerned at the insufficient efforts made to raise awareness of the Optional Protocol among relevant groups of professionals and the public at large, and to provide adequate training in all areas covered by the Optional Protocol.

(13) **The Committee recommends that the State party allocate adequate and sufficient resources to the development of training materials and courses on the Optional Protocol, in all parts of the country and for all relevant groups of professionals including social workers, police officers, public prosecutors, judges, medical staff, immigration officials and other professionals involved in the implementation of the Optional Protocol. Furthermore, in light of article 9, paragraph 2, the Committee recommends that the State party make the provisions of the Optional Protocol widely known, particularly to children and their families, through, inter alia, the media, school curricula and long-term awareness-raising campaigns in different languages and in a simplified manner, on the preventive measures and harmful effects of all offences referred to in the Optional Protocol. In this regard, the participation of the community and, in particular, children, including child victims, should be encouraged.**

**Independent monitoring**

(14) While acknowledging the important work of the Child and Youth Advocate Offices (Ombudsman), the Committee is concerned that their mandate does not explicitly include monitoring the implementation of the Convention and its Optional Protocols. The Committee is also concerned about the discrepancies in the available resources among the Child and Youth Advocate Offices of different provinces.

**(15) The Committee recommends that the State party strengthen the Child and Youth Advocate Offices, with the mandate to monitor the implementation of the Convention and its Optional Protocols, and to ensure that they are sufficiently and evenly staffed and funded across all provinces.**

#### **IV. Prevention of the sale of children, child prostitution and child pornography (art. 9, paras. 1 and 2)**

**Measures adopted to prevent offences prohibited under the Optional Protocol**

(16) The Committee welcomes various initiatives taken by the State party to address trafficking in children, both at home and abroad, including the National Action Plan against Human Trafficking in 2004, but regrets that the sale and trafficking in children, including for the purpose of sexual exploitation, remains a problem in the State party. Furthermore, while the Committee notes with appreciation the establishment of a sub-task force on child trafficking in 2007, it remains concerned about the absence of a comprehensive plan to address sale of children, child prostitution and child pornography that incorporates all aspects of prevention, recovery and reintegration.

**(17) The Committee recommends that the State party allocate sufficient resources to preventive measures against the sale and trafficking in children and that these measures be carried out in collaboration with relevant international and civil society organizations. Furthermore, the Committee encourages the State party to adopt a more comprehensive approach to tackling the issue of the sale of children, child prostitution and child pornography by incorporating prevention, recovery and reintegration measures.**

(18) While welcoming the efforts made to implement the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism and the strengthening of extraterritorial legislation by the Criminal Law Amendment Act 2004 for sexual offences committed abroad by Austrian citizens, the Committee is concerned that sex tourism by Austrian citizens continues to be a problem.

**(19) The Committee recommends that the State party continue to take measures to prevent sex tourism, in particular by allocating additional funds for public campaigns for this purpose. The Committee also urges the State party, through relevant authorities, to strengthen cooperation with the tourism industry, NGOs and civil society organizations in order to promote responsible tourism by the dissemination of the Code of Conduct of the World Tourist Organization among employees within the tourism industry and awareness-raising campaigns for the general public.**

**V. Prohibition of the sale of children, child pornography and child prostitution and related matters (arts. 3; 4, paras. 2, and 3; 5; 6 and 7)****Existing criminal or penal laws and regulations**

(20) While welcoming the various amendments to the Criminal Code which significantly strengthened the protection of children against offences covered by the Optional Protocol, the Committee remains concerned that the State party's legislation does not criminalize all the acts constituting offences against children in full compliance with the definition of offences contained in articles 2 and 3 of the Optional Protocol.

**(21) The Committee recommends that the State party take further measures to bring its Criminal Code into full compliance with article 3 of the Optional Protocol, including the provisions on child pornography as defined in article 2 (c). In particular, the Committee recommends that the State party:**

**(a) Criminalize the possession of child pornography, including virtual pornography, involving children between 14 and 18 without requiring the intent of dissemination and regardless of the minor's consent;**

**(b) Amend the definition of child pornography to include cartoon representation of children;**

**(c) Ratify the Council of Europe Convention on Cybercrime, signed by the State party in 2003, and the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, signed by the State party in 2007.**

**Legal aspects of adoption**

(22) While noting the extensive efforts made by the State party to systematically criminalize the sale of children, the Committee is concerned that irregular intercountry adoption may not be criminalized as an act of sale of children.

**(23) The Committee recommends that the State party take all necessary measures to ensure that the national legislation complies with articles 2 and 3 of the Optional Protocol, and in particular, that the definition of sale (art. 2 (a)) and improperly inducing consent in cases of adoption (art. 3, para. 1 (a) (ii)), as stipulated in the Optional Protocol, are incorporated into the legislation.**

**Jurisdiction and extradition**

(24) The Committee welcomes the Austrian extraterritorial jurisdiction on cases when the perpetrator cannot be extradited, but remains concerned that the Austrian Criminal Code only allows for extraterritorial jurisdiction for offences covered by the Optional Protocol in cases where Austrian interests are violated.

**(25) The Committee recommends that the State party take all necessary practical measures to effectively establish jurisdiction over offences, in accordance with article 4 of the Optional Protocol, bearing in mind that double criminality is not required under the Optional Protocol.**

## VI. Protection of the rights of child victims (arts. 8 and 9, paras. 3 and 4)

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

(26) The Committee takes note of the bilateral agreements with Bulgaria and Romania regarding the repatriation of children who may have been trafficked.

(27) The Committee, while cognizant that article 195 of the Criminal Code provides for child protection centres and for special psychological rehabilitation of child victims, and of the role played by non-governmental organizations, notes that according to the Working Group on Child Trafficking under the Task Force on Human Trafficking in Austria, there is no national coordination or care and support concept for victims of child trafficking in line with international standards.

(28) The Committee is concerned that some of the State-appointed legal representatives and guardians for asylum-seeking children may lack specific expertise on the needs of child asylum-seekers.

(29) The Committee is also concerned about the lack of support mechanisms for child victims of sale, prostitution and pornography, including for the purpose of sexual exploitation, from abroad and that staff at reception facilities for separated asylum-seeking children may not always be aware of traumatic experiences of children under their care.

(30) **The Committee recommends that the State party:**

(a) **Create a nationwide policy on coordination, care and support for the child victims of sale, in line with the requirements under the Optional Protocol;**

(b) **Ensure that sufficient resources are allocated in order to strengthen social reintegration and physical and psychosocial recovery measures, in accordance with article 9, paragraph 3, of the Optional Protocol, in particular by providing interdisciplinary assistance for child victims;**

(c) **Develop and implement a comprehensive policy that includes an effective reporting and referral system of all cases of child victims of offences under the Optional Protocol, with necessary provisions for child-sensitive investigations of such cases;**

(d) **Ensure that the helpline “147 Rat auf Draht” is sufficiently funded to allow its permanent operation, and that it is fully accessible and known to children, and facilitate the collaboration of the helpline with child-focused NGOs, the police and health and social workers;**

(e) **Ensure that legal representatives of separated asylum-seeking children are specially trained persons, familiar with the specific needs of child asylum-seekers;**

(f) **Ensure that support services with specifically trained staff are systematically made available to child victims of sale and trafficking from abroad, and ensure that the best interests of the child is the primary consideration in the case of a decision to repatriate a child;**

(g) **Ensure that all bilateral agreements on repatriation are strictly guided by the principle of the best interest of the child, and that sufficient resources are allocated for the adequate monitoring and thorough follow-up of cases of repatriated children;**

(h) **Guarantee that all child victims of the offences described in the Optional Protocol have access to adequate procedures and to seek, without discrimination,**

**compensation for damages from those legally responsible, in accordance with article 9, paragraph 4, of the Optional Protocol.**

**Criminal justice system protection measures**

(31) The Committee, while noting with appreciation the interest taken by the State party to ensure the implementation of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20), nevertheless notes that some child victims of prostitution may be treated as offenders rather than as victims.

(32) **The Committee recommends that the State party continue to consolidate its efforts to bring its legislation and administrative procedures into closer harmony with the Optional Protocol and in this respect, be guided by the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.**

**VII. International assistance and cooperation (art. 10)**

**International assistance**

(33) **The Committee welcomes the State party's extensive support for international cooperation projects relating to the implementation of the Optional Protocol in a number of countries, in particular, to address trafficking in children, and urges the State party to strengthen international cooperation to combat the sale of children, child prostitution and child pornography, taking into account the relevant concluding observations adopted by the Committee on these countries with respect to the Optional Protocol.**

**Law enforcement**

(34) **The Committee encourages the State party to continue its efforts to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism.**

**VIII. Follow-up and dissemination**

**Follow-up**

(35) **The Committee recommends to the State party to take all appropriate measures to ensure full implementation of the present recommendations, within the framework of follow-up and implementation of the Committee's concluding observations on Austria's second periodic report, inter alia, by transmitting them to the members of the Council of Ministers, the Federal Assembly, and to Länder Governments and Parliaments for appropriate consideration and further action.**

**Dissemination**

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

State party make the Optional Protocol widely known to children and their parents through, inter alia, school curricula and human rights education.

## X. Next report

(37) In accordance with article 12, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its combined third and fourth periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention, due on 4 September 2009.

### 24. Uganda

(1) The Committee considered the initial report of Uganda under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/UGA/1) at its 1345th meeting (see CRC/C/SR.1345), held on 16 September 2008, and adopted at its 1369th meeting, held on 3 October 2008, the following concluding observations.

### Introduction

(2) The Committee welcomes the submission of the State party's initial report, although regrets the delay in its submission. The Committee further welcomes its written replies (CRC/C/OPAC/UGA/Q/1/Add.1) to the list of issues and appreciates the constructive dialogue held with a high-level and multi-sectoral delegation, which included a representative of the Ministry of Defense.

(3) The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's second periodic report on 30 September 2005 (CRC/C/UGA/CO/2) and with the concluding observation adopted on the initial report under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/UGA/CO/1) on 3 October 2008.

## A. Positive aspects

(4) The Committee notes as positive the State party's:

(a) Declaration upon ratification of the Optional Protocol declaring 18 years as the minimum age for voluntary recruitment to the armed forces and affirming that there is no conscription;

(b) Adoption of the Uganda People's Defence Forces Act of 2005, which establishes in its article 52 (2) that no person shall be enrolled into the Defence Forces unless he or she is at least 18 years of age;

(c) Creation of a Human Rights Desk within the Ugandan military;

(d) Adoption of the National Orphans and Vulnerable Children Policy;

(e) Engagement with the Special Representative of the Secretary-General for Children and Armed Conflict;

(f) Support for the creation of a Ugandan Task Force on Monitoring and Reporting (UTFMR) in accordance with the Security Council resolution 1612 (2005), mandated to collect information on the recruitment and use of child soldiers as well as other violations and abuses committed against children in armed conflicts and to support and supplement protection and rehabilitation of these children;

(g) Collaboration with the Office of the United Nations High Commissioner for Human Rights through the agreement which established a national country office in Uganda in 2006.

(5) The Committee further commends the State party's ratification of the Rome Statute of the International Criminal Court on 14 June 2002 and its referral of crimes by the Lord's Resistance Army (LRA) in relation to child recruitment to the court in 2003.

## **I. General measures of implementation**

### **Coordination and National Plan of Action**

(6) The Committee notes as positive that the State party has engaged with the Ugandan Task Force on Monitoring and Reporting (UTFMR) and the Special Representative of the Secretary-General for Children and Armed Conflict in the development of a comprehensive Plan of Action to prevent the recruitment and use of child soldiers and to support reintegration of these children. The Committee, however, regrets that the State party has not yet come to an agreement regarding the Plan of Action. Furthermore, the Committee is concerned that coordination of the implementation of the Optional Protocol is insufficient.

**(7) The Committee, while acknowledging the improved measures taken by the State party to eliminate the recruitment of children in its armed forces, recommends that the State party finalize the Plan of Action, in consultation with UTFMR and the Special Representative of the Secretary-General for children and armed conflict, and ensure its adoption as soon as possible, while ensuring adequate allocation of financial and human resources for its implementation. The Committee further recommends the expeditious establishment of an efficient coordination mechanism in order to supervise the implementation of the Protocol in all its aspects.**

### **Dissemination and awareness**

(8) The Committee is concerned that awareness of the Optional Protocol is low among children, parents, professional categories and affected communities.

**(9) The Committee recommends, in the light of article 6, paragraph 2, of the Optional Protocol, the State party increase its efforts to disseminate information relating to the provisions of the Optional Protocol, including in local languages, in order to make it widely known, in particular among affected communities and to closely cooperate with NGOs in this regard. The State party should also consider developing a version of the Optional Protocol which is child-friendly.**

### **Training**

(10) The Committee takes note of the efforts to ensure that military personnel receive training on human rights, including the provisions of the Convention on the Rights of the Child and the Optional Protocol. The Committee is, however, concerned that certain categories of professionals outside the armed forces, in particular prosecutors, judges, law enforcement officers, social workers, medical professionals, teachers, local and district officials do not receive sufficient training and that information about the provisions of the Optional Protocol is not sufficiently available in local languages.

**(11) The Committee recommends that the State party continue to provide members of the armed forces with training on the provisions of the Protocol, including in local languages. Furthermore, the Committee also recommends that the State party develop systematic awareness-raising, education and training programmes on the provisions of the Optional Protocol for all relevant professional groups working with children,**

notably prosecutors, lawyers, judges, law enforcement officers, social workers, medical professionals, teachers, local and district officials. The State party is invited to provide information in that respect in its next report.

#### Data

(12) The Committee regrets the lack of adequate data on children who have been recruited or used in hostilities.

**(13) The Committee recommends that the State party establish a central data collection system in order to identify the number of children who have been recruited or used in hostilities, as well as those children who are still abducted by military groups operating from beyond the border, those who have been released, rehabilitated and reintegrated into their families and communities and those who continue service in the military.**

#### Independent monitoring

(14) The Committee welcomes the work undertaken by the Uganda Human Rights Commission (UHRC) and that it has jurisdiction over the Uganda People's Defence Forces (UPDF). However the Committee is concerned that UHRC does not have the human and financial resources to monitor the Optional Protocol or children's rights generally and that it does not have child-accessible complaints mechanisms at the regional and levels. The Committee is also concerned that requirements that UHRC issue prior notice of its visits to facilities of the UPDF may hamper its work.

**(15) The Committee recommends that the State party ensure that adequate human and financial resources be allocated to the Ugandan Human Rights Commission in order for it to exercise its mandate to monitor human rights treaties and be accessible for children at regional and local levels. Specifically, the Committee recommends that the UHRC is given unfettered access to facilities of the UPDF in order to properly investigate possible offenses under the Optional Protocol.**

## II. Prevention

#### Voluntary recruitment

(16) The Committee notes with appreciation that the minimum age for the recruitment of volunteers is 18 years, according to the Uganda People's Defence Forces Act of 2005. The Committee however, while acknowledging the State party's efforts to eliminate the recruitment of those under 18 years of age, is concerned over reports indicating the continued presence of children in the Armed Forces. The Committee notes the challenges presented by the very low rates of birth registration, less than 10 per cent, as acknowledged by the State party, and reports indicating the falsification of documentation by village local councils, which in turn results in the likelihood that children are present among the voluntary recruits.

**(17) The Committee underlines, as a key preventative measure, the importance that the State party significantly strengthen its efforts to provide birth registration for all children in the country, in accordance with article 7 of the Convention, and in order to effectively guarantee that no recruitment takes place among those under 18 years.**

(18) The Committee regrets that an agreement with the UTFMR for regular age verification visits at facilities of the Uganda People's Defence Forces has not yet been concluded. The Committee is concerned that the pending agreement with the UTFMR is

hindering the documentation of reliable evidence on the progress made by the State party to reduce the number of recruits under 18 years of age.

(19) **The Committee urges the State party to ensure that the minimum age for voluntary recruits is strictly enforced and that military training bases are regularly monitored in order to prevent and detect any recruitment of children. For this purpose, the Committee urges the State party to adopt the Action Plan and conclude an agreement with the Ugandan Task Force on Monitoring and Reporting (UTFMR) in order to ensure regular age verification visits at facilities of the Uganda People's Defence Forces (UPDF), with the aim to present evidence on the progress made towards the elimination of child recruitment in the follow-up to the report of the Secretary-General to the Security Council on children and armed conflict (A/62/609-S/2007/757).**

(20) The Committee is furthermore concerned over reports that children previously used by the LRA and paramilitary local defence units (LDUs) are recruited by the army and that some are forced to take part in military operations.

(21) **The State party is urged to undertake appropriate disciplinary action against those military officers and officials who knowingly have recruited children for the UPDF.**

(22) The Committee, despite information in the State party's replies to the list of issues indicating that there are no children in the LDUs, remains concerned over reports indicating the presence of children in LDUs and over the lack of information regarding children who have been demobilized from these units and reintegrated into society.

(23) **The Committee urges the State party to immediately ensure effective and transparent demobilisation of all children from LDUs, while guaranteeing them access to adequate reintegration and recovery measures. The Committee urges the State party to hold accountable those responsible for the recruitment of children into paramilitary LDUs.**

#### **Recruitment by non-State armed groups**

(24) The Committee notes the State party's declaration that the LRA has lost its operational base in the country, but is gravely concerned over continued abductions and forced recruitment of children living in border regions by the LRA to be used as child soldiers, sex slaves and spies and to carry goods and weapons. It is further concerned over the inhuman and degrading treatment of the abducted children.

(25) **The Committee urges the State to take all necessary measures to protect every child from abduction and forced recruitment, seek the release of children from the LRA and ensure accountability for perpetrators of the recruitment of child soldiers.**

#### **Peace education**

(26) **The Committee welcomes the State party's universal primary education policy and recommends that the State party strengthen its efforts to provide human rights education and, in particular, peace education for all children in school and train teachers with respect to including these themes in children's education.**

### III. Prohibition and related matters

#### Legislation

(27) The Committee notes that the Uganda People's Defence Forces Act, article 52, paragraph 2, states that 18 years is a minimum age for recruitment, however it regrets that the State party's Penal Code lacks provisions which criminalize the recruitment of children in accordance with the obligations that Uganda has assumed upon ratification of the Optional Protocol and the Rome Statute of the International Criminal Court. The Committee is concerned that the absence of explicit provision in the Penal Code providing for criminal responsibility for the recruitment of persons below the age of 18 may perpetuate an environment of impunity and lack of accountability among the Ugandan Armed Forces.

(28) The Committee recognizes that the Amnesty Act of 2000 has contributed to the return, demobilization and reintegration of thousands of children forcefully recruited by the LRA, however, it is concerned that the criteria for granting amnesties are not in compliance with the international legal obligations of the State party, notably the Rome Statute of the International Criminal Court. The Committee is concerned that the perpetrators of serious violations of international law such as the recruitment and use of children in hostilities may consequently remain in impunity.

(29) **In order to strengthen measures for the prevention of the recruitment of children and their use in hostilities, the Committee recommends the State party to:**

(a) **Revise the provisions of its Penal Code and bring them in line with its international legal obligations, notably the Rome Statute of the International Criminal Court;**

(b) **Take due account of the stigmatization and victimization of former child soldiers in all stages of peace negotiations with the LRA and ensure that any durable peace agreement respects international norms with regards to truth, justice and reparations and that amnesties not be awarded for those who bear the responsibility for war crimes of child recruitment for the participation in hostilities;**

(c) **Seek legal advice from the Office of the United Nations High Commissioner for Human Rights and the United Nations Children's Fund (UNICEF) on how to integrate minimum human rights standards and a child rights perspective in the legal framework of peace negotiations;**

(d) **Ensure that all relevant laws, military codes, manuals and other military directives are in accordance with the provisions and the spirit of the Optional Protocol.**

### IV. Protection, recovery and reintegration

#### Assistance for physical and psychological recovery

(30) The Committee, while noting the valuable reintegration efforts undertaken by NGOs to provide physical and psychological recovery for demobilized children, is concerned that such efforts are primarily short-term and are hampered by the lack of adequate resources and State party support. The Committee also notes with concern that demobilized children may be recruited into the Armed Forces, in particular when the reconciliation process with kin and local community lacks assistance. The Committee is concerned that customary reconciliation practices may re-victimize children who have been recruited or used in hostilities, especially girls who have suffered sexual violence.

(31) The Committee recommends that the State party strengthen long-term efforts to provide reintegration measures in order to provide all children who have been recruited or used in hostilities with immediate and child and gender-sensitive multidisciplinary assistance for their physical and psychological recovery, in accordance with article 6, paragraph 3, of the Optional Protocol. It is recommended that the State party significantly increase its support for reintegration and recovery measures, ensure that they are accessible in affected regions and develop such programmes in consultation with concerned communities. The State party is requested to provide further information on measures adopted in this regard in its next report under the Convention.

(32) Furthermore, the State party should take measures to ensure that children who have been demobilized from the LRA and the LDU are not recruited into the national army. Finally, the Committee recommends that the State party ensure that any customary reconciliation practices avoid re-victimizing children who have been recruited or used in hostilities.

## **V. International assistance and cooperation**

### **International cooperation**

(33) The Committee notes the arrest warrants issued by the Prosecutor of the International Criminal Court in 2005 and urges the State party to fully collaborate with the court in order to arrest those responsible for the recruitment of children. The Committee furthermore encourages the State party to cooperate with neighbouring States in order to achieve the above objective.

(34) The Committee welcomes the State party's collaboration with the Office of the United Nations High Commissioner for Human Rights and encourages it to extend the agreement continuing the presence of the national country office in Uganda in order to further implementation of the Optional Protocol.

### **Arms export**

(35) The Committee notes that there is little control over the sale of small arms and munitions from Uganda to other States or to armed groups that may recruit and use children in hostilities.

(36) The Committee recommends that the State party adopt administrative procedures and a specific prohibition in its legislation with respect to the sale of arms and munitions when the final destination (end use) is a country where children are known to be, or may potentially be, recruited or used in hostilities.

### **Financial and other assistance**

(37) The Committee recommends that the State party seek international support and cooperation for activities and projects related to implementation of the provisions of the Optional Protocol, in particular by promotion of preventive measures, as well as physical and psychological recovery and social reintegration of child victims of acts contrary to the Optional Protocol.

(38) The Committee notes the State party's contribution to African Union and United Nations peacekeeping operations and invites the State party to ensure that its personnel are fully aware of the rights of children involved in armed conflicts; and that military contingents are aware of their responsibility and accountability.

## VI. Follow-up and dissemination

(39) The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to relevant government ministries, the Cabinet, UPDF and district as well as community authorities, for appropriate consideration and further action.

(40) The Committee recommends that the initial report submitted by the State party and concluding observations adopted by the Committee be made widely available to the public at large and to children in particular in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

## VII. Next report

(41) In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its consolidated third, fourth and fifth periodic report under the Convention on the Rights of the Child, due on 15 March 2011.

### 25. Uganda

(1) The Committee considered the initial report of Uganda under the Optional Protocol on the sale of children, child prostitution and child prostitution (CRC/C/OPSC/UGA/1) at its 1346th meeting (see CRC/C/SR.1346), held on 16 September 2008, and adopted at its 1369th meeting, held on 3 October 2008, the following concluding observations.

### Introduction

(2) The Committee welcomes the submission of the State party's initial report, although it regrets the delay in its submission. The Committee further welcomes its written replies (CRC/C/OPSC/UGA/Q/1/Add.1) to the list of issues and appreciates the constructive dialogue with a high-level and multi-sectoral delegation.

(3) The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's second periodic report on 30 September 2005 (CRC/C/UGA/CO/2) and with the concluding observations adopted on the initial report under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/UGA/CO/1) on 3 October 2008.

## I. General observations

### Positive aspects

(4) The Committee notes with appreciation:

(a) The Child Orphans and Other Vulnerable Children's Policy and Action Plan of 2004;

(b) The Child Labour Unit established within the Department of Labour to address the worst forms of child labour;

(c) The establishment of Children and Family Protection Units (CFPU) in police stations;

(d) The collaboration with the Office of the United Nations High Commissioner for Human Rights through the agreement, which established a national country office in Uganda in 2006.

## II. Data

(5) The Committee is concerned at the lack of data, disaggregated by age, sex, minority group and geographic location, on the prevalence of the sale of children, child prostitution and child pornography.

(6) **The Committee recommends that the State party establish a central database for registering violations of child rights and that it ensure that data relating to offenses covered by the Protocol, are systematically collected and disaggregated inter alia by age, sex, minority group and geographic location and analysed, as they provide essential tools for measuring policy implementation.**

## III. General measures of implementation

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

(7) The Committee is concerned at the State party's information that the National Council for Children is not able to effectively execute its mandate due to inadequate funding and weak organization.

(8) **The Committee recommends that the State party review the coordination of the Optional Protocol as soon as possible and ensure that the National Council for Children has a clear mandate and adequate human and financial resources in order to ensure its effective implementation. In particular, the Committee recommends that the State party strengthen the coordination between the National Council and the Ministry of Gender, Labour and Social Affairs.**

### National Plan of Action

(9) The Committee, while noting information in the State party reply to the list of issues that an action plan has been developed and is in the process of being adopted, regrets that there is no national plan of action in place to combat the violations of the Optional Protocol, in view of the high incidence of sale of children, child prostitution and child pornography.

(10) **The Committee recommends that the State party, as a matter of priority, adopt the National Plan of Action to combat violations of the provisions of the Optional Protocol and implement it in consultation with relevant civil society actors.**

### Dissemination and training

(11) The Committee notes that awareness-raising activities on the provisions of the Protocol are inadequate and have primarily been undertaken by civil society without State party support. The Committee furthermore is concerned that training on the Optional Protocol among professionals, for example the police, lawyers, prosecutors, judges, social workers and immigration officials is insufficient.

(12) **The Committee recommends that the State party:**

(a) **Make the provisions of the Optional Protocol widely known, particularly to children, their families and communities, through, in particular the school curricula and long-term awareness-raising campaigns;**

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

(c) Develop cooperation with civil society organizations and the media in order to support awareness-raising and training activities on issues related to the Optional Protocol;

(d) Continue and strengthen systematic gender-sensitive education and training on the provisions of the Optional Protocol for all professional groups working with child victims of the crimes covered by the Optional Protocol.

#### **Allocation of resources**

(13) The Committee is concerned that insufficient resources have been allocated to the implementation of the provisions of the Protocol and in particular notes the lack of resources for criminal investigations, legal assistance and physical and psychological recovery measures for victims. The Committee furthermore notes that the National Poverty Eradication Action Plan does not adequately incorporate a child rights perspective to enable the allocation of resources therein for the implementation of the provisions of the Optional Protocol.

(14) **The Committee encourages the State party to significantly increase budget allocations for coordination, prevention, promotion, protection, care, investigation and suppression of acts covered by the Optional Protocol, including by earmarking human and financial resources for the implementation of programmes relating to its provisions, and in particular for criminal investigations, legal assistance and physical and psychological recovery of victims to relevant authorities and civil society organizations. Finally, the Committee urges the State party to include a child-rights perspective, including the provisions of the Optional Protocol in the National Poverty Eradication Action Plan.**

#### **Independent monitoring**

(15) The Committee welcomes the work undertaken by the Uganda Human Rights Commission (UHRC). However, the Committee is concerned that UHRC does not have the human and financial resources to monitor the Optional Protocol or children's rights generally and that it does not have child accessible complaints mechanisms at the regional and local levels. The Committee is also concerned the UHRC has been refused immediate unannounced access to agencies subject to its mandate.

(16) **The Committee recommends that the State party ensure that adequate human and financial resources are allocated to the Ugandan Human Rights Commission (UHRC) in order for it to exercise its mandate to monitor human rights treaties and be accessible for children at regional and local levels. The Committee also recommends that the UHRC be given unfettered access to any agency within its mandate.**

#### **IV. Prevention of the sale of children, child prostitution and child pornography (art. 9, paras. 1 and 2)**

##### **Measures adopted to prevent offences referred to in the Optional Protocol**

(17) The Committee notes as positive certain initiatives for preventive action, such as the introduction of children and family protection units in police station, the creation of the Media Council to monitor exposure to pornography and collaboration with ILO/the International Programme on the Elimination of Child Labour (IPEC). The Committee, however, notes that preventive measures are inadequate and that documentation and research are insufficient on the root causes, nature and extent of the sale of children, child prostitution and child pornography. Finally, the Committee is concerned over reports indicating the sale of children for sacrifices and the ritual killings.

**(18) The Committee recommends that the State party allocate specific budget resources for preventive measures and that these be carried out in collaboration with UNICEF, ILO/IPEC and civil society organizations. Furthermore, the Committee encourages the State party to carry out further documentation and gender-sensitive research on the nature and extent of the sale of children, child prostitution and child pornography, in order to identify the root causes, the extent of the problems and prevention measures.**

**(19) The Committee recommends that the State party identify the regions most affected by violations under the Optional Protocol and to design specific prevention measures in this regard, including collaboration and bilateral agreements with neighbouring States. Furthermore, the Committee recommends that the State party comply with the recommendation of the Uganda Human Rights Commission to hold a public inquiry to investigate reports indicating the sale of children for sacrifices and ritual killings. It further recommends that a targeted media campaign be implemented to condemn such practices.**

##### **Adoption**

(20) The Committee notes the rising number of applications for legal guardianship of children and the reduced number of applications for adoption. The Committee is concerned that this may be aimed at circumventing the regulations which apply to adoption and result in practices contrary to the Optional Protocol.

**(21) The Committee recommends that the State party stringently scrutinize applications for legal guardianship of children in order to avoid practices contrary to the Protocol. Furthermore, the Committee recommends that the State party ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.**

#### **V. Prohibition of the sale of children, child pornography and child prostitution and related matters (arts. 3; 4, paras. 2 and 3; 5; 6 and 7)**

##### **Existing criminal or penal laws and regulations**

(22) The Committee, while noting the pending bill on the prevention of trafficking in persons, is concerned that not all the provisions of the Optional Protocol have been fully incorporated into the Penal Code. The Committee is also concerned that child victims of sexual exploitation may be criminalized and notes that the Penal Code provides less protection for boys who have been victims of violations of the Optional Protocol.

(23) **The Committee recommends that the State party expedite the adoption of the legal reform bill and bring its Penal Code in full compliance with articles 2 and 3 of the Optional Protocol. The Committee also recommends that in its legislation the State party ensure that all children affected by violations of the Optional Protocol be treated as victims, not offenders. Furthermore, the Committee recommends that the State party ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.**

#### **Jurisdiction**

(24) The Committee regrets that the Penal Code does not establish jurisdiction over all offences under the Optional Protocol and notes that the draft bill on prevention of trafficking in persons does not include the nationality of the victim as an element for the establishment of jurisdiction.

(25) **The Committee recommends that the State party ensure that all legal and practical measures necessary be undertaken in order to be able to effectively establish jurisdiction over offences in accordance with article 4 of the Optional Protocol.**

## **VI. Protection of the rights of child victims (arts. 8 and 9, paras. 3 and 4)**

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

(26) The Committee notes efforts by the State party to protect the rights of child victims and witnesses in judicial proceedings by protecting their identity. The Committee is, however, concerned that children who have been victims of offences under the Protocol are stigmatized and re-victimized by being treated as offenders.

(27) **The Committee recommends that the State party:**

(a) **Take all necessary measures, including prompt legal reform, to ensure that child victims of any of the crimes under the Optional Protocol not be criminalized. Child victims should be protected at all stages of the criminal justice process in accordance with article 8 of the Optional Protocol;**

(b) **Allocate adequate financial and human resources to the competent authorities in order to improve the legal representation for child victims;**

(c) **Presume, if in doubt, that young victims of sexual exploitation are children, and not adults.**

(28) **Furthermore, the Committee encourages the State party to be guided by the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20) and should in particular:**

(a) **Allow the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected;**

(b) **Use child-sensitive procedures to protect children from hardship during the justice process, including by the use of special interview rooms designed for children, child-sensitive methods of questioning; and by reducing the number of interviews, statements and hearings.**

**Recovery and reintegration**

(29) The Committee notes that social reintegration and physical and psychosocial recovery measures for child victims are quite inadequate and that victims face difficulties in gaining access to seek compensation.

(30) **The Committee recommends that the State party:**

(a) **Ensure that resources be earmarked in order to strengthen social reintegration and physical and psychosocial recovery measures, in accordance with article 9, paragraph 3, of the Optional Protocol, in particular by providing interdisciplinary assistance for child victims;**

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

**VII. International assistance and cooperation****International cooperation**

(31) **The Committee recommends that the State party seek international support for cooperation projects relating to implementation of the provisions of the Optional Protocol, in particular in order to provide assistance for victims, and as a priority among them, for girls. The State party is encouraged to seek technical assistance from UNICEF for this purpose.**

(32) **The Committee welcomes the State party's collaboration with the Office of the United Nations High Commissioner for Human Rights and encourages it to extend the agreement continuing the presence of the national country office in Uganda in order to further implementation of the Optional Protocol.**

**Law enforcement**

(33) The Committee notes that insufficient information is provided with respect to the assistance and cooperation provided by the State party at all steps of the penal or criminal procedure with regard to the offences as provided in article 3, paragraph 1, of the Optional Protocol, i.e. in the detection, investigation, prosecution, punishment and extradition proceedings.

(34) **The Committee encourages the State party to provide more detailed information in this respect in its next report.**

**VIII. Follow-up and dissemination****Follow-up**

(35) **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia by transmitting them to relevant Government ministries, the Cabinet and district as well as community authorities, for appropriate consideration and further action.**

**Dissemination**

(36) **The Committee recommends that the report and written replies submitted by the State party and related recommendations (concluding observations) adopted be**

made widely available, including through the Internet (but not exclusively), to the public at large, civil society organizations, the media, youth groups, professional groups in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring. Furthermore, the Committee recommends that the State party make the Optional Protocol widely known to children and their parents through, inter alia, school curricula and human rights education.

## **IX. Next report**

(37) In accordance with article 12, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its combined third, fourth and fifth periodic report under the Convention on the Rights of the Child, due on 15 March 2011.

### **26. Djibouti**

(1) The Committee considered the second periodic report of Djibouti (CRC/C/DJI/2) at its 1347th and 1348th meetings (CRC/C/SR. 1347 and 1348), held on 17 September 2008, and adopted, at the 1369th meeting (CRC/C/SR.1369), held on 3 October 2008, the following concluding observations.

#### **A. Introduction**

(2) The Committee welcomes the submission of the State party's second periodic report, as well as the written replies to its list of issues (CRC/C/DJI/Q/2/Add.1) and appreciates the frank and constructive dialogue it was able to have with the high-level and multi-sectoral delegation, which provided a better insight on the situation of children in the State party.

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

(3) The Committee welcomes the adoption of:

- (a) The Outline Act on the education system in August 2000;
- (b) The Family Code in January 2002;
- (c) The Law on the Labour Code in January 2006;
- (d) Legislation on the organization of an anti-smoking campaign in January 2007;
- (e) The Law on the protection of persons living with HIV/Aids, in April 2007; and
- (f) The Law against trafficking in human beings in December 2007.

(4) The Committee welcomes the ratification by the State party on 5 November 2002 of the following human rights instruments:

- (a) The International Covenant on Economic, Social and Cultural Rights;
- (b) The International Convention on the Elimination of All Forms of Racial Discrimination;
- (c) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and

(d) The two Optional Protocols to the International Covenant on Civil and Political Rights.

(5) The Committee also welcomes the ratification by the State party of the following instruments:

(a) The International Labour Organization (ILO) Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in February 2005;

(b) ILO Convention No. 138 (1973) concerning Minimum Age for Admission to Employment in June 2005;

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

(d) The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa in February 2005;

(e) The Rome Statute of the International Criminal Court in November 2002; and

(f) The World Health Organization (WHO) Framework Convention on Tobacco Control in July 2005.

## C. Main areas of concern and recommendations

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

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

(6) The Committee notes that several of the concerns and recommendations made upon consideration of the State party's initial report (CRC/C/15/Add.131) have been addressed at the national level. It nevertheless regrets that some of its concerns and recommendations, including on such issues as independent monitoring, data collection, sexual exploitation and juvenile justice, have not been adequately addressed.

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

#### *Reservations*

(8) The Committee is concerned about the extent of the declaration made to the Convention by the State party and reiterates that such a declaration appears to be incompatible with the object and purpose of the Convention. The Committee notes the State party's desire, expressed in its written replies to the list of issues of the Committee, to replace its broad declaration under the Convention with a more specific reservation addressing articles 14 and 21. The Committee, bearing in mind the provisions of article 51 of the Convention enabling a State party to submit the text of reservations to the Convention only at the time of ratification or accession, takes note with interest of the State party's indication, expressed during the dialogue with the delegation, of its intention to re-examine its position on this field.

(9) **The Committee, in line with its previous recommendation, and in light of the Vienna Declaration and Programme of Action (1993), urges the State party to consider reviewing its declaration to the Convention with a view to withdrawing it.**

*Legislation*

(10) The Committee notes that the State party has made efforts to harmonize its legislation with the Convention, in particular through the adoption of the Family Code, the Labour Code, the Nationality Code and laws on the orientation of educational and health policies. The Committee notes with regret, however, that the implementation of the provisions in these laws is hindered by a lack of human and financial resources.

(11) **The Committee encourages the State party to take all appropriate measures to ensure adequate human and financial resources for the full implementation of the provisions of its laws relating to children.**

*Coordination*

(12) While the Committee welcomes the establishment of the Ministry for the Advancement of Women, Family Welfare and Social Affairs and notes the envisaged role of the yet to be established Sub-Commission of the National Human Rights Commission, it regrets that a national mechanism to coordinate activities on children does not exist.

(13) **The Committee recommends that the State party expedite the establishment of a national coordinating body and that it provide this body with sufficient resources, human and financial, to carry out its work efficiently.**

*National Plan of Action*

(14) While the Committee welcomes the 2005 National Plan of Action to Combat Abuse and Sexual Exploitation of Children and the Accelerated Strategy for Child Survival and Development, as well as the 2005 national integrated early childhood development policy, it notes with regret that there is no comprehensive national plan of action for children covering all areas of the Convention.

(15) **The Committee encourages the State party to adopt a National Plan of Action on Children that addresses fully all of the rights of the child enshrined in the Convention, and takes into account the outcome document “A world fit for children” adopted by the United Nations General Assembly at its Special Session on Children held in May 2002 and its mid-term review of 2007. The Committee also recommends that the State party provide a specific budget allocation and adequate follow-up mechanisms for the full implementation of the plan and ensure that it is equipped with an evaluation and monitoring mechanism to regularly assess progress achieved and identify possible deficiencies for corrective action. The Committee encourages the State party to also monitor the implementation of the “Accelerated Call for Action” adopted during the mid-term review of “Africa Fit for Children”, held in Cairo in November 2007.**

*Independent monitoring*

(16) The Committee notes that the National Human Rights Commission’s Sub-Commission for the Protection of the Rights of the Child will, among other tasks, monitor implementation of the Convention. However, the Committee is concerned that the Sub-Commission will not be an independent body and that it will not be adequately resourced. The Committee is further concerned about a possible overlap between the role of the Sub-Commission and that of the existing Office of the Ombudsman.

(17) The Committee recommends that the State party establish an independent body, to monitor the implementation of the Convention on the Rights of the Child, in accordance with the Paris Principles relating to the status of national institutions (General Assembly resolution 48/134 of 20 December 1993, annex) and taking into account the Committee's general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child. Such a body should be able to receive and investigate complaints from, or on behalf of, children on violations of their rights and should be provided with the necessary human and financial resources. In this regard, the Committee recommends that the State party seek technical assistance from, inter alia, the United Nations Children's Fund (UNICEF) and the Office of the High Commissioner for Human Rights (OHCHR).

*Allocation of resources*

(18) The Committee welcomes the increase in budget allocations to the social sectors, including education and health. The Committee also notes with interest that social spending in favour of children has increased since consideration of the State party's initial report. Nevertheless, the Committee notes with regret that these allocations are insufficient, particularly in the health sector and in the area of advancement of children and women.

(19) **The Committee urges the State party taking into account the Committee's recommendations made during its day of general discussion in 2007 on "Resources for the Rights of the Child – Responsibility of States", to continue to increase budgetary allocations for children at national and local levels. The Committee further recommends that the State party start budget tracking from a child rights' perspective with a view to monitoring budget allocations for children, seeking technical assistance for this purpose from, inter alia, UNICEF.**

*Data collection*

(20) While the Committee welcomes the surveys that have been carried out in a number of areas, including poverty, education, and health, it notes that gaps exist in these surveys and that there is a lack of capacity to centralize and analyze data on the population. The Committee also expresses regret that its recommendation to establish a data collection system for all areas covered by the Convention, made in its previous concluding observations (CRC/C/15/Add.131, para. 18) on Djibouti's initial report, has not been addressed.

(21) **The Committee reiterates its recommendation that the State party establish a centralized data collection system to collect data in areas addressed by the Convention, including through the organization of the national census. The State party should ensure that information collected contains up-to-date data on a wide-range of vulnerable groups, including children with disabilities, child workers, children living in the streets and refugee children, etc. The State party is encouraged to use this data as a basis for assessing progress achieved in the realization of child rights and to design policies to implement the Convention. The Committee also recommends that the State party seek technical assistance from, inter alia, UNICEF.**

*Dissemination of the Convention and training*

(22) The Committee notes with appreciation the translation of the Convention into national languages and its dissemination to the public by radio. The Committee welcomes training programmes for teachers, awareness-raising campaigns, dissemination and other activities carried out in areas related to child rights. Nevertheless, the Committee regrets that the Convention is still not widely known in the State party's territory.

(23) **The Committee recommends that the State party continue and strengthen awareness-raising efforts regarding the Convention and child rights, with a particular focus on strengthening these efforts in rural areas. It also recommends the reinforcement of adequate and systematic training of all professional groups working for and with children, including teachers, law enforcement officials, health personnel, social workers and personnel of childcare institutions.**

*Cooperation with civil society*

(24) The Committee welcomes the State party's indication that it provides support to civil society through training and encouraging activities of these organizations. However, the Committee notes that there is often a high degree of dependency on civil society to provide social services to children.

(25) **The Committee recommends that the State party continue and further strengthen its collaboration with civil society and widen the scope of cooperation to cover all areas related to the promotion and protection of the rights of the child, including the coordination of a National Action Plan for Children. The Committee also recommends that the State party take a stronger role in service delivery while encouraging active, positive and systematic involvement of civil society, including non-governmental organizations (NGOs), in the promotion of children's rights, including, inter alia, their participation in the coordination of the implementation of the Convention and follow-up to the concluding observations of the Committee.**

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

*Non-discrimination*

(26) The Committee welcomes efforts to ensure that all children have access to education, health and other social services, in particular, through the construction of schools and health centres in rural localities, awareness-raising campaigns for equal access to schools of girls, and the repeal of provisions reserving school for children born of Djiboutian parents. Nevertheless, the Committee regrets that disparities remain, in particular with regard to children belonging to vulnerable groups, including children living on the streets, migrant children, refugee children and children with disabilities.

(27) **The Committee reiterates its previous recommendation (CRC/C/15/Add.131, para. 28) that the State party continue and strengthen its efforts to ensure the full implementation of the principle of non-discrimination and full compliance with article 2 of the Convention and that it take measures to address instances of discrimination that impact on equal access of all children to education, health and other social services. The Committee also encourages the State party to adopt a comprehensive strategy to eliminate discrimination on any grounds, including against girls and against all vulnerable groups, such as children with disabilities, children living in the streets, refugee children and children from different ethnic groups.**

(28) **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, taking into account general comment No. 1 (2001) on the aims of education.**

*Right to life, survival and development*

(29) The Committee welcomes the progress made by the State party in ensuring the survival of children and mothers. The Committee also welcomes the reduction since 2002 in the mortality rates of infants and children under five. The Committee notes with interest that a parental education booklet has been produced by the Ministry for the Advancement of Women to inform parents and institutions responsible for children about the main causes of infant mortality and malnutrition, as well as the protection of women during pregnancy and childbirth. The Committee also notes the State party's indication that the principle of the right to life, survival and development is recognized in Djiboutian law, including the penal code which protects children from violations affecting their overall development. Nevertheless, the Committee is concerned that the rates of infant mortality remain among the highest in the world and that malnutrition rates not only remain high but have also increased slightly over the past years. The Committee also notes with concern that sanitation coverage remains low in both urban and rural areas.

**(30) The Committee urges the State party to continue and strengthen its efforts to address issues related to the right to life, survival and development, particularly through the application of its strategies, policies and programmes on this issue. The Committee further recommends that particular attention be given by the State party to addressing the problem of infant mortality, malnutrition and the related issue of household food insecurity, as well as sanitation coverage, in both urban and rural areas.**

*Respect for the views of the child*

(31) The Committee notes with appreciation that the Family Code recognizes the right of the child to express himself/herself freely and calls on all persons to respect this right. The Committee also notes that measures have been taken to allow children to express their views in the education sector and that child delegates have been given the opportunity to express their views and concerns to the President. However, the Committee notes that this right is not systematically applied in administrative and judicial proceedings.

**(32) The Committee recommends that the State party continue and strengthen efforts to implement article 12 of the Convention and promote respect for the views of the child in administrative and judicial proceedings. The Committee also recommends that the State party promote the participation of children and respect for their views in all matters that concern them in the family, school, children's institutions and the community.**

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

*Birth registration*

(33) The Committee welcomes actions taken to improve the rate of birth registration, including through the provision of birth certificates to students in some of the schools in Djibouti-ville, the provision of better material means and the training of personnel. Nevertheless, the Committee notes with concern that around 10 per cent of children in Djibouti do not have a birth certificate and that the non-provision of birth certificates particularly affects non-Djiboutian children. The Committee is also concerned that the State party's efforts to improve birth registration are limited to school-going children, in a small number of schools in the capital city, therefore leaving out a significant portion of the population.

**(34) The Committee recommends that the State party continue and strengthen its efforts to encourage birth registration of all children, including children living in**

remote areas, children living on the street, children of refugees and other non-Djiboutian children. The Committee encourages the State party to use mobile registration units to reach distant children and to provide for registration, including late registration, of births free of charge.

*Corporal punishment*

(35) While the Committee takes note of the State party's indication that corporal punishment has been forbidden in schools and that the Educational Plan of Action 2006–2008 lauds the implementation of measures prohibiting corporal punishment the Committee is concerned that children are still subjected to corporal punishment, particularly in the home.

(36) **The Committee recommends that the State party explicitly prohibit by law all forms of violence against children, including corporal punishment, in all settings, including in the family, schools, alternative childcare and places of detention, and implement those laws effectively. It also recommends that the State party intensify its awareness-raising campaigns in order to promote the use of alternative forms of discipline in a manner consistent with the child's human dignity and in accordance with the Convention, taking into account the Committee's general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.**

*Follow-up to the United Nations Study on Violence against Children*

(37) The Committee notes that a unit has been established to provide advice, guidance and support to children and other victims of violence. It is concerned, however, that there is no comprehensive strategy to deal with this problem.

(38) **With reference to the United Nations Secretary-General's Study on violence against children, the Committee recommends that the State party:**

(a) **Take all necessary measures to implement the recommendations of the United Nations Study on violence against children (A/61/299) taking into account the outcome and recommendations of the Regional Consultation for the Middle East and North Africa (held in Cairo from 27–29 June 2005). In particular, the Committee recommends that the State party pay particular attention to the following recommendations:**

- (i) **Prohibit all forms of violence against children;**
- (ii) **Strengthen national and local commitment and action;**
- (iii) **Promote non-violent values and awareness-raising;**
- (iv) **Enhance the capacity of all who work with and for children;**
- (v) **Ensure accountability and end impunity.**

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

(c) **Seek technical cooperation in this respect from OHCHR, UNICEF and the World Health Organization (WHO) and other relevant agencies, inter alia, ILO, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the**

United Nations High Commissioner for Refugees (UNHCR), the United Nations Office on Drugs and Crime (UNODC) as well as NGO partners.

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

*Family environment*

(39) The Committee welcomes the State party's indication that the State party, to the extent of its means, supports efforts of parents by giving them assistance, benefits and other advantages. The Committee also welcomes the fact that the State party requires parents to provide for their children and that a judge can order that maintenance be paid. However, the Committee is concerned that the existing penalty for abandonment of the child is prison and a fine. The Committee also reiterates the concern expressed in its previous recommendations (CRC/C/15/ADD.131, para. 33) about the impact on children of the continuing practice of polygamy.

**(40) The Committee encourages the State party to continue and strengthen its parental education efforts and to ensure adequate resources for activities carried out to provide support for parents in caring for their children. The Committee recommends that the State party consider more effective ways of obtaining maintenance for children, such as automatic enforcement of the maintenance system and local mediation mechanisms. The Committee also recommends that the State party undertake an in-depth and comprehensive study on impact of polygamy in order to find out whether polygamy has negative consequences on the upbringing and development of children and, if so, to develop measures, including awareness-raising measures, to address those negative impacts.**

*Children without parental care*

(41) While noting that the Family Code provides for a system of guardianship of children deprived of their family environment, the Committee, recalling its previous concluding observations (CRC/C/15/Add.131, para. 35), notes with concern the high numbers of vulnerable and orphaned children that need special attention from the State party to ensure upbringing in their families and communities of origin or, as a last resort, in alternative care centres.

**(42) The Committee recommends that the State party, while taking into account the recommendations made by the Committee during its day of general discussion in 2006 on children without parental care (see CRC/C/153) and with the assistance of UNICEF, continue and strengthen its efforts to provide special protection for children deprived of a family environment and to improve its legislative framework, policies, mechanisms, structures and plans to ensure a better family environment and alternative care, including through the provision of support to families with children and the strengthening of the capacities of its alternative care facilities in such a way as to maintain a family-type of environment. The Committee also encourages the State party to ensure that an appropriate monitoring mechanism is in place to monitor alternative care facilities and foster care/guardianship programmes.**

*Adoption*

(43) The Committee, while taking into account that the Family Code advocates the strict prohibition of adoption in Djibouti, is concerned that in practice inter-country adoptions impact children, especially non-Djiboutian children, who are given over to the care of private institutions that send them out of the country to be adopted without ensuring that intercountry adoptions procedures are respected.

(44) **The Committee urges the State party to take appropriate measures to ensure that intercountry adoption is performed in full compliance with the best interests of the child and that it provides appropriate legal guarantees for children, including non-nationals, throughout the adoption process, in order to avoid possible cases of sale or trafficking of children for adoption or other aims. The Committee also encourages the State party to consider ratifying the 1993 Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption without delay.**

*Abuse and neglect*

(45) The Committee notes that Djiboutian law does not specifically provide for the separation of children from their parents, as a last resort, in cases of abuse or neglect. The Committee further notes that the separation of a child from his or her parents is, in general, not easily feasible due to a lack of appropriate infrastructure. The Committee is concerned that existing legislation has not been used to deal seriously with child abuse, and that punishment for perpetrators of such acts generally are light.

(46) **The Committee recommends that the State party take all necessary legislative, policy and other measures, and ensure that they are implemented, in order to address and prevent abuse and neglect of children and to provide for the care, recovery and reintegration of child victims. Such measures would include the creation of appropriate infrastructure in cases where, as a last resort, children have to be separated from their parents due to abuse and neglect and the introduction of mandatory reporting of abuse and neglect of children.**

**5. Basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1–3) of the Convention)**

*Children with disabilities*

(47) The Committee notes with appreciation the draft law relating to the social inclusion of persons with disabilities and the integration in the Educational Plan of Action 2006–2008 of measures in support of the refurbishing of academic establishments that is more appropriate for persons with disabilities. The Committee also takes note of the survey carried out in 2002, which allowed for the collection of data on persons with disabilities. The Committee notes with regret, however, that recommendations stemming from a two-day workshop held in 2006 on the need to improve occupational and social reintegration of persons with disabilities, such as the access to specialized care for children with disabilities and the improvement of occupational integration, still remain unachieved.

(48) **In light of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party:**

(a) **Take all necessary measures to ensure the implementation of legislation relating to the rights of children with disabilities and consider adopting specific legislation on the issue;**

(b) **Make every effort to provide community-based programmes and services, in particular specialized services, for all children with disabilities and ensure that such services receive adequate human and financial resources, with a particular focus on the right to education of children with disabilities;**

(c) **Continue and strengthen awareness campaigns to sensitize the public about the rights and special needs of children with disabilities and encourage their inclusion in society;**

(d) **Provide training for professional staff working with children with disabilities, such as medical, paramedical and related personnel, teachers and social workers; and**

(e) **Consider ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol.**

*Health and access to health services*

(49) The Committee notes with appreciation the various efforts of the State party in the field of health, including with regard to nutrition, infant and maternal mortality rates, vaccinations, and HIV/AIDS. While the Committee notes that budgetary allocations for health have been increasing, it remains concerned that they remain insufficient and that the health sector continues to experience financial difficulties. The Committee also notes with concern that there is a shortage of qualified health personnel. The Committee is also concerned at:

- (a) The continued high levels of infant, under-five and maternal mortality rates;
- (b) The increase in infant malnutrition rates in the State party over the past few years despite the concomitant success of awareness-raising campaigns to encourage exclusive breastfeeding;
- (c) The low continued and exclusive breastfeeding rates; and
- (d) The low level of vaccination rates, due in part to the lack of health workers.

(50) **The Committee recommends that the State party continue and strengthen measures taken to ensure that health care is both accessible and affordable and that the problems of infant and maternal mortality and malnutrition are given a high priority, including through awareness-raising campaigns and other support activities to encourage exclusive breastfeeding of children up to the age of six months and continued breastfeeding of children beyond six months. The Committee also urges the State party to strengthen its efforts to improve immunization rates and to continue, strengthen and expand training for health workers. The Committee encourages the State party to consider seeking technical assistance from, inter alia, UNICEF and WHO.**

*Adolescent health*

(51) The Committee notes with interest that the State party's Plan of Action to combat drug abuse (2002–2005) developed awareness-raising and information activities targeted at youth in difficult situations, such as those not going to school, dropouts and street children. However, the Committee notes with concern that there are no adequate and confidential services for adolescent healthcare and that teenage pregnancy is an increasing problem.

(52) **The Committee recommends that the State party, taking into account the Committee's general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, increase its efforts to establish more programmes and confidential services in the area of adolescent health and to obtain valid data on adolescent health concerns through, inter alia, studies on this issue. The Committee also recommends that the State party elaborate clear policies and, when applicable, legislation, addressing the prevention of adolescent health-related issues, in particular early pregnancies.**

*Drug abuse*

(53) The Committee notes with concern that consumption by Djiboutians, including children, of the drug Qat (Khat), which may have a negative impact on health and is thought to impair concentration and judgment, remains high.

**(54) The Committee recommends that the State party continue and strengthen evidence-based measures to prevent the use and abuse of drugs, including Qat.**

*Harmful traditional practices*

(55) The Committee notes that the State party has been carrying out awareness-raising activities to combat harmful traditional practices, including early marriage, and welcomes the raising of the minimum age for marriage of girls to 18 through the Family Code. However, the Committee notes that there are exceptions to this age, including when the marriage is consented to by the child's guardian, and is concerned that there is no minimum age threshold for such exceptions. While the Committee welcomes the State party's efforts to eliminate female genital mutilation (FGM), which resulted in the prohibition by law of the practice, it notes with grave concern that FGM, including infibulations, the most extreme form of FGM, continues to be widely practised in the country. The Committee also notes with concern that there have been no prosecutions to enforce the law prohibiting FGM.

**(56) The Committee urges the State party to:**

**(a) Apply legislative and other measures to prohibit harmful traditional practices, including female genital mutilation and early marriage;**

**(b) Set a minimum age threshold for exceptions to the Family Code minimum age of 18 for marriage, including consent of a child's guardian to a marriage;**

**(c) Ensure that legislation prohibiting harmful traditional practices provides for appropriate sanctions and that perpetrators of such acts are brought to justice;**

**(d) Strengthen awareness-raising and sensitization activities for practitioners, families, traditional or religious leaders and the general public in order to encourage changes in attitudes; and**

**(e) Take measures to provide practitioners of female genital mutilation with adequate training and support to find alternative sources of income.**

*HIV/AIDS*

(57) The Committee welcomes the State party's efforts to combat HIV/AIDS, including through the creation of a national programme to fight pandemics (2003–2007), the setting up of a new institutional and organizational framework to address the issue, and the passing of a law in December 2006 implementing measures against discrimination and stigmatization of persons living with HIV/AIDS and their families. The Committee also welcomes the setting up of a Solidarity Fund in 2004 to assist AIDS orphans.

(58) The Committee notes with interest that the State party has developed initiatives, targeting children from vulnerable groups such as school dropouts and street children, on prevention and combating of HIV/AIDS through information campaigns and the distribution of contraceptives. The Committee also notes that a study was carried out in 2005 on the behaviour, attitudes and practices of youth faced with HIV/AIDS although there is no information on the use of the recommendations of this study in light of the high prevalence of HIV/AIDS in the country. Nevertheless, the Committee is concerned that the

prevalence of HIV/AIDS remains high and, without policy and other interventions, could rise even higher, and that stigma and discrimination against persons affected by HIV/AIDS remain widespread.

**(59) The Committee urges the State party, while taking into account the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights, to take measures to reduce HIV/AIDS infection in its territory, particularly with regard to the young people through, inter alia:**

**(a) Strengthening, continuing and developing policies and programmes, to provide care and support for children infected or affected by HIV/AIDS, including programmes and policies to strengthen the capacity of families and the community to care for such children;**

**(b) Developing without delay a national programme or plan of action to specifically address the issue of HIV/AIDS;**

**(c) Carrying out activities aimed at reducing stigma and discrimination related to HIV/AIDS and providing awareness-raising on human rights within the context of HIV/AIDS; and**

**(d) Continuing to disseminate information and materials to the public, including to refugee populations, on prevention and protection methods, including safe sex practices.**

*Standard of living*

(60) The Committee takes note of the 2001 Poverty Reduction Strategy Paper (PRSP) and welcomes the strengthening of social policy measures which included a microcredit programme for women and a programme for essential development needs targeting underprivileged communities. The Committee is concerned that the rates of relative and extreme poverty remain very high and that, while some health and education indicators demonstrate positive changes, others, such as nutrition, water and sanitation, remain alarming. The Committee is also concerned that almost half of the population currently faces food shortages and that a fifth of the population depends on emergency food assistance.

**(61) The Committee recommends that the State party:**

**(a) Strengthen its efforts to reduce the rates of relative and extreme poverty in the population, in particular with regard to alleviating the effects of the world-food crisis;**

**(b) Pay special attention to families and children in the development of its poverty reduction strategies, which should include targeted measures protecting children from the harmful impact of poverty on development, health and education;**

**(c) Provide access to clean water, adequate sanitation, food and shelter in all regions and communities of the country, including to the nomadic population;**

**(d) Assist children in acquiring vocational skills and finding occupations respecting the age limits set by the ILO Convention No. 138;**

**(e) Encourage participation of parents and children in the development of poverty-alleviation strategies; and**

**(f) Seek international cooperation and assistance.**

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

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

(62) The Committee welcomes the large-scale master plan for reform of the educational system adopted by the State party and the increased share of the State's budget that is allocated to education. Furthermore, the Committee notes improvements in enrolment rates in both primary and secondary schools, training of teachers, quality of education and equipment of schools, including free meals for children from disadvantaged families. Nevertheless, the Committee expresses its concern that, with increasing age, the majority of children do not go to school and gender disparities, reflecting societal attitudes and poverty, remain a concern. The Committee is also concerned about regional disparities.

**(63) The Committee recommends that the State party, taking into account its general comment No. 1:**

**(a) Ensure that schools covering the years of compulsory education (primary and middle school) are accessible to all children;**

**(b) Strengthen measures to increase school enrolment rates;**

**(c) Continue efforts to diminish regional and sociocultural disparities in the full enjoyment of the right to education at all levels of the educational system, particularly those related to gender;**

**(d) Take measures to reduce dropout and repetition rates and to enhance transition rates to the next level of school in order to raise completion rates at all levels;**

**(e) Expand the provision of early childhood education to all regions of the State party;**

**(f) Continue teacher training and in-service programmes with respect to new curricular subjects and active learning methods;**

**(g) Include human rights education and child rights in the curricula of schools at all levels;**

**(h) Include emergency and disaster preparedness in school curricula; and**

**(i) Expand vocational education and training in regular schools and in special training centres, including for children who have dropped out of school.**

## 7. Special protection measures (arts. 22, 38, 39, 40, 37 (b) and (d), 30, 32–36 of the Convention)

### *Asylum-seeking and refugee children*

(64) The Committee notes that social and psychological rehabilitation of refugee children outside the camps is carried out mainly by NGOs and national associations. The Committee is concerned that no systematic measures are undertaken by the State party to ensure that refugee children have access to healthcare, education and other services.

**(65) The Committee recommends that the State party take all measures to ensure the protection of the rights of refugee children both inside and outside refugee camps and their access to social services, particularly health and education services. The Committee also recommends that the State party adopt a full-fledged refugee legislation that provides for the expedited treatment of asylum claims, integrates child-sensitive asylum procedures and recognizes child-specific forms of persecution.**

*Economic exploitation, including child labour*

(66) While the Committee notes that child labour is prohibited by law, it notes with regret that this prohibition is not always enforced, and that children are often involved in various types of non-hazardous work including domestic work, agriculture, livestock and other informal activities. The Committee also expresses its regret that a shortage of inspectors reduces the likelihood of investigation of reports of child labour. The Committee expresses its concern that children are also involved in work in inhuman and degrading conditions and are particularly vulnerable to drugs, HIV/AIDS, sexually transmitted infections and early pregnancies.

**(67) The Committee urges the State party to ensure that policies, plans and legislation to address child labour, particularly in its worst forms, are implemented and provide effective protection for all children, in particular those belonging to vulnerable groups such as children living in the street and refugee children. The Committee also urges the State party to take concrete action to address the root causes of child labour, including poverty and traditional attitudes. The Committee encourages the State party to seek technical assistance from ILO/IPEC in this regard.**

*Street children*

(68) The Committee notes with interest the carrying out in 2002 of a study on “children in the street” as well as the integration of initiatives relating to the issue of street children in the project operation documents of a number of ministries. While welcoming initiatives to support children living on the street, the Committee remains concerned at the very high number of children who are still in the streets and that these children continue to be exposed to prostitution, sexually transmissible infections, including HIV/AIDS, economic and sexual exploitation and violence.

**(69) The Committee recommends that the State party continue and strengthen efforts to provide protection for the rights of children living in the streets, including through the provision of education, health services, food, shelter and other relevant social services. The Committee further urges the State party to take concrete action, in cooperation with children living in the streets, to address the underlying causes of this situation, and to strengthen efforts to prevent children from living in the streets and assist them in leaving the streets.**

*Sexual exploitation and abuse*

(70) The Committee reiterates the concern expressed in its previous concluding observations (CRC/C/15/Add.131, para. 57) about the high number of children, in particular girls, involved in prostitution and the lack of facilities to provide services for sexually exploited children.

**(71) The Committee recommends that the State party:**

**(a) Develop and strengthen appropriate legislative measures to address the issues of sexual exploitation and sexual abuse;**

**(b) Take appropriate measures to ensure the prompt investigation of reports of sexual exploitation or abuse and the prosecution of perpetrators of sexual offences against children;**

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

**(d) Continue to implement appropriate policies and programmes for prevention, recovery and social reintegration of child victims, in accordance with the**

**Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children, as well as the outcome of other international conferences on this issue.**

*Administration of juvenile justice*

(72) The Committee notes the State party's indication during the dialogue that only a very small number of children are in conflict with the law in Djibouti. Nevertheless, the Committee is concerned about the lack of specialized courts for juvenile offenders. The Committee is also concerned about the fact that juveniles as young as 13 years old can be detained for long periods of time, that there are no separate facilities to detain children apart from adults and that alternative responses to offences are at the discretionary power of the court.

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

- (a) **Take all measures to establish a specialized justice system for children;**
- (b) **Take the necessary steps to ensure that persons working with children in the justice system, juvenile judges, etc., receive appropriate training;**
- (c) **Take all necessary measures, including the development of a policy of alternative sanctions for juvenile offenders, to ensure that children are held in detention only as a last resort and for as short a time as possible;**
- (d) **Take all necessary measures to ensure that when detention is carried out, it is done in compliance with the law and respects the rights of the child as set out under the Convention and that children are held separately from adults both in pretrial detention and after being sentenced;**
- (e) **Take all necessary measures to ensure that children are not ill-treated in detention, that conditions in detention facilities are conducive, to the extent possible, to the child's development and that their rights, including visitation rights, are not violated, and that cases involving juveniles are brought to trial as quickly as possible; and**
- (f) **Seek technical assistance and other cooperation from the United Nations Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR and NGOs.**

*Protection of witnesses and victims of crimes*

(74) **The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes, e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, are provided with the protection required by the Convention and that it take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005) and the Committee's general comment No. 5 (2003) on general measures of implementation for the Convention on the Rights of the Child.**

**8. Ratification of international and regional human rights instruments**

(75) The Committee welcomes the signing by the State party in June 2006 of the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict and takes note with interest of the State party's indication of its intention to ratify both instruments before the end of the year.

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

(77) The Committee also encourages the State party to ratify any other international human rights instruments to which it is not yet party.

**9. Follow-up and dissemination***Follow-up*

**(78) The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, inter alia, by transmitting them to the members of the Council of Ministers, the Parliament, and to local Governments, when applicable, for appropriate consideration and further action.**

*Dissemination*

(79) The Committee further recommends that the second periodic report and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available in the languages of the country, and in an accessible form, to the public at large, civil society organizations, youth groups, professional groups, the media and children, in order to generate debate and awareness of the Convention, its implementation and monitoring.

**10. Next report**

(80) The Committee invites the State party to submit its combined third, fourth and fifth periodic report by 31 October 2012. This report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Committee.

(81) The Committee also invites the State party to submit a core document in accordance with the requirements of the common core document in the Harmonized Guidelines on Reporting, approved by the Fifth Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).

**27. Lithuania**

(1) The Committee considered the initial report of Lithuania under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/LTU/1) at its 1349th meeting (CRC/C/SR. 1349), held on 18 September 2008, and adopted at its 1369th meeting (CRC/C/SR.1369), held on 3 October 2008, the following concluding observations.

## Introduction

(2) The Committee welcomes the submission of the State party's initial report and the replies to its list of issues (CRC/C/OPSC/LTU/Q/1/Add.1) submitted in a timely fashion, though it regrets that the report was not prepared in full accordance with the Committee's reporting guidelines. The Committee appreciates the frank and constructive dialogue held with the State party's multi-sectoral delegation.

(3) The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations on the State party's second periodic report (CRC/C/LTU/CO/2) and the State party's initial report under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/LTU/CO/1).

## I. General observations

### Positive aspects

(4) The Committee notes with appreciation the adoption of the following legislative and other measures:

(a) Active measures taken in the field of prevention and prosecution of child trafficking and child prostitution, including the adoption and implementation of the Programme for the Prevention and Control of Trafficking in Human Beings (2005–2008); and

(b) Adoption of measures to protect victims of sexual abuse or prostitution, including the National Programme for Prevention of Violence against Children and Assistance for 2005–2007 and 2008–2010.

(5) The Committee further notes with appreciation the State party's signature or ratification of:

(a) The 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, on 29 April 1998;

(b) The Convention on the Rights of Persons with Disabilities and its Protocol on 30 March 2007;

(c) The International Convention for the Protection of All Persons from Enforced Disappearances on 6 February 2007; and

(d) The Council of Europe Convention on Action against Trafficking in Human Beings in 2008.

## II. Data

(6) While welcoming the statistical data provided in the State party's report and the replies to the list of issues, the Committee regrets the lack of data disaggregated by, inter alia, sex, age urban/rural areas and the lack of research on the areas covered by the Optional Protocol.

**(7) The Committee recommends that the State party develop and implement a comprehensive and systematic mechanism of data collection, analysis and monitoring of all the areas covered by the Optional Protocol. The data should be disaggregated, inter alia, by nature of the offence and by sex, age, urban/rural areas and with particular attention to the vulnerable groups of children.**

### III. General measures of implementation

#### National Plan of Action

(8) While welcoming the Programme for the Prevention and Control of Trafficking in Human beings for 2005–2008, the Committee is concerned that there is no specific plan of action in relation to the sale of children, child prostitution and child pornography.

**(9) The Committee recommends that the State party develop a national plan of action aimed at addressing comprehensively all the issues covered by the Optional Protocol and provide adequate human and financial resources for its implementation. In doing so, the State party should pay particular attention to the implementation of all provisions of the Optional Protocol taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the First and Second World Congresses against Commercial Sexual Exploitation of Children held in Stockholm and Yokohama in 1996 and 2001, respectively.**

#### Independent monitoring

(10) The Committee welcomes the establishment of the Ombudsman for the Protection of the Rights of the Child in 2000, and the State party's response to some of the recommendations contained in the Ombudsman's report on the issue of sale of children, child prostitution and child pornography. The Committee also notes that in 2007 the Ombudsman drew up proposals for the Seimas (Parliament) and the Government regarding the situation of child victims of trafficking and prostitution in Lithuania.

**(11) The Committee recommends that the State party give timely consideration to the recommendations submitted by the Children's Rights Ombudsman and continue to provide the Ombudsman with adequate human and financial resources to exercise its mandate, including the monitoring of the implementation of the Optional Protocol.**

#### Dissemination and training

(12) While welcoming the various training and dissemination activities undertaken by the State party in the field of trafficking in human beings, including children, the Committee remains concerned that efforts to raise awareness among relevant professional categories and the public at large on the Optional Protocol and to provide adequate training for police official, judges, prosecutors and social workers who are working with and for children are not systematic and that they do not cover all areas of the Optional Protocol.

**(13) The Committee recommends that the State party strengthen its training and dissemination activities and allocate adequate resources for the development of training materials and courses, covering all areas of the Optional Protocol, for all relevant professionals including police officers, public prosecutors, judges, medical staff, media and other professionals involved in its implementation. The Committee further recommends, in the light of article 9, paragraph 2 of the Optional Protocol, that the State party make the provisions of the Optional Protocol widely known, particularly to children and their families, through, inter alia, school curricula, long-term awareness-raising campaigns and training on the preventive measures and harmful effects of all offences referred to in the Optional Protocol, the participation of the community and, in particular, children, including child victims.**

#### Allocation of resources

(14) The Committee notes with concern the discrepancies in the level and quality of services available for child victims of offences covered by the Optional Protocol depending

on the availability of human and financial resources of the municipal government concerned.

(15) **The Committee encourages the State party to ensure that sufficient resources are allocated equitably throughout the country for the implementation of all areas covered by the Optional Protocol, by providing, in particular, the necessary human and financial resources for the development and implementation of programmes aimed at the prevention, protection, physical and psychological recovery and social reintegration of victims, as well as the investigation and prosecution of the offences covered by the Optional Protocol.**

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

##### **Measures adopted to prevent offences referred to in the Protocol**

(16) The Committee notes that the Parliament has approved the State Family Policy Concept which seeks to strengthen and support the “common institution of the family”. The Committee is concerned, however, that the implementation of the concept may lead to the availability of appropriate adolescent reproductive health information and services being severely restricted, with particularly adverse consequences on those children concerned by the Optional Protocol.

(17) **The Committee recommends that in implementing the State Family Policy Concept, the State party ensure the availability of appropriate adolescent reproductive health information and services, particularly to meet the special needs of the child victims of the offences under the Optional Protocol in their recovery and rehabilitation and ensure that all their rights are respected.**

(18) The Committee is deeply concerned at the information in the State party report that: “Children under 18 years of age, in particular adolescent girls living in special boarding schools, special child-education and care homes, governmental and non-governmental child-care homes, or social at-risk families, very often become victims of trafficking in human beings, prostitution and pornography.”

(19) The Committee notes the efforts undertaken by the State party to reduce poverty and social exclusion with a view to preventing children belonging to vulnerable groups from becoming victims of offences referred to in the Optional Protocol. However, the Committee is concerned that targeted preventive measures as well as awareness-raising programmes on sale of children, child prostitution and child pornography, as well as measures to identify the causes and extent of the problem remain limited, particularly with regard to children living in poverty and children living in institutional care.

(20) **The Committee encourages the State party to:**

(a) **Undertake research on the effects of the previous actions taken and on the nature and extent of sexual exploitation of children, including prostitution and pornography, in order to identify children at risk and to address the root causes of the problem;**

(b) **On the basis of the above-mentioned study, adopt a more comprehensive and targeted approach to address sale of children, child prostitution and child pornography, by incorporating prevention, recovery and reintegration measures, with particular focus on vulnerable groups of children; and**

(c) **Seek, for the purpose of more effective prevention in the areas covered by the Protocol, technical assistance from, inter alia, UNICEF and other international organizations and agencies.**

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

### **Existing criminal or penal laws and regulations**

(21) The Committee welcomes the amendments made to the Criminal Code and the Code of Criminal Procedure aimed to achieve compliance with the Optional Protocol following its ratification, including the increased criminal liability for the use of child prostitution or child pornography for natural as well as legal persons. However, the Committee remains concerned that the Criminal Code of the State party does not criminalize all acts and activities listed in article 3 of the Optional Protocol. In particular, the Committee notes with concern the lack of a definition of child prostitution and child pornography in the Criminal Code.

(22) **The Committee urges the State party to review its legislation, in particular the Criminal Code, with a view to bringing it into full conformity with the Optional Protocol, including by introducing definitions of child prostitution and child pornography, in accordance with article 3 (b) and (c) of the Optional Protocol.**

### **Statute of limitation**

(23) The Committee notes the limitation periods for the offences covered under the Optional Protocol and is concerned that the limitation periods in some circumstances are too short and that criminal prosecution cannot be proceeded with due to the young age of the victim.

(24) **The Committee recommends that the State party reconsider the limitation period for offences covered under the Optional Protocol so that they commence only after the child victim has reached the age of majority.**

### **Jurisdiction and extradition**

(25) The Committee welcomes that procurement and sale of children is subjected to universal jurisdiction in the State party, but regrets that the scope of the application of universal jurisdiction does not apply to other crimes covered under the Optional Protocol.

(26) **The Committee recommends that the State party consider taking measures to extend its universal jurisdiction to cover all the offences referred to in the Optional Protocol and to abolish the requirement of dual criminality.**

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

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

(27) The Committee notes with appreciation the various legal measures taken to protect the rights and interests of child victims and witnesses in the criminal justice process and the separate specialized judiciary unit which is able to deal with child victims of crimes related to the Protocol. However, the Committee notes with concern that these measures are discretionary rather than mandatory and it also regrets the lack of information on concrete programmes of recovery for the child victim and data on financial compensation to victims.

(28) The Committee recommends that the State party continue to consolidate its efforts to bring its legislation and administrative procedures to closer harmony with the Optional Protocol and in this respect, be guided by the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20), and in particular:

(a) Continue to strengthen, in the light of article 8, paragraph 1 of the Optional Protocol, its measures, including legislation, to protect the rights and interests of the child victims and witnesses of the offences prohibited under the Optional Protocol at all stages of the criminal justice process;

(b) Continue developing specialized medical and psychological care services for child victims, and take measures with the aim of ensuring all appropriate assistance to child victims, including their social reintegration and physical and psychological recovery, including by ensuring access and availability of professionals working with child victims throughout the country, in the light of article 9 of the Optional Protocol;

(c) Take measures to ensure appropriate training, particularly legal and psychological, for persons working with child-victims of the offences prohibited under the Optional Protocol, in accordance with article 8, paragraph 4, of the Optional Protocol;

(d) Continue and strengthen the collaboration with non-governmental organizations, in particular, by supporting their advocacy and efforts to ensure that adequate services are available for child victims;

(e) Support the existing helpline by, inter alia, allocating sufficient resources and ensure that it is accorded a 3-digit, 24-hour, toll-free number to assist child victims; and

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

(29) The Committee is concerned that child victims of crimes covered by the Optional Protocol may be held responsible, including child victims of prostitution aged 16 and 17 who may face administrative fines.

(30) The Committee urges the State party to take all possible measures to avoid stigmatization and social marginalization of child victims of the offences covered by the Optional Protocol and make the necessary legislative amendments to ensure that these children are neither criminalized nor penalized.

## VII. International assistance and cooperation

(31) The Committee, while acknowledging the active measures taken by the State party against trafficking in children and child prostitution, in close cooperation with the Council of the Baltic Sea States, is concerned that, according to the State's party report, "there were no instances of international legal cooperation in relation to criminal activities covered by the Optional Protocol".

(32) The Committee recommends that the State party take all necessary measures to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, repatriation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution and child pornography.

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

### **Follow-up**

(33) The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, *inter alia*, by transmitting them to relevant Government ministries, the Seimas (Parliament) and to local authorities, for appropriate consideration and further action.

### **Dissemination**

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

## **IX. Next report**

(35) In accordance with article 12, paragraph 2, the Committee requests the State party to include further information on the implementation of the Protocol in its fourth periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.

### **28. Bhutan**

(1) The Committee considered the second periodic report of Bhutan (CRC/C/BTN/2) at its 1353rd and 1354th meeting (CRC/C/SR.1353 and 1354) held on 22 September 2008, and adopted at the 1369th meeting (CRC/C/SR.1369), held on 3 October 2008, the following concluding observations.

#### **A. Introduction**

(2) The Committee welcomes the submission of the State party's second report, the written replies to its list of issues (CRC/C/BTN/Q/2/Add.1) and the constructive dialogue with a high-level, cross-sectoral delegation. The Committee however regrets the delay in the submission of the second report.

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

(3) The Committee notes with appreciation the adoption of several legislative and programmatic measures taken with a view to implementing the Convention, including:

(a) The adoption of the Constitution on 18 July 2008 and the inclusion of child rights specific provisions therein;

(b) The inclusion of child-related provisions in the Penal Code, 2004 and the Civil and Criminal Procedure Code, 2001;

(c) The adoption of the Labour and Employment Act of 2007, which establishes 18 years as the minimum age for employment and prohibits the worst forms of child labour;

(d) That the minimum age for voluntary enlistment in the armed forces has been raised to 18 years;

(e) The establishment of a Woman and Child Protection Unit within the police in 2007.

(4) The Committee welcomes the State party's accession to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction on 18 Aug 2005.

## C. Main areas of concern and recommendations

### 1. General measures of implementation (arts. 4, 42, 44, para. 66)

#### *Legislation*

(5) The Committee welcomes that the Constitution of 2008, the Penal Code of 2004 and the Civil and Criminal Procedure Code of 2001 contain explicit provisions for children. The Committee furthermore welcomes the inclusion of fundamental rights in the Constitution. However it expresses concern that article 7.22 may be used to unduly restrict these rights by the adoption of new legislation. The Committee notes that a draft child care and protection act is expected to be adopted by the end of 2008.

**(6) The Committee reiterates its previous recommendation (CRC/C/15/Add.157, para. 13) to adopt a comprehensive children's code which incorporates the principles and provisions of the Convention. The Committee recommends that the State party ensure that the draft Child Care and Protection Act is harmonized with the Convention and furthermore encourages its speedy adoption.**

#### *Coordination*

(7) The Committee welcomes the establishment of the National Commission for Women and Children (NCWC) in 2004 as the national mechanism in charge of the coordination of actions taken to protect children's rights. The Committee acknowledges the NCWC initiatives to improve the monitoring of the implementation of the Convention. However it notes that an assessment of the work of the NCWC has yet to be undertaken.

**(8) The Committee recommends that the State party further support the work of the National Commission for Women and Children and ensure that it is provided with adequate human and financial resources, including for carrying out coordination at the local level.**

#### *National Plan of Action*

(9) The Committee notes that provisions of the Convention are being integrated into the National Plan of Action for Gender. However it regrets the absence of a national plan of action for children in order to establish a comprehensive rights' based approach to the implementation of children's rights.

**(10) The Committee recommends that the State party develop a national plan of action for children in consultation with civil society and all sectors involved in the promotion and protection of children's rights, with the aim of implementing the principles and all the provisions of the Convention, and taking into account, inter alia, the Plan of Action "A World Fit for Children" adopted by the General Assembly Special Session in May 2002 and its mid-term review of 2007. The Committee also recommends that adequate human and financial resources be allocated both at the national and local levels for the implementation of the National Plan of Action for Children.**

*Independent monitoring*

(11) The Committee welcomes the efforts of the State party to improve monitoring of the implementation of the Convention and provide a complaints mechanism for children through the NCWC. However the Committee reiterates its concern as stated in the previous concluding observations that there is no independent national human rights institution to monitor and promote the Convention.

**(12) The Committee recommends that the State party establish an independent national human rights institution in full compliance with the Paris Principles relating to the status of national institutions (General Assembly resolution 48/134 of 20 December 1993, annex). Such an institution should be accessible to children and be provided with adequate human and financial resources to receive, monitor and investigate complaints from or on behalf of children on violations of their rights as well as recommend remedies. In this regard, the Committee draws the attention of the State party to its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child.**

*Allocation of resources*

(13) The Committee notes with satisfaction that a considerable part of the State party's public expenditure is allocated to health and education and that education figures among the sectors prioritized for foreign assistance. The Committee however regrets that the impact of budgetary allocations on the implementation of child rights has not been systematically assessed.

**(14) The Committee urges the State party to continue to allocate a high percentage of its public expenditure for education and health and conduct assessments of the allocations specifically for children and the implementation of the Convention.**

*Cooperation with the civil society*

(15) The Committee notes that the State party recognizes the important role played by non-governmental organizations (NGOs) in carrying out, monitoring, evaluating child rights related programmes and welcomes the inclusion of civil society representatives in the NCWC. The Committee however expresses concern that the Civil Society Act of 2007 may result in restrictions on civil society organizations.

**(16) The Committee recommends that the State party:**

**(a) Promote, without undue restrictions, the establishment of civil society organizations and involve rights-based non-governmental organizations working with and for children more systematically throughout all stages of the implementation of the Convention;**

**(b) Seek United Nations Development programme (UNDP) and United Nations Children's Fund (UNICEF) assistance for capacity building of the civil society NGOs on children's rights.**

*Data collection*

(17) The Committee is pleased to note that the National Statistical Bureau is currently developing a database to disaggregate statistics. It also acknowledges the completion of the National Population and Housing Census in 2005 carried out with the assistance of the United Nations Population Fund (UNFPA). However the Committee is concerned that there still are not sufficient and reliable data in relation to children and the implementation of their rights.

(18) **The Committee recommends that the State party ensure the development of a database in order to assess the implementation of the Convention on the Rights of the Child. It also recommends that the State party establishes a national central database on children, in order to attain disaggregated data, including on health and education with emphasis on vulnerable groups, such as refugee children, children without parental care, children of Nepalese ethnic origin (Lhotshampas) and child victims of violence, sexual exploitation and child labour. In this regard, the Committee encourages the State party to seek technical assistance from UNICEF.**

*Dissemination of the Convention and training activities*

(19) The Committee notes with satisfaction that the State party has translated the Committee's previous recommendations into Bhutanese and disseminated them among government officials and the media. The Committee however notes that the Convention has not been translated into local languages and integrated into the school curriculum.

(20) **The Committee recommends that the State party strengthen its efforts to ensure that the provisions of the Convention are widely known and understood by children, parents, community and religious leaders. The Committee recommends that the Convention and the concluding observations be translated into relevant local languages. Furthermore, the Committee recommends that human rights education be included in the official curriculum at all levels of education and that the State party conduct public awareness campaigns giving particular attention to people with low literacy skills.**

(21) The Committee notes that a series of trainings have been undertaken for professional groups, parents and children and that the Government has cooperated with UNICEF in the development of promotional material on the Convention.

(22) **The Committee recommends the reinforcement of systematic training of all professional categories working for and with children, including teachers, police, lawyers, judges, health personnel, social workers, the media and personnel of monasteries and childcare institutions, including those in rural and remote areas. The Committee suggests that the State party seek technical assistance from UNICEF for the above recommendations.**

## 2. Definition of the child

(23) The Committee notes that domestic legislation still lacks a clear definition of the child.

(24) **The Committee reiterates its recommendation (CRC/C/15/Add.157, para. 27) that the State party continue to review its legislation with a view to ensuring that the definition of the child and minimum age requirements conform to the principles and provisions of the Convention, are gender neutral, explicit and enforced by law. In particular, the Committee recommends that the State party adopt a clear provision on the definition of the child in its child care and protection act which is due to be adopted.**

## 3. General principles

*Non-discrimination*

(25) The Committee notes that the State party is undertaking efforts to improve the situation of vulnerable children, particularly those living in rural-remote areas, and children with disabilities. However, it remains concerned that gender discrimination, the lack of services for children with disabilities, the gap of resources between rural and urban areas

and the disparities in the enjoyment of rights experienced by children of Nepalese ethnic origin, particularly in relation to their right to a nationality, to education and to health services.

(26) **The Committee recommends that the State party:**

(a) **Take effective measures, including enacting or rescinding legislation where necessary, to prevent and eliminate discrimination, in accordance with article 2 of the Convention, in all fields of civil, economic, social and cultural life;**

(b) **Establish accessible and effective mechanisms and procedures to monitor, receive and address complaints of discrimination (e.g. prompt appeal in circumstances of denial of school enrolment);**

(c) **Take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes towards different ethnic groups.**

*Best interests of the child*

(27) The Committee notes with appreciation that national legislation incorporates the principle of the best interests of the child. However, the Committee is concerned that this general principle is not fully applied in practice.

(28) **The Committee recommends that the State party take further measures to ensure that the principle of the best interests of the child be duly integrated in the implementation of the legislation, policies and programmes of the State party as well as in administrative and judicial decisions.**

*Respect for the views of the child*

(29) The Committee notes with appreciation the measures undertaken by the State party to improve the respect for the view of the child, such as the setting out of child-friendly procedures and giving children the opportunity to be heard in criminal and civil procedures. The Committee also welcomes the involvement of children in studies through child-friendly interviews and the organization of trainings for persons involved with the care of children. However, the Committee is concerned that certain practices and customary attitudes may still limit the full implementation of the right to be heard contrary to article 12 of the Convention.

(30) **The Committee recommends that the State party:**

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

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

(c) **Take into account the recommendations adopted by the Committee on its day of general discussion in 2006 on the right of the child to be heard.**

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

##### *Birth registration*

(31) The Committee notes that by law, all children born in the home must be registered at the local Gup's (county headman) office within one month of the birth. The Committee is however concerned that there is no central authority for registration of births and that the lack of birth registration certificates may prevent the child's access to education.

**(32) The Committee recommends that the State party strengthen and further develop institutional structures that are accessible and free in order to implement effective birth registration, e.g. by introducing mobile units, especially in rural and remote areas to ensure that all children born within the national territory are registered. The Committee furthermore recommends that the State party ensure that the lack of registration does not pose an impediment to school attendance. The Committee recommends that the State party seek technical assistance from UNICEF for the implementation of these recommendations.**

##### *Nationality and identity*

(33) The Committee is concerned about the restrictive conditions to acquire Bhutanese citizenship and notes that the Constitution requires both parents to be of Bhutanese nationality in order for the child to acquire their nationality. The Committee is concerned about children who, as a consequence of the restrictive citizenship requirements, risk being or are stateless.

**(34) The Committee urges that State party to:**

**(a) Take the necessary measures to ensure that no child is or risks being stateless, in accordance of article 7 of the Convention;**

**(b) Consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

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

(35) The Committee notes that Bhutan has included in its Penal Code (chap. 14) severe penalties for crimes against children, but it remains concerned about the lack of the definition and prohibition of acts of torture and other cruel, inhuman or degrading treatment or punishment against children in its Penal Code.

**(36) The Committee recommends that the State party introduce the definition of the crime of torture and other cruel, inhuman or degrading treatment or punishment in its Penal Code.**

##### *Corporal punishment*

(37) The Committee, while noting that the State party is undertaking measures to promote alternative forms of disciplining, is concerned that corporal punishment has yet to be prohibited at home, in schools and in alternative care settings, including monasteries. The Committee is concerned that corporal punishment is still practised.

**(38) The Committee recommends that the State party:**

**(a) Adopt legislation as soon as possible, explicitly prohibiting all forms of corporal punishment of children in all settings, including the home;**

**(b) Take all measures to ensure the enforcement of the law, conduct capacity building of professionals working with children, carry out awareness raising and**

public education campaigns against corporal punishment and promote non-violent, participatory methods of child-rearing and education, while taking into account the Committee's general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.

*Follow-up to the United Nations Study on Violence against Children*

(39) With reference to the United Nations Secretary-General's study on violence against children, the Committee recommends that the State party:

(a) Take all necessary measures to implement the recommendations of the United Nations study on violence against children (A/61/299) taking into account the outcome and recommendations of the Regional Consultation for South Asia, held in Pakistan from 19–21 May 2005. In particular, the Committee recommends that the State party pay particular attention to the following recommendations:

- (i) Prohibit all forms of violence against children;
- (ii) Strengthen national and local commitment and action;
- (iii) Promote non-violent values and awareness-raising;
- (iv) Enhance the capacity of all who work with and for children;
- (v) Ensure accountability and end impunity; and

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

(c) Seek technical cooperation in this respect from the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO), and other relevant agencies, inter alia, the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), UNHCR, the United Nations Office on Drugs and Crime (UNODC), as well as NGO partners.

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

*Parental guidance*

(40) The Committee notes a lack of services in the State party to support families to raise their children.

(41) The Committee recommends that the State party continue to develop family education and awareness through, for example, providing support, including training for parents on early childhood care, parental guidance and joint parental responsibilities, in light of article 18 of the Convention.

*Separation from parents and family reunification*

(42) The Committee reiterates its concern that as a result of events following the census in the late 1980s, there may be children in southern Bhutan who are separated from their parents, or whose parents are residing abroad as refugees.

(43) **The Committee recommends that the State party seek a prompt solution regarding family reunification in accordance with article 10 of the Convention and with due consideration of the best interests of the child.**

*Children without parental care*

(44) The Committee notes information indicating the absence of alternative care other than monasteries in the State party. The Committee notes that most separated children remain in the extended family without sufficient support from the State party.

(45) **The Committee recommends that the State party, while taking into account the recommendations issued by the Committee following its day of general discussion in 2005 on children without parental care, strengthen its efforts to provide protection for children in case of separation from their family by improving legislation, policies, guidelines and institutional structures in this regard. The Committee encourages the State party to ensure that an appropriate assessment, monitoring and follow-up mechanism is put in place, including for children in monasteries. The Committee recommends that the State party continue training on child rights in monasteries. In this regard, the Committee recommends that the State party seek technical assistance from relevant international organizations and agencies.**

*Adoption*

(46) The Committee notes that, while there are no regulations or guidelines in relation to adoption, a draft adoption act is pending.

(47) **The Committee recommends that the State party evaluate its adoption practices and enact legislation in accordance with the best interests of the child and article 21 of the Convention. The Committee also recommends that the State party consolidate its data collection system and provide more information on domestic and intercountry adoptions. Furthermore, the Committee recommends that the State party ratify the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption in order to avoid the sale of children through irregular adoptions.**

*Violence, abuse, neglect and maltreatment*

(48) The Committee, while welcoming the measures undertaken to combat domestic violence, including the establishment of the Women and Child Protection Unit within the police, notes that cases of abuse and violence remain underreported and that physical and psychological recovery measures for victims are lacking.

(49) **The Committee urges the State party to:**

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

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

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

(d) Establish a 24-hour 3-digit toll-free child helpline service, in order to be able to reach out to children throughout the country.

**6. Basic Health and Welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1–3) of the Convention)**

*Children with disabilities*

(50) The Committee notes measures the State party has undertaken to enhance access to specialized services and education for children with disabilities. However, the Committee regrets that there still are no accurate figures on the number of children with disabilities in Bhutan and that the resources dedicated to guaranteeing the implementation of the rights of children with disabilities are inadequate.

(51) **The Committee recommends that the State party, while taking into account the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee’s general comment No. 9 (2006) on the rights of children with disabilities, take all necessary measures to:**

(a) **Adopt an inclusive education strategy and elaborate a plan of action in order to increase the school attendance of children with special needs and focus on day-care services for these children in order to prevent their institutionalization;**

(b) **Ensure that all children with special needs receive the appropriate care;**

(c) **Support activities of NGOs (including organizations of parents) and cooperate with them in the process of developing community based day-care services for children with special needs;**

(d) **Consider ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol;**

(e) **Undertake a survey on the causes and extent of disabilities of children;**

(f) **Seek technical assistance from relevant international organizations and agencies.**

*Health and health services*

(52) The Committee welcomes the reduction of infant mortality and the measures the State party has undertaken to expand and improve access to the public health-care system. It also welcomes that article 9.21 of the Constitution provides for free access to basic public health services. However, the Committee is concerned about the number of children who continue to be malnourished and over the lack of trained health workers and medical practitioners.

(53) **The Committee recommends that the State party:**

(a) **Continue to make efforts to give free access to health services and ensure equitable access for the entire population;**

(b) **Develop a strategy to combat malnourishment and food insecurity;**

(c) **Build national capacities to train health workers and medical practitioners.**

*Adolescent health*

(54) The Committee notes the introduction of the Adolescent Reproductive Health Education and Life Skills Programme in 2002. However, the Committee remains concerned that further measures are required in order to address adolescent sexual and reproductive health issues.

(55) **The Committee recommends that the State party:**

(a) **Take all necessary measures, including by providing information and education, with respect to adolescent reproductive health and by making a comprehensive range of contraceptives widely available and by increasing knowledge about family planning;**

(b) **Undertake a comprehensive and multidisciplinary study to assess the scope of adolescent health problems including mental health issues;**

(c) **Take into account the Committee's general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child.**

*Standard of living*

(56) The Committee welcomes the improved access to safe drinking water and basic sanitation and notes that the objective of the ninth Five-Year National Development Plan was to improve the poor living conditions of large segments of the population, in particular in rural areas and to provide the entire population with access to safe drinking water, sanitation and health services. The Committee however is concerned about the lack of data on the percentage of the population which has access to these basic provisions.

(57) **The Committee recommends that, in accordance with articles 4 and 27 of the Convention, the State party improve its coordination and reinforce its efforts to allocate adequate human and financial resources to provide support and material assistance, with a particular focus on the most marginalized and disadvantaged families, and to guarantee the right of children to an adequate standard of living. In this regard, the State party is furthermore encouraged to seek international cooperation and assistance.**

*HIV/AIDS*

(58) The Committee welcomes the State party's policy on providing free anti-retroviral therapy. Furthermore, it notes the relatively low HIV/AIDS prevalence rate and that State party is formulating a comprehensive prevention policy. However, the Committee is concerned that the reported cases of HIV are increasing; including through mother-to-child transmission and that infected children may face stigmatization. The Committee is also concerned over the low use of condoms.

(59) **The Committee recommends that the State party, while taking into account the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child and the international guidelines on HIV/AIDS and human rights by OHCHR and the Joint United Nations Programme on HIV/AIDS (2006):**

(a) **Strengthen its preventive efforts by conducting campaigns and programmes in order to raise awareness on HIV/AIDS including on prevention methods and the use of contraceptives;**

(b) **Strengthen measures to prevent mother to child transmission;**

(c) **Provide psychosocial support to HIV/AIDS infected and affected children and their families as well as advocacy on early interventions;**

(d) **Take effective measures to counter stigma and discrimination faced by children and families infected and affected by HIV/AIDS.**

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

*Education, including vocational training and guidance*

(60) The Committee welcomes that the Constitution guarantees free education to all children of school age up to class ten. The Committee also notes achievements in education indicators, such as the decrease of the gender gap, and the planned construction of primary and community schools. However, the Committee is concerned that informal fees are still charged in schools, that additional costs have not been waived for all parents and that education has not been made compulsory. The Committee is furthermore concerned that a remarkable number of children are not enrolled, that regional disparities persist, that repetition and dropout rates are still high and that gender parity has yet to be still achieved. The Committee is also concerned that early childhood care and education as well as vocational training are not yet expanded to the extent needed.

(61) **The Committee recommends that the State party:**

(a) **Ensure that primary education is compulsory and free of all costs and accessible in an equitable manner for all children;**

(b) **Strengthen efforts to achieve enrolment of all children in school and completion of primary education with a view to expand secondary education by, inter alia, building new schools and providing better equipment of all schools;**

(c) **Improve the quality of education by adapting curricula to new developments and introducing interactive teaching and learning methods;**

(d) **Provide more early education facilities and vocational training centres accessible in all regions of the country;**

(e) **Give children who have left school before graduation or never attended school non-formal opportunities to begin or complete their education;**

(f) **Seek technical assistance from UNICEF and UNESCO in this regard.**

*Education of children of Nepalese ethnic origin*

(62) The Committee, while noting as positive the planned re-opening of schools in south Bhutan and the abolishment of the “no objection certificate” announced by the State party during the dialogue, is still concerned about the prevailing discrimination in the field of education against children of Nepalese ethnic origin. The Committee notes with concern that these children have reduced access to education due to the lack of educational institutions at all levels and that they are denied education in their own language. The Committee is concerned about the lack of data on children of Nepalese ethnic origin attending school.

(63) **The Committee recommends that the State party, in light of its obligations under articles 28, 2 and 30 of the Convention, provide education for all children within its jurisdiction, including for children of Nepalese ethnic origin, non-Bhutanese and stateless children.**

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

*Refugee children*

(64) The Committee notes information by the State party report indicating efforts to negotiate an agreement for Bhutanese refugees living in camps in Eastern Nepal, particularly the institution of the Joint Verification Team to identify refugees for resettlement. However, the Committee notes with concern that no durable solution has yet been found. The Committee is concerned about the number of refugee children who have been separated from their family in Bhutan and over the lack of measures to achieve family reunification.

**(65) The Committee recommends that the State party:**

**(a) Enhance efforts in negotiations in order to find peaceful and prompt solution for either the return or resettlement of people living in refugee camps, with particular attention to children and reunification with their families;**

**(b) Ensure the transparency of the procedure for the determination of the nationality of refugees, and based on the right to a nationality and the right to leave and return to one's country, with due consideration of the best interests of the child;**

**(c) Consider acceding to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol;**

**(d) Seek technical assistance from UNHCR and the International Committee of the Red Cross (ICRC).**

*Economic exploitation*

(66) The Committee welcomes that the State party has established the minimum age for admission to employment at 18 in the Labour and Employment Code of 2007. However it notes that underage children are still required to work under certain circumstances. The Committee is concerned over the high incidence of child labour, insufficient awareness among the public of the negative effects of child labour and the lack of available data on the number of children affected, as recognized in the State party's report.

**(67) The Committee recommends that the State party:**

**(a) Undertake a national study to ascertain the root causes and extent of child labour;**

**(b) Design and conduct campaigns to raise awareness of the negative effects of exploitative child labour;**

**(c) Consider membership in the ILO and subsequently ratify the ILO Conventions No. 138 (1973) concerning Minimum Age for Admission to Employment and No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;**

**(d) Seek technical assistance from the ILO and UNICEF.**

*Sexual exploitation*

(68) The Committee notes with appreciation that the State party has strengthened national legislation and that a national plan of action is being drafted to combat commercial sexual exploitation of children. However, the Committee notes with concern that the extent and prevalence of sexual exploitation of children remains undocumented. The Committee notes that there is no formal age of sexual consent.

- (69) **The Committee recommends that the State party:**
- (a) **Undertake a comprehensive study to document the number of children victims of sexual exploitation and abuse and to identify the root causes;**
  - (b) **Adopt and ensure the implementation of the national plan of action against commercial sexual exploitation of children, 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 undertake awareness-raising campaigns on sexual abuse and commercial sexual exploitation perpetrated against children, on their causes, extent and negative impact on the development of the child;**
  - (d) **Train professionals working with the administration of justice, in order to receive and investigate complaints in a child-sensitive manner that respects the privacy of the victim;**
  - (e) **Establish institutions and train professionals responsible for the rehabilitation and reintegration of child victims;**
  - (f) **Ensure adequate resources in order to investigate cases of sexual abuse and exploitation and prosecute and impose adequate sentences for such crimes;**
  - (g) **Consider including a formal age of sexual consent in the legislation.**

*The administration of juvenile justice*

(70) The Committee notes that child-related provisions have been included in the Penal Code, 2004 and the Civil and Criminal Procedure Code, 2001. Furthermore, the Committee notes that the draft Juvenile Justice Act has been amended as a draft Child Care and Protection Act. The Committee is concerned that the minimum age for criminal responsibility is 10 years.

- (71) **The Committee recommends that the State party:**
- (a) **Expedite the adoption of the Child Care and Protection Act;**
  - (b) **Ensure that a system of juvenile justice of the Convention is fully integrated into legislation and practice, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), and the Vienna Guidelines for Action on Children in the Criminal Justice System and the recommendations of the Committee's general comment No. 10 (2007) on children's rights in juvenile justice;**
  - (c) **Raise the minimum age of criminal responsibility in accordance with general comment No. 10, notably paragraphs 32 and 33;**
  - (d) **Ensure that deprivation of liberty is used only as a measure of last resort, for the shortest period of time, is expressly authorized by a court and that juveniles are separated from adult during such deprivation;**
  - (e) **Provide children, both victims and accused, with adequate legal assistance throughout the legal proceedings;**
  - (f) **Ensure that children have the free assistance of an interpreter if the child cannot understand or speak the language used;**

(g) **Conduct training programmes on relevant international standards for all professionals involved with the system of juvenile justice such as judges, police officers, defence lawyers and prosecutors;**

(h) **Be guided in this respect by the United Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20);**

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

*Children belonging to a minority group*

(72) The Committee expresses concern at the ability of children belonging to minority groups, in particular of Nepalese ethnic origin, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

**(73) The Committee recommends that State party recognize the rights of children belonging to minority groups to enjoy their own culture, practise their religion and use their language.**

**9. Ratification of international human rights instruments**

(74) The Committee notes with concern that the State party has neither ratified nor acceded to several core international human rights instruments which, in the view of the Committee, would strengthen the efforts of the State party to meet its obligations in guaranteeing the full realisation of rights of all children under its jurisdiction.

**(75) The Committee recommends the ratification of or accession to all core international human rights instruments by the State party.**

**(76) The Committee furthermore 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. Follow-up and dissemination**

**(77) The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations, inter alia, by transmitting them to the upper and lower house of Parliament and relevant administrative bodies, for consideration and further action.**

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

**11. Next report**

**(79) The Committee invites the State party to submit its combined third, fourth and fifth periodic report on 1 September 2012. This report should not exceed 120 pages (see CRC/C/118).**

**(80) The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the**

**Harmonized Guidelines on Reporting, approved by the Fifth Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).****29. United Kingdom of Great Britain and Northern Ireland**

(1) The Committee considered the third and fourth periodic report of the United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/4), at its 1355th to 1357th meetings (see CRC/C/SR.1355–1357), held on 23 and 24 September 2008, and adopted at its 1369th meeting, held on 3 October 2008, the following concluding observations.

**A. Introduction**

(2) The Committee welcomes the submission of the combined third and fourth report of the State party as well as the written replies to the list of issues. The Committee also welcomes the frank and constructive dialogue held with a multi-sectoral delegation at a senior level.

(3) The Committee reminds the State party that these concluding observations should be read in conjunction with its concluding observations adopted on the same day on the State party's initial report to the Optional Protocol on the involvement of children in armed conflict (CRC/C/GBR/OPAC/CO/1).

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

(4) The Committee welcomes:

(a) The information provided by the State party during the dialogue concerning its decision to withdraw the reservations to articles 22 and 37 (c) of the Convention;

(b) The adoption of a number of acts relating to children's rights, including the Children's Act 2004, the Childcare Act 2006 and the Children's Plan for England of 2007, which directly refer to the provisions and principles of the Convention;

(c) The creation of the Equality and Human Rights Commission;

(d) The creation of the Department for Children, Schools and Families (DCSF) and of a Secretary of State for Children, Schools and Families with lead responsibility for all policies affecting children in England;

(e) The fact that there have been instances where the Convention has been referred to in the State party's domestic courts.

(5) The Committee welcomes the State party's announcement that all the necessary legislative and other measures have been taken to initiate the process of ratification of the Optional Protocol on the sale of children, child prostitution and child pornography. It also notes with appreciation that since consideration of its second report in 2002, the State party has ratified or acceded to, inter alia:

(a) The Optional Protocol on the involvement of children in armed conflict, on 24 June 2003;

(b) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 10 December 2003;

(c) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on 17 Dec 2004;

(d) The 1993 Hague Convention No. 33 on Protection of Children and Cooperation in respect of Intercountry Adoption, on 27 February 2003;

(e) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, on 9 February 2006.

## C. Main areas of concern and recommendations

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

#### *Committee's previous recommendations*

(6) The Committee, while welcoming the State party's efforts to implement the concluding observations on previous State party's reports, notes with regret that some of the recommendations contained therein have not been fully implemented, in particular:

(a) With respect to the concluding observations on the second periodic report of the United Kingdom (CRC/C/15/Add.188), those recommendations related, inter alia, to incorporation of the Convention in the State party's law (paras. 8–9); budgetary allocations (paras. 10–11); dissemination and awareness of the Convention (paras. 20–21); non-discrimination (paras. 22–23); corporal punishment (paras. 35–38); education (paras. 47–48); asylum-seeking and refugee children (paras. 49–50); juvenile justice (paras. 59–62);

(b) With respect to the concluding observations on the initial report of the United Kingdom – Overseas Territories (CRC/C/15/Add.135), those related, inter alia, to definition of the child (paras. 21–22); domestic violence; ill-treatment and abuse (paras. 33–34); drug and substance abuse (paras. 51–52); juvenile justice (paras. 55–56);

(c) With respect to the initial report of the United Kingdom – Isle of Man (CRC/C/15/Add.134) those regarding, inter alia, corporal punishment (paras. 26–27); and juvenile justice (paras. 40–41).

**(7) The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the previous reports that have not yet — or not sufficiently — been implemented as well as those contained in the present concluding observations. In this context, the Committee draws the attention of the State party to its general comment No. 5 (2003) on general measures of implementation for the Convention on the Rights of the Child.**

#### *Reservations and declarations*

(8) The Committee, while welcoming the announced withdrawal of the reservations under articles 22 and 37 (c) of the Convention, regrets that the State party maintains its reservation with regard to the applicability of article 32 to its Overseas Territories and Crown Dependencies.

**(9) The Committee encourages the State party to withdraw its reservation to article 32 with respect to the Overseas Territories and Crown Dependencies.**

#### *Legislation*

(10) The Committee appreciates the State party's efforts to harmonize its legislation with the Convention, particularly with the adoption of the Children's Act 2004 for England and Wales which, inter alia, created the Children's Commissioner for England, and the Childcare Act 2006. However, the Committee remains concerned that the principles of the Convention are not duly taken into account in all pieces of legislation throughout the

country and that the State party has not incorporated the Convention into domestic law nor has ensured the compliance of all legislation affecting children with it.

**(11) The Committee recommends that the State party continue to take measures to bring its legislation into line with the Convention. To this aim, the State party could take the opportunity given in this regard by the development of a Bill of Rights in Northern Ireland and a British Bill of Rights, and incorporate into them the principles and provisions of the Convention, e.g. by having a special section in these bills devoted to child rights.**

#### *Coordination*

(12) The Committee notes that the State party functions with devolved government arrangements and that this system makes it difficult to have a single body coordinating implementation of the Convention. In this respect, the recent coordinating efforts, such as the concentration of responsibilities in the office of the Minister for Children, Young People and Families in England and similar developments within Scotland and Wales, are welcome. Nonetheless, the Committee remains concerned at the lack of a body mandated to coordinate and evaluate a comprehensive and effective implementation of the Convention throughout the State party, including at local level.

**(13) The Committee reiterates its previous recommendation that the State party ensure effective coordination of the implementation of the Convention throughout the State party, including locally, especially where local authorities have significant powers to determine their priorities and allocate budgets. To this end, the State party — in addition to ensuring that each of the jurisdictions has a well resourced and functioning coordinating body — could allocate responsibility for the coordination and evaluation of the Convention across the State party to a single, high-profile mechanism.**

#### *National plan of action*

(14) The Committee welcomes the fact that the Convention has been referred to in the Children's Plan for England, the Seven Core Aims for Children and Young People in Wales and the strategy developed by Northern Ireland. It also welcomes the "Every Child Matters" set of reforms in England. However, the Committee remains concerned that the Convention is not regularly used as a framework for the development of strategies throughout the State party and at the lack of an overarching policy to ensure the full realization of the principles, values and goals of the Convention.

**(15) The Committee encourages the State party to adopt comprehensive plans of action for the implementation of the Convention in all parts of the State party, in cooperation with the public and private sectors involved in the promotion and protection of children's rights and based on a child right approach. In doing so, the State party should take into account the outcome document of the 2002 Special Session of the General Assembly of the United Nations "A world fit for children" and its mid-term review in 2007. The Committee also recommends that the State party ensure adequate budget allocations and follow-up and evaluation mechanisms for the full implementation of the plans of action to regularly assess progress achieved and identify possible deficiencies. These plans should pay special attention to children belonging to the most vulnerable groups.**

#### *Independent monitoring*

(16) The Committee welcomes the establishment of independent Children's Commissioners in all four component societies of the United Kingdom and the numerous

initiatives they have taken for the promotion and protection of child rights, but is concerned that their independence and powers are limited and that they are not established in full compliance with the Paris Principles.

**(17) The Committee recommends that the State party ensure that all four established Commissioners be independent, in compliance with the Paris Principles and mandated, inter alia, to receive and investigate complaints from or on behalf of children concerning violations of their rights. These bodies should be equipped with the necessary human and financial resources in order to carry out their mandate in an effective and coordinated manner so that the rights of all children in all parts of the State party are safeguarded. In this regard, the Committee draws the attention of the State party to its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child.**

*Allocation of resources*

(18) The Committee notes with appreciation the increase in expenditures on children in recent years. Nevertheless, the Committee is concerned that the increases are not sufficient to eradicate poverty and tackle inequalities and that the lack of consistent budgetary analysis and child rights impact assessment makes it difficult to identify how much expenditure is allocated to children across the State party and whether this serves to effectively implement policies and legislation affecting them.

**(19) The Committee recommends that the State party, in accordance with article 4 of the Convention, allocate the maximum extent of available resources for the implementation of children's rights, with a special focus on eradicating poverty and that it reduce inequalities across all jurisdictions. In this endeavour, the State party should take into account the Committee's recommendations issued after the day of general discussion of 21 September 2007 devoted to "Resources for the rights of the child – responsibility of States". Child rights impact assessment should be regularly conducted to evaluate how the allocation of budget is proportionate to the realization of policy developments and the implementation of legislation.**

*Dissemination, training and awareness-raising*

(20) The Committee welcomes the State party's recent efforts to train professionals on the principles and provisions of international human rights instruments, including the Convention, as well as its support to the UNICEF "Rights respecting schools" project and the collaboration with NGOs in the development and implementation of awareness-raising activities. Nonetheless, the Committee is concerned that there is no systematic awareness-raising about the Convention and that the level of knowledge about it among children, parents or professional working with children is low. Furthermore, the Committee regrets that the Convention is not part of the curriculum in schools.

**(21) The Committee recommends that the State party further strengthen its efforts, to ensure that all of the provisions of the Convention are widely known and understood by adults and children alike, inter alia by including the Convention in the statutory national curriculum, and that it ensure that its principles and values are integrated into the structures and practice of all schools. It also recommends the reinforcement of adequate and systematic training of all professional groups working for and with children, in particular law enforcement officials, immigration officials, media, teachers, health personnel, social workers and personnel of childcare institutions.**

*Cooperation with civil society*

(22) The Committee notes with appreciation the cooperation of the State party with civil society organizations in the preparation of the report, including formal consultations, as well as in the implementation of the Convention.

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

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

*Non-discrimination*

(24) The Committee welcomes the State party's plans to consolidate and strengthen equality legislation, with clear opportunities to mainstream children's right to non-discrimination into the United Kingdom anti-discrimination law (the forthcoming Equality Bill). The Committee also welcomes the adoption of action plans and the monitoring and information collection work carried out on the issue of discrimination. However, the Committee is concerned that in practice certain groups of children, such as: Roma and Irish Travellers' children; migrant, asylum-seeking and refugee children; lesbian, bisexual, gay, and transgender children (LGBT) and children belonging to minority groups continue to experience discrimination and social stigmatization. The Committee is also concerned at the general climate of intolerance and negative public attitudes towards children, especially adolescents, which appears to exist in the State party, including in the media, and may be often the underlying cause of further infringements of their rights.

**(25) The Committee recommends that the State party ensure full protection against discrimination on any grounds, including by:**

**(a) Taking urgent measures to address the intolerance and inappropriate characterization of children, especially adolescents, within the society, including in the media;**

**(b) Strengthening its awareness-raising and other preventive activities against discrimination and, if necessary, taking affirmative actions for the benefit of vulnerable groups of children, such as Roma and Irish Travellers' children; migrant, asylum-seeking and refugee children; lesbian, bisexual, gay and transgender children (LGBT); and of children belonging to minority groups;**

**(c) Taking all necessary measures to ensure that cases of discrimination against children in all sectors of society are addressed effectively, including with disciplinary, administrative or — if necessary — penal sanctions.**

*Best interests of the child*

(26) The Committee regrets that the principle of the best interests of the child is still not reflected as a primary consideration in all legislative and policy matters affecting children, especially in the area of juvenile justice, immigration and freedom of movement and peaceful assembly.

**(27) The Committee recommends that the State party take all appropriate measures to ensure that the principle of the best interests of the child, in accordance with article 3 of the Convention, is adequately integrated in all legislation and policies which have an impact on children, including in the area of criminal justice and immigration.**

*Right to life, survival and development*

(28) The Committee, while welcoming the introduction of statutory child death reviews in England and Wales, is very concerned that six more children have died in custody since the last examination, as well as at the high prevalence of self-injurious behaviour among children in custody.

**(29) The Committee recommends that the State party use all available resources to protect children's rights to life, including by reviewing the effectiveness of preventive measures. The State party should also introduce automatic, independent and public reviews of any unexpected death or serious injury involving children – whether in care or in custody.**

(30) The Committee, while welcoming the State party's abolition of the use of plastic baton rounds as a means of riot control in Northern Ireland, is concerned that they were replaced by the Attenuating Energy Projectiles (AEPs), whose less harmful nature has not been proven. The Committee is also concerned at the authorization of Taser guns for police officers in England and Wales, and also in Northern Ireland as a pilot project, and that in both cases they can be used on children.

**(31) The State party should treat Taser guns and AEPs as weapons subject to the applicable rules and restrictions and put an end to the use of all harmful devices on children.**

*Respect for the views of the child*

(32) The Committee welcomes the Childcare Act 2006, and associated guidelines that require local authorities to have regard to the views of young children when planning services for children, as well as the requirement on inspectors to consult children when visiting schools and other institutional settings. It also welcomes the new duty on school governing bodies in England and Wales to involve children in the development of school behaviour policies. However, the Committee is concerned that there has been little progress in enshrining article 12 in education law and policy. Furthermore, the Committee is concerned that insufficient action has been taken to ensure that the rights enshrined in article 12 are applied to children with disabilities.

**(33) The Committee recommends that the State party, in accordance with article 12 of the Convention, and taking into account the recommendations adopted by the Committee after the day of general discussion on the right of the child to be heard in 2006:**

**(a) Promote, facilitate and implement, in legislation as well as in practice, within the family, schools, and the community as well as in institutions and in administrative and judicial proceedings, the principle of respect for the views of the child;**

**(b) Support forums for children's participation, such as the United Kingdom Youth Parliament, Funky Dragon in Wales and Youth Parliament in Scotland;**

**(c) Continue to collaborate with civil society organizations to increase opportunities for children's meaningful participation, including in the media.**

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

#### *Freedom of peaceful assembly*

(34) The Committee is concerned at the restriction imposed on the freedom of movement and peaceful assembly of children by the anti-social behaviour orders (ASBOs) (see also paras. 79 and 80 below) as well as by the use of the so-called “mosquito devices” and the introduction of the concept of “dispersed zones”.

**(35) The Committee recommends that the State party reconsider the ASBOs as well as other measures such as the mosquito devices insofar as they may violate the rights of children to freedom of movement and peaceful assembly, the enjoyment of which is essential for the children’s development and may only subject to very limited restrictions as enshrined in article 15 of the Convention.**

#### *Protection of privacy*

(36) The Committee is concerned that:

(a) DNA data regarding children is kept in the National DNA Database irrespective of whether the child is ultimately charged or found guilty;

(b) The State party has not taken sufficient measures to protect children, notably those subject to ASBOs, from negative media representation and public “naming and shaming”;

(c) Children’s appearances on television reality shows may constitute an unlawful interference with their privacy.

**(37) The Committee recommends that the State party:**

**(a) Ensure, both in legislation and in practice, that children are protected against unlawful or arbitrary interference with their privacy, including by introducing stronger regulations for data protection;**

**(b) Intensify its efforts, in cooperation with the media, to respect the privacy of children in the media, especially by avoiding messages publicly exposing them to shame, which is against the best interests of the child;**

**(c) Regulate children’s participation in television programmes, notably reality shows, as to ensure that they do not violate their rights.**

#### *Cruel, inhuman or degrading treatment or punishment*

(38) The Committee notes that the State party has reviewed the use of physical restraint and solitary confinement to ensure that these measures are not used unless absolutely necessary and as a measure of last resort. However, the Committee remains concerned at the fact that, in practice, physical restraint on children is still used in places of deprivation of liberty.

**(39) The Committee urges the State party to ensure that restraint against children is used only as a last resort and exclusively to prevent harm to the child or others and that all methods of physical restraint for disciplinary purposes be abolished.**

#### *Corporal punishment*

(40) The Committee, while noting amendments to legislation in England, Wales, Scotland and Northern Ireland which restrict the application of the defence of “reasonable chastisement”, is concerned that this defence has not been removed. The Committee welcomes the commitment of the National Assembly in Wales to prohibiting all corporal

punishment in the home, but notes that under the terms of devolution it is not possible for the Assembly to enact the necessary legislation. The Committee is concerned at the failure of State party to explicitly prohibit all corporal punishment in the home and emphasizes its view that the existence of any defence in cases of corporal punishment of children does not comply with the principles and provisions of the Convention, since it would suggest that some forms of corporal punishment are acceptable.

(41) The Committee is further concerned that corporal punishment is lawful in the home, schools and alternative care settings in virtually all overseas territories and crown dependencies.

**(42) The Committee, reiterating its previous recommendations (CRC/C/15/Add.188, para. 35), in the light of its general comment No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, as well as noting similar recommendations made by the Human Rights Committee; the Committee on the Elimination of Discrimination against Women; and the Committee on Economic, Social and Cultural Rights, recommends that the State party:**

**(a) Prohibit as a matter of priority all corporal punishment in the family, including through the repeal of all legal defences, in England and Wales, Scotland, and Northern Ireland, and in all Overseas Territories and Crown Dependencies;**

**(b) Ensure that corporal punishment is explicitly prohibited in schools and all other institutions and forms of alternative care throughout the United Kingdom and in the Overseas Territories and Crown Dependencies;**

**(c) Actively promote positive and non-violent forms of discipline and respect for children's equal right to human dignity and physical integrity, with a view to raising public awareness of children's right to protection from all corporal punishment and to decreasing public acceptance of its use in childrearing;**

**(d) Provide parental education and professional training in positive child-rearing.**

*Follow-up to the United Nations Study on Violence against Children*

(43) **With reference to the United Nations Secretary-General's study on violence against children (A/61/299), the Committee recommends that the State party take all necessary measures for the implementation of the recommendations contained in the report of the independent expert of the United Nations study on violence against children, while taking into account the outcome and recommendations of the Regional Consultation for Europe and Central Asia, held in Ljubljana from 5–7 July 2005. The State party should use these recommendations as a tool for action in partnership with civil society and in particular with the involvement of children, to ensure that every child is protected from all forms of physical, sexual and mental violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.**

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

(44) The Committee notes the State party's indication that foster care is preferred over institutional care. The Committee also welcomes the State party's efforts to improve outcomes for children in care as well as the establishment of independent reviewing officers in England. The Committee is concerned that many families lack appropriate assistance in

the performance of their child-rearing responsibilities, and notably those families in a crisis situation due to poverty. Furthermore, the Committee is concerned at:

- (a) The insufficient investment in the staff and facilities to support children deprived of parental care;
- (b) The fact that children may be taken in alternative care as a result of parental low income;
- (c) The situation of children with one or both parents in prison;
- (d) The increased numbers of children in alternative care and in particular the high percentage of children of African descent, children with disabilities and children from ethnic minorities therein;
- (e) The inadequate monitoring, including concerning the review of the treatment, for children in alternative care;
- (f) The too frequent move between places for children in alternative care as well as the scarce possibility of contact between them and their parents and siblings;
- (g) The limited number of children in alternative care who have access to complaint mechanisms.

**(45) The Committee recommends that the State party:**

- (a) Intensify its efforts to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities;**
- (b) Avoid having children taken into alternative care as a result of low parental income;**
- (c) Take into account in all measures the views of children, and provide them with child-accessible complaint mechanisms in all parts of the country;**
- (d) Ensure support to children with one or both parents in prison, in particular to maintain contact with the parent(s) (unless this is contrary to their best interests) and to prevent their stigmatization and discrimination against them;**
- (e) Monitor the status of children placed in kinship homes, foster care, pre-adoptive homes and other care institutions, inter alia through regular visitations;**
- (f) Assess why so many children with disabilities are in long-term institutional care and review their care and treatment in these settings;**
- (g) Facilitate the initiation of contact proceedings for all children separated from their parents and siblings, including those in long-term residential care;**
- (h) Provide training and education programmes to prepare children for adult life;**
- (i) Take into account the Committee's recommendations issued at the day of general discussion on children without parental care, held on 16 September 2005.**

#### *Adoption*

(46) The Committee is concerned that children of African descent and children of ethnic minorities sometimes face a long period waiting for adoption by a family of the same ethnic origin.

**(47) The Committee recommends that the State party strengthen its efforts to facilitate a situation in which children, always in their best interests, be adopted as speedily as possible, taking in due account, inter alia, their cultural background.**

(48) The Committee is concerned that the State party has entered a declaration to the Hague Convention on Intercountry Adoption whereby it does not extend the application of this Convention to its Overseas Territories.

**(49) The Committee recommends that the State party take the necessary measures to expand the application of the Hague Convention on Intercountry Adoption to the Overseas Territories.**

*Violence, abuse and neglect*

(50) The Committee welcomes the efforts undertaken by the State party to tackle the problem of violence, abuse and neglect of children. However, the Committee remains alarmed at the high prevalence of violence, abuse and neglect of children, including in the home, and at the lack of a comprehensive nationwide strategy in this regard. The Committee regrets that there is still no comprehensive system of recording and analysing abuses committed against children and that mechanisms of physical and psychological recovery and social reintegration for victims are not sufficiently available across the State party.

**(51) The Committee recommends that the State party:**

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

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

**(c) Strengthen support for victims of violence, abuse, neglect and maltreatment in order to ensure that they are not victimized once again during legal proceedings;**

**(d) Provide access to adequate services for recovery, counselling and other forms of reintegration in all parts of the country.**

**5. Basic health and welfare (arts. 6; 18, para. 3; 23; 24; 26; and 27, paras. 1–3, of the Convention)**

*Children with disabilities*

(52) The Committee welcomes the State party's initiatives undertaken at national as well as at local level in terms of analysing and improving the situation of children with disabilities. The Committee, however, is concerned that:

(a) There is no comprehensive national strategy for the inclusion of children with disabilities into society;

(b) Children with disabilities continue to face barriers in the enjoyment of their rights guaranteed by the Convention, including in the right to access to health services, leisure and play.

**(53) In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party:**

- (a) Take all necessary measures to ensure that legislation providing protection for persons with disabilities, as well as programmes and services for children with disabilities, are effectively implemented;
- (b) Develop early identification programmes;
- (c) Provide training for professional staff working with children with disabilities, such as medical, paramedical and related personnel, teachers and social workers;
- (d) Develop a comprehensive national strategy for the inclusion of children with disability in the society;
- (e) Undertake awareness-raising campaigns on the rights and special needs of children with disabilities encourage their inclusion in society and prevent discrimination and institutionalization;
- (f) Consider ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

#### *Health and health services*

(54) The Committee is concerned that, despite the State party's efforts to tackle inequalities in access to health services through, inter alia, substantial investments, inequalities remain a problem, as demonstrated by the widening gap in infant mortality between the most and the least well-off groups.

**(55) The Committee recommends that inequalities in access to health services be addressed through a coordinated approach across all Government departments and greater coordination between health policies and those aimed at reducing income inequality and poverty.**

#### *Mental health*

(56) The Committee — despite the considerable financial investment, especially in England — is concerned that, while 1 in 10 children in the State party have a diagnosable mental health problem, only around 25 per cent of them have access to the required treatment and care and that children may still be treated in adult psychiatric wards. The Committee is also concerned that in Northern Ireland — due to the legacy of the conflict there — the situation of children in this respect is particularly delicate.

**(57) The Committee recommends that additional resources and improved capacities be employed to meet the needs of children with mental health problems throughout the country, with particular attention to those at greater risk, including children deprived of parental care, children affected by conflict, those living in poverty and those in conflict with the law.**

#### *Breastfeeding*

(58) The Committee, while appreciating the progress made in recent years in the promotion and support of breastfeeding in the State party, is concerned that implementation of the International Code of Marketing of Breast-milk Substitutes continues to be inadequate and that aggressive promotion of breast-milk substitutes remains common.

**(59) The Committee recommends that the State party implement fully the International Code of Marketing of Breast-milk Substitutes. The State party should also further promote baby-friendly hospitals and encourage breastfeeding to be included in nursery training.**

*Adolescent health*

(60) While noting the efforts undertaken by the State party in the areas which affect adolescents, the Committee remains concerned at the high rate of teenage pregnancies, especially among girls from a lower socio-economic background and in the Overseas Territories, in particular Turks and Caicos.

**(61) The Committee recommends that the State party intensify its efforts in order to provide adolescents with appropriate reproductive health services, including reproductive health education, in school.**

(62) The Committee is concerned at the incidence of alcohol, drugs and other toxic-substance use by adolescents in the State party, including its Overseas Territories.

**(63) The Committee recommends that the State party continue to address the issue of substance use by adolescents across the State party, including by:**

**(a) Studying the root causes of these problems in order to provide targeted prevented measures;**

**(b) Strengthening mental health and counselling services, ensuring that they are accessible and sensitive to adolescents in all jurisdictions, including the Overseas Territories;**

**(c) Providing children with accurate and objective information on toxic substances, as well as support to those attempting to abandon their use or dependency.**

*Standard of living*

(64) The Committee welcomes the Government's commitment to end child poverty by 2020 as well as the Childcare Act 2006 requirement on local authorities to reduce inequalities among young children. It also notes with appreciation the information given by the delegation that this target will be reflected and enforced through legislative measures. However, the Committee — while noting that child poverty has been reduced in the last years — is concerned that poverty is a very serious problem affecting all part of the United Kingdom, including the Overseas Territories, and that it is a particular concern in Northern Ireland, where over 20 per cent of children reportedly live in persistent poverty. Furthermore, the Committee is concerned that the Government's strategy is not sufficiently targeted at those groups of children in most severe poverty and that the standard of living of Traveller children is particularly poor.

**(65) The Committee would like to highlight that an adequate standard of living is essential for a child's physical, mental, spiritual, moral and social development and that child poverty also affects infant mortality rates, access to health and education as well as everyday quality of life of children. In accordance with article 27 of the Convention, the Committee recommends that the State party:**

**(a) Adopt and adequately implement the legislation aimed at achieving the target of ending child poverty by 2020, including by establishing measurable indicators for their achievement;**

**(b) Give priority in this legislation and in the follow-up actions to those children and their families in most need of support;**

**(c) When necessary, besides giving full support to parents or others responsible for the child, intensify its efforts to provide material assistance and support programmes for children, particularly with regard to nutrition, clothing and housing;**

**(d) Reintroduce a statutory duty for local authorities to provide safe and adequate sites for Travellers.**

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

*Education, including vocational training and guidance*

(66) The Committee notes with appreciation the numerous efforts of the State party in the sphere of education, in order to guarantee the objectives set out in the Convention. However, it is concerned that significant inequalities persist with regard to school achievement of children living with their parents in economic hardship. Several groups of children have problems being enrolled in school or continuing or re-entering education, either in regular schools or alternative educational facilities, and cannot fully enjoy their right to education, notably children with disabilities, children of Travellers, Roma children, asylum-seeking children, dropouts and non-attendees for different reasons (sickness, family obligations etc.), and teenage mothers. Furthermore, the Committee is concerned that:

(a) Participation of children in all aspects of schooling is inadequate, since children have very few consultation rights, in particular they have no right to appeal their exclusion or to appeal the decisions of a special educational needs tribunal;

(b) The right to complain regarding educational provisions is restricted to parents, which represent a problem especially for looked after children for whom local authorities have, though mostly do not use, parental authority;

(c) Bullying is a serious and widespread problem, which may hinder children's attendance at school and successful learning;

(d) The number of permanent and temporary school exclusions is still high and affects in particular children from groups which in general are low on school achievement;

(e) The problem of segregation of education is still present in Northern Ireland;

(f) Despite the Committee's previous concluding observations, academic selection at the age of 11 continues in Northern Ireland.

**(67) The Committee recommends that the State party:**

**(a) Continue and strengthen its efforts to reduce the effects of the social background of children on their achievement in school;**

**(b) Invest considerable additional resources in order to ensure the right of all children to a truly inclusive education which ensures the full enjoyment to children from all disadvantaged, marginalized and school-distant groups;**

**(c) Ensure that all children out of school get alternative quality education;**

**(d) Use the disciplinary measure of permanent or temporary exclusion as a means of last resort only, reduce the number of exclusions and get social workers and educational psychologists in school in order to help children in conflict with school;**

**(e) Make sure that children without parental care have a representative who actively defends their best interests;**

**(f) Intensify its efforts to tackle bullying and violence in schools, including through teaching human rights, peace and tolerance;**

**(g) Strengthen children's participation in all matters of school, classroom and learning which affect them;**

(h) **Ensure that children who are able to express their views have the right to appeal against their exclusion as well as the right, in particular for those in alternative care, to appeal to special educational need tribunals;**

(i) **Take measures to address segregation of education in Northern Ireland;**

(j) **Put an end to the two-tier culture in Northern Ireland by abolishing the 11+ transfer test and ensure that all children are included in admission arrangements in post-primary schools.**

*Right to leisure and play*

(68) The Committee, while appreciating that the England Children's Plan provides for the largest-ever central Government investment in children's play, is concerned that, with the sole exception of Wales, the right to play and leisure is not fully enjoyed by all children in the State party, especially due to poor play infrastructures, notably for those children with disabilities. The Committee is also concerned that the steady reduction in playgrounds occurring in recent years has the effect to push children into gathering in public open spaces, a behaviour that, however, may be seen as anti-social according to the ASBOs.

(69) **The Committee recommends that the State party strengthen its efforts to guarantee the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts. The State party should pay particular attention to provide children, including those with disabilities, with adequate and accessible playground spaces to exercise their play and leisure activities.**

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

*Asylum-seeking and migrant children*

(70) The Committee welcomes the State party's commitment to withdraw its reservation to article 22, as well as the introduction of a new asylum procedure in March 2007 whereby all asylum applications from children are considered by specially trained "case owners", who are especially trained to interview children. It also welcomes the fact that the United Kingdom Border Agency (UKBA) has engaged in a wide process of reform concerning unaccompanied asylum-seeking children in the State party as well as the plan to legislate a specific statutory child safeguarding duty on the UKBA. However, the Committee is concerned that:

(a) As also acknowledged recently by the Human Rights Committee, asylum-seeking children continue to be detained, including those undergoing an age assessment, who may be kept in detention for weeks until the assessment is completed;

(b) There is a lack of data on the number of children seeking asylum;

(c) There is no independent oversight mechanism, such a guardianship system, for an assessment of reception conditions for unaccompanied children who have to be returned;

(d) Section 2 of the 2004 Asylum and Immigration Act permits the prosecution of children over the age of 10 if they do not possess valid documentation upon entry to the United Kingdom.

(71) **The Committee recommends that the State party:**

(a) Intensify its efforts to ensure that detention of asylum-seeking and migrant children is always used as a measure of last resort and for the shortest appropriate period of time, in compliance with article 37 (b) of the Convention;

(b) Ensure that the United Kingdom Border Agency (UKBA) appoints specially-trained staff to conduct screening interviews of children;

(c) Consider the appointment of guardians for unaccompanied asylum-seekers and migrant children;

(d) Provide disaggregated statistical data in its next report on the number of children seeking asylum, including those whose age is disputed;

(e) Give the benefit of the doubt in age-disputed cases of unaccompanied minors seeking asylum, and seek experts' guidance on how to determine age;

(f) Ensure that when the return of children occurs, this happens with adequate safeguards, including an independent assessment of the conditions upon return, including family environment;

(g) Consider amending section 2 of the 2004 Asylum and Immigration (Treatment of Claimants etc.) Act to allow for a guaranteed defence for unaccompanied children who enter the United Kingdom without valid immigration documents.

*Children in armed conflict*

(72) As the State party has submitted its initial report under the Optional Protocol to the Convention on the involvement of children in armed conflict, the Committee requests readers to refer, for recommendations under this section, to the concluding observations adopted in relation to that report (CRC/C/OPAC/GBR/1).

*Sexual exploitation and abuse*

(73) The Committee welcomes the announced forthcoming ratification of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography and notes the numerous activities undertaken by the State party to combat commercial sexual exploitation and abuse, including measures to prevent criminalization of child victims and to implement policies outlined in the World Congress against Commercial Sexual Exploitation of Children. The Committee is concerned at the lack of data on children victim of sexual exploitation, including in the Overseas Territories.

(74) The Committee recommends that the State party intensify its efforts to collect data on the extent of sexual exploitation and abuse of children, essential to prepare adequate responses to and to combat these phenomena, including in the Overseas Territories. The State party should always consider, both in legislation and in practice, child victims of these criminal practices, including child prostitution, exclusively as victims in need of recovery and reintegration and not as offenders. The Committee also recommends that the State party ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

*Sale, trafficking and abduction*

(75) The Committee notes with appreciation the information that the State party intends to ratify the Council of Europe Convention on Action against Trafficking in Human Beings. While welcoming the adoption of the United Kingdom Anti-trafficking Action Plan, it is concerned that the necessary resources to implement it are not being provided, including

those needed to ensure the provision of high quality services and safe accommodation for trafficked children.

**(76) The Committee recommends that the State party provide the necessary resources for an effective implementation of the Anti-trafficking Action Plan. It also recommends that the State party ratify the Council of Europe Convention on Action against Trafficking in Human Beings and implement its obligations by ensuring that child protection standards for trafficked children meet international standards.**

*Administration of juvenile justice*

(77) The Committee is concerned that:

- (a) The age of criminal responsibility is set at 8 years of age in Scotland and at 10 years for England, Wales and Northern Ireland;
- (b) There are still cases where children, notably those aged between 16 and 18, can be tried in an adult court, including in the Overseas Territories of Antigua, Montserrat, Bermuda as well as on the Crown Dependency of the Isle of Man;
- (c) The number of children deprived of liberty is high, which indicates that detention is not always applied as a measure of last resort;
- (d) The number of children on remand is high;
- (e) Children in custody do not have a statutory right to education;
- (f) There is the practice, in the Overseas Territories, of holding persons below 18 in conflict with the law in the same places of deprivation of liberty for adults;
- (g) The recently published Youth Crime Action Plan (July 2008) includes a proposal to remove reporting restrictions for 16 and 17 year-olds facing criminal proceedings “to improve the transparency of the youth justice system”;
- (h) The provisions of the Counter-Terrorism Bill also apply to children suspected or charged with terrorism offences; in particular the Committee is concerned at the provisions for extended pre-charge detention and notification requirements;
- (i) Children deprived of liberty in Turks and Caicos, may end up in detention in Jamaica, due to the lack of detention facilities for children.

**(78) The Committee recommends that the State party fully implement international standards of juvenile justice, in particular articles 37, 39 and 40 of the Convention, as well as general comment No. 10 on children’s rights in juvenile justice the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules). It also recommends that the State party:**

- (a) Raise the minimum age of criminal responsibility in accordance with the Committee’s general comment No. 10, and notably its paragraphs 32 and 33;**
- (b) Develop a broad range of alternative measures to detention for children in conflict with the law; and establish the principle that detention should be used as a measure of last resort and for the shortest period of time as a statutory principle;**
- (c) Children in conflict with the law are always dealt with within the juvenile justice system and never tried as adults in ordinary courts, irrespective of the gravity of the crime they are charged with;**

- (d) Following the welcome withdrawal of its reservation to article 37 (c) of the Convention, ensure that, unless in his or her best interests, every child deprived of liberty is separated from adults in all places of deprivation of liberty;
- (e) Provide for a statutory right to education for all children deprived of their liberty;
- (f) Review the application of the Counter Terrorism Bill to children;
- (g) Ensure that, when children in the Overseas Territories are subject to deprivation of liberty in another country, all the guarantees enshrined in article 40 of the Convention are respected and that this respect is duly monitored; the State party should also ensure that those children have the right, unless it is considered in the child's best interest not to do so, to maintain contact with their family through regular visits;
- (h) Adopt appropriate measures to protect the rights and interests of child victims or witnesses of crime at all stages of the criminal justice process.

(79) The Committee is concerned at the application to children of the Anti-Social Behaviour Orders (ASBOs), which are civil orders posing restrictions on children's gathering, which may convert into criminal offences in case of their breach. The Committee is further concerned:

- (a) At the ease of issuing such orders, the broad range of prohibited behaviour and the fact that the breach of an order is a criminal offence with potentially serious consequences;
- (b) That ASBOs, instead of being a measure in the best interests of children, may in practice contribute to their entry into contact with the criminal justice system;
- (c) That most children subject to them are from disadvantaged backgrounds.

(80) The Committee recommends that the State party conduct an independent review of ASBOs, with a view to abolishing their application to children.

## 8. Ratification of international human rights instruments

(81) The Committee encourages the State party to consider ratifying the international human rights instruments to which it is not yet party, i.e. the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Convention on the Rights of Persons with Disabilities; and the International Convention for the Protection of All Persons from Enforced Disappearance. Furthermore, the Committee recommends that the State party, as announced during the dialogue with the Committee, swiftly proceed to the ratification of the Optional Protocol on the sale of children, child prostitution and child pornography.

## 9. Follow-up and dissemination

### *Follow-up*

(82) The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to Parliament, relevant ministries of the central Government and of the devolved administrations for appropriate consideration and further action.

*Dissemination*

(83) **The Committee further recommends that the third and fourth periodic reports and written replies submitted by the State party and related recommendations (concluding observations) that it adopted be made widely available in the relevant languages, including through Internet (but not exclusively), to the public at large, civil society organizations, youth groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.**

**10. Next report**

(84) **The Committee invites the State party to submit its fifth periodic report, by 14 January 2014. This report should not exceed 120 pages (see CRC/C/118).**

(85) **The Committee also invites the State party to submit an updated core document, in accordance with the requirements of the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents”, approved at the fifth Inter-Committee Meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).**

**30. United Kingdom of Great Britain and Northern Ireland**

(1) The Committee considered the initial report of the United Kingdom of Great Britain and Northern Ireland under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/GBR/1) at its 1357th meeting (see CRC/C/SR.1357), held on 24 September 2008, and adopted, on 3 October 2008, the following concluding observations.

**A. Introduction**

(2) The Committee welcomes the submission of the State party’s initial report as well as the written replies to the list of issues, which give substantive information on the legislative, administrative, judicial and other measures applicable in the State party with respect of the rights guaranteed by the Optional Protocol. The Committee also welcomes the frank and constructive dialogue held with a multi-sectoral delegation at a senior level.

(3) The Committee reminds the State party that these concluding observations should be read in conjunction with its concluding observations adopted on the same day on the State party’s third and fourth periodic reports contained in CRC/C/GBR/CO/4.

**B. Positive aspects**

(4) The Committee welcomes the fact that compulsory recruitment into the British Armed Forces was abolished in 1963.

(5) The Committee welcomes the fact that the State party is an active member of the United Nations Working Group on Children and Armed Conflict and provides strong support to the work of international criminal tribunals trying the most serious crimes of concern to the international community, including those against children.

(6) It further welcomes the ratification by the State party of:

(a) ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, on 22 March 2000;

(b) The Rome Statute of the International Criminal Court on 4 October 2001.

## 1. General measures of implementation

### *Dissemination and training*

(7) The Committee is concerned that the provisions contained in the Optional Protocol are not disseminated sufficiently and that they are not integrated in military school curricula or in training courses for the military. The Committee is also concerned that, while some personnel receive training on areas addressed by the Optional Protocol, there has been no specific training on it to military personnel and to other relevant professional working with children.

**(8) The Committee recommends that the State party provide training on the Optional Protocol to all members of its Armed Forces, including those involved in international operations. The Committee recommends that further training on the provisions of the Optional Protocol be provided for all relevant professionals, including those working with asylum-seeking and refugee children, migration authorities, police, lawyers, judges, including military judges, medical professionals, social workers and journalists.**

**(9) The Committee further recommends that, in the light of article 6, paragraph 2, the State party make the provisions of the Optional Protocol widely known and promoted, by appropriate means, to adults and children alike.**

## 2. Prevention

### *Direct participation in hostilities*

(10) The Committee is concerned at the wide scope of the State party's interpretative declaration on article 1 of the Protocol, according to which deployment of persons under 18 to take direct part in hostilities would not be excluded when, inter alia, the exclusion of children before deployment is not practicable or would undermine the operational effectiveness of the operation. In this respect, while welcoming the information that the introduction of new guidelines and procedures, including the operational location (OPLOC) system, have served to reduce the number of children deployed into areas where they can be exposed to hostilities and that no child has been deployed since July 2005, the Committee is concerned that children may still be potentially deployed to areas of hostilities and involved in hostilities.

**(11) The Committee recommends that the State party review this interpretative declaration to ensure that its policy and practice are in conformity with article 1 of the Protocol and that children are not exposed to the risk of taking direct part in the hostilities.**

### *Voluntary recruitment*

(12) The Committee notes that, according to the State party's declaration under article 3 made upon ratification, the minimum age for voluntary recruitment is 16 years and regrets the fact that the State party indicates that there are no plans to change this.

**(13) The Committee encourages the State party to consider reviewing its position and raise the minimum age for recruitment into the armed forces to 18 years in order to promote the protection of children through an overall higher legal standard. In the meantime, the Committee recommends that, in recruiting among those persons who have not yet attained the age of 18, priority is given to those who are the oldest.**

(14) The Committee notes the State party's position that, "in order to compete in an increasingly competitive employment market, the British Armed Forces need to attract

young people aged 16 and above into pursuing a career in the armed forces” (State party report, para. 18). The Committee is however concerned that:

(a) Figures given by the State party show that recruits under the age of 18 represent approximately 32 per cent of the total intake of United Kingdom Regular Armed Forces;

(b) The active recruitment policy may lead to the possibility of targeting those children who come from vulnerable groups;

(c) Parents and/or guardians are only involved at the final stage of the recruitment process to give their consent.

**(15) The Committee recommends that the State party:**

**(a) Reconsider its active policy of recruitment of children into the Armed Forces and ensure that it does not occur in a manner which specifically targets ethnic minorities and children of low-income families;**

**(b) Ensure that parents are included from the outset and during the entire process of recruitment and enlistment.**

(16) The Committee is concerned that the right to leave the service for child recruits is limited to the first six months of service and that discretionary permission to leave may be asked by Armed Forces personnel under the age of 18 years and 3 months who have expressed clear unhappiness at their choice of career before reaching their eighteenth birthday.

**(17) The Committee recommends that the State party review the requirements for, and expand the exercise of, the “discharge as of right” for child recruits.**

(18) The Committee welcomes the fact that the rule providing that under-18 Army recruits were required to serve a minimum period of service up to two years longer than the minimum period for adult recruits is no longer valid. However, the Committee is concerned that the new regulations only apply to new recruits as of 1 January 2008.

**(19) The Committee recommends that all persons who were still below 18 on 1 January 2008 also have the right to convert their minimum term of service to four years from the first day of duty.**

#### *Peace education*

**(20) The Committee recommends that the State party, in collaboration with civil society organizations, develop and implement training programmes and campaigns to promote the values of peace and respect for human rights and include the subject of peace education and human rights as a fundamental subject in the education system.**

### **3. Prohibition**

#### *Legislation*

(21) The Committee welcomes that under the State party’s International Criminal Court (ICC) Act, any person committing the war crime of conscripting or enlisting children under the age of 15 into the national Armed Forces or using them to participate actively in hostilities may be prosecuted when the person is a British national, a resident of the United Kingdom or subject to service jurisdiction in the country. However, the Committee is concerned that the State party does not have legal provisions criminalizing the recruitment or use in hostilities of children in armed conflict, contrary to the Optional Protocol, and that

therefore it might not establish its jurisdiction in case of recruitment or use of children under the age of 18.

**(22) In order to strengthen the measures for the prevention of the compulsory recruitment of children by armed forces and their use in hostilities or the recruitment of children by armed groups and their use in hostilities, the Committee recommends that the State party:**

**(a) Adopt and implement legislation criminalizing the recruitment and involvement of children in hostilities contrary to the Optional Protocol;**

**(b) Ensure and enforce extraterritorial jurisdiction for these crimes when they are committed by or against a person who is a citizen of or has other links with the State party;**

**(c) Ensure that legislation, including military codes, manuals and other military directives are in accordance with the provisions of the Optional Protocol.**

#### **4. Protection, recovery and reintegration**

(23) The Committee notes the efforts of the State party in the processing of asylum requests from children recruited or used in hostilities abroad, as well as the requirement for the United Kingdom Border Agency to have a code of practice for keeping children safe from harm. However, the Committee is concerned that, while individual local authorities do have support services in place to assist migrant children entering the United Kingdom, there are no specific measures adopted to assist children recruited or used in hostilities abroad.

**(24) The Committee recommends that the State party:**

**(a) Strengthen measures to identify and systematically collect data on refugee, asylum-seeking and migrant children within its jurisdiction who may have been recruited or used in hostilities;**

**(b) Ensure that these children receive appropriate care and treatment, including multidisciplinary assistance for their physical and psychological recovery and their social reintegration;**

**(c) Ensure that the best interests of the child is a primary consideration when processing asylum requests from or on behalf of these children, in particular in decisions concerning their repatriation.**

**(25) The Committee further recommends that the State party take note of the Committee's general comment No. 6 on treatment of unaccompanied and separated children outside their country of origin, in particular its paragraphs 54 to 60.**

#### *Use of firearms*

(26) The Committee regrets that armed guarding of United Kingdom military establishments may be undertaken by military personnel from the age of 17 years, and that this activity entails, as a minimum, weapon-handling training and assessment as well as guidance on the use of force and the rules of engagement.

**(27) The Committee encourages that the handling and use of firearms is abolished for all children in line with the spirit of the Optional Protocol.**

#### *Captured child soldiers*

(28) The Committee notes that the State party has military presences in Iraq and Afghanistan and that there are cases in which children involved in the conflict may be detained by the State party's military authorities. In this respect, the Committee notes that

there exist guidelines for the Armed Forces related to the treatment of children who are captured and placed in detention which provide, inter alia, that they are transferred to the International Committee of the Red Cross (ICRC) as quickly as practicable.

(29) **The Committee recommends that the State party:**

(a) **Ensure that children only be detained as a measure of last resort and in adequate conditions in accordance with their age and vulnerability;**

(b) **Guarantee a periodic and impartial review of their detention and conduct such reviews at greater frequency for children than adults;**

(c) **Ensure that monitoring bodies have unimpeded access to all facilities where children are detained and that they have access to independent complaint mechanisms;**

(d) **Inform parents or close relatives of the detention of the child and his or her whereabouts.**

#### *Military justice*

(30) The Committee is concerned that members of the armed forces under the age of 18 may be subject to the same military justice system as adults.

(31) **The Committee recommends that the State party ensure that children in conflict with the law, irrespective of its military or civil nature, are always dealt with within the juvenile justice system and are treated in accordance with the standards enshrined in the Convention (arts. 37 and 40) and illustrated in the Committee's general comment No. 10 on children's rights in juvenile justice.**

#### *Arms exports*

(32) The Committee notes that all licence applications for exports from the United Kingdom are assessed against the Consolidated European Union and National Exports Arms Licensing Criteria (Code of Conduct), which is made up of eight criteria with which to comply. However, while acknowledging that sale of arms to countries where children are known to be or may potentially be recruited or used in hostilities could fall within one or several of these criteria, it is concerned that this prohibition is not expressly included in a binding instrument.

(33) **The Committee recommends that the State party expressly prohibit, within its legislation, sale of arms to countries where children are known to be or may potentially be recruited or used in hostilities.**

### **5. International assistance and cooperation**

(34) **The Committee notes that the State party continues to provide technical cooperation and financial assistance for the implementation of the Optional Protocol, including in partnership with United Nations agencies such as the United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Refugees (UNHCR). The Committee encourages the State party to continue its bilateral and multilateral cooperation in the implementation of the Optional Protocol, including in the prevention of any activity contrary to it and in the rehabilitation and social reintegration of persons who are victims of acts contrary thereto.**

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

(35) **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by**

transmitting them to the Ministry of Defence, to Parliament and to the relevant authorities in the devolved administrations for appropriate consideration and further action.

(36) The Committee recommends that the initial report submitted by the State party and concluding observations adopted by the Committee be made widely available to the public at large in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

## 7. Next report

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

### 31. United Republic of Tanzania

(1) The Committee considered the initial report of United Republic of Tanzania under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/TZA/1) at its 1363rd and 1364th meetings (see CRC/C/SR.1363 and CRC/C/SR.1364), held on 29 September 2008, and adopted at its 1369th (CRC/C/SR.1369) meeting, held on 3 October 2008, the following concluding observations.

## Introduction

(2) The Committee welcomes the submission of the State party's initial report and the replies to its list of issues (CRC/C/OPSC/TZA/Q/1/Add.1). The Committee expresses appreciation for the frank dialogue held with the high-level and multi-sectoral delegation.

(3) The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations (CRC/C/TZA/CO/2) adopted following the consideration of the State party's second periodic report in June 2006 and with its concluding observations adopted on the initial report under the Optional Protocol on the involvement of children in armed conflict (CRC/OPAC/TZA/CO/1) on 3 October 2008.

## I. General observations

### Positive aspects

(4) The Committee welcomes the various measures taken by the State party in areas of relevance for the Optional Protocol, including the adoption of:

- (a) The Employment and Labour Relations Act, 2004;
- (b) The Employment Act, 2005 of Zanzibar;
- (c) The Anti-Trafficking in Persons Act, 2008;
- (d) The Plan of Action for the Prevention of Violence against Women and Children (2001–2015);
- (e) The National Strategy for the Elimination of Child Labour (2005–2010); and
- (f) The establishment of the Tanzania Police Female Network on violence against women and children.

- (5) The Committee also commends the State party's accession to or ratification of:
- (a) The Optional Protocol on the involvement of children in armed conflict in 2003;
  - (b) The International Labour Organization (ILO) Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in 2001;
  - (c) The African Charter on the Rights and Welfare of the Child in 2003;
  - (d) The United Nations Convention against Transnational Organized Crime in 2006;
  - (e) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime in 2006; and
  - (f) The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime in 2006.

## II. Data

### Data collection

(6) The Committee is seriously concerned about the lack of statistical data on the nature and extent of sale of children, child prostitution and child pornography disaggregated by age, sex, minority group, socio-economic background and geographic location.

**(7) The Committee recommends that a comprehensive data collection system and a central database be established to record violations of child rights including those related to the offences covered by the Protocol. The State party should ensure that data, disaggregated, inter alia, by age, sex, socio-economic background and geographic area are systematically collected and analysed as they provide essential tools for measuring policy implementation. The State party should seek the assistance of United Nations agencies and programmes, including the United Nations Children's Fund (UNICEF), in this regard.**

## III. General measures of implementation

### Legislation

(8) The Committee takes note of the information that some provisions of the Optional Protocol are contained in the legislation of Tanzania Mainland and Zanzibar. It also notes the plan to adopt a Children's Act. However, it expresses concern at the lack of precise definitions and that all offences as defined in articles 2 and 3 of the Optional Protocol are not fully covered in the existing legislation.

**(9) The Committee recommends that the State party expedite the process of harmonization of its national legislation in line with the definition of the offences contained in articles 2 and 3 of the Optional Protocol in order to make effective and adequately implement the provisions contained therein. The Committee further recommends that the State party continue and complete the process of adopting the Children's Act.**

**National plan of action**

(10) The Committee is concerned at the lack of specific plans of action with timetables for the implementation of the Optional Protocol in view of the reported high incidence of sale of children, child prostitution and child pornography in the State party.

**(11) The Committee recommends that the State party elaborate, as a matter of priority, and implement plans of action to combat violations of the provisions of the Optional Protocol in all parts of its territory.**

**Coordination and evaluation**

(12) The Committee notes the proposal to establish a commission on the rights of the child in Tanzania Mainland for the coordination of children's rights and policies at all levels. It further notes that a National Child Rights Committee has been established in Zanzibar in 2004. However, the Committee regrets that the existing coordination mechanisms are inadequate, under-resourced and have weak linkages with local authorities.

**(13) The Committee recommends that the State party take all necessary measures to ensure that a high level national body is appointed with a clear mandate to coordinate and evaluate the State party's implementation of the provisions of the Optional Protocol and that it is provided with adequate human and financial resources.**

**Dissemination and training**

(14) The Committee appreciates the efforts undertaken so far by the State party in promoting the Optional Protocol, including the translation of the Convention and its Optional Protocols into Kiswahili and through training programmes at district and community levels. However, the Committee is concerned that the Optional Protocol is not yet included in the school curricula and the training of professionals working with children affected by the offences of the Protocol is limited and not systematized throughout the State party. The Committee is also concerned that the Kiswahili used to translate the Optional Protocol is too technical and not user-friendly.

**(15) The Committee recommends that the State party:**

**(a) Strengthen systematic education and training on the provisions of the Optional Protocol for all relevant professional groups, including teachers, social workers, lawyers and judges, the media and police throughout the State party by providing, inter alia, a more user-friendly version of the Optional Protocol;**

**(b) Enhance measures to disseminate the provisions of the Optional Protocol among its population, especially children and parents, by using school curricula and appropriate material specifically designed for children, including a child-friendly Kiswahili version of the Protocol;**

**(c) Strengthen systematic gender-sensitive education and training on the provisions of the Optional Protocol for all professional groups working with child victims of the crimes covered by the Optional Protocol; and**

**(d) In cooperation with civil society, promote — in line with article 9, paragraph 2 of the Optional Protocol — awareness in the public at large, including children, through information by all appropriate means, education and training, of the preventive measures and harmful effects of all the offences referred to in the Optional Protocol, including by encouraging the participation of the community and, in particular, children and child victims of both sexes, in such information and education and training programmes.**

### Allocation of resources

(16) The Committee welcomes the information that efforts are being made to increase investment in education as a matter of priority. The Committee is, however, concerned at the lack of information on allocation of resources for the implementation of the provisions of the Optional Protocol, in particular for research and data collection, criminal investigations, legal assistance and physical and psychosocial recovery measures for victims.

**(17) The Committee recommends that the State party, taking due account of the Committee's recommendations following its 2007 day of general discussion on article 4 of the Convention:**

**(a) Provide the necessary human and financial resources for the development and implementation of projects and plans, especially at the local level, aimed at the prevention, protection, physical and psychological recovery and social reintegration of victims and prosecution of the offences covered by the Optional Protocol; and**

**(b) Ensure a human rights approach to its budgeting with particular focus on children, including in the implementation of the National Strategy for Economic Growth and Reduction of Poverty (MKUKUTA in Tanzania Mainland and MKUZA in Zanzibar).**

### Independent monitoring

(18) The Committee reiterates its concern expressed upon consideration of the second periodic report of Tanzania under the Convention (CRC/C/TZA/CO/2) about the lack of accessibility and availability of the Commission for Human Rights and Good Governance to all children in the country.

**(19) The Committee recommends that the State party provide necessary human and financial resources to ensure that the Commission for Human Rights and Good Governance can be easily accessible to all children to complain of any violation of their rights, including those covered by the Optional Protocol.**

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

(20) The Committee notes the positive initiatives for preventive action such as the establishment of the Tanzania Police Female Network and the Task Force on Violence against Women and Children. However, the Committee is concerned that preventive measures are inadequate and weakened by the lack of research and data collection on the root causes, nature and extent of sale of children, child prostitution, child pornography and child sex tourism. Furthermore, the Committee is deeply concerned about reports of sale of children for ritual purposes, including ritual killings of albino children.

**(21) The Committee recommends that the State party strengthen its preventive measures, including allocation of human and financial resources for research at regional and local levels aimed at addressing the root causes, such as poverty and some cultural practices, that contribute to the vulnerability of children to sale, prostitution, pornography and sex tourism. The Committee also urges the State party to undertake investigations into the reports indicating the sale of children for ritual purposes and bring the perpetrators of the crime to justice.**

(22) The Committee notes with concern the information that orphans and children from single parent families are particularly vulnerable to becoming victims of child prostitution.

**(23) The Committee recommends that the State party adopt targeted preventive measures to protect the rights of vulnerable children, such as orphans and children from single parent families, and safeguard them from becoming victims of all the offences under the Optional Protocol.**

#### **Birth registration**

(24) The Committee appreciates the information that the Registration, Insolvency and Trusteeship Agency (RITA) in charge of restructuring the birth registration system is now active and that its campaign to raise awareness on the importance of birth registration is effective and large numbers of newborns and children are being registered. However, the Committee remains concerned at the very low level of birth registration in the country, in particular in remote and rural areas, which poses important difficulties in providing appropriate protection and assistance for child victims whose rights are violated under the Optional Protocol.

**(25) The Committee reiterates its recommendation made upon its consideration of the second periodic report of Tanzania under the Convention (CRC/C/TZA/CO/2, para. 32). In particular, the State party should ensure free birth registration and introduce mobile birth registration units in order to reach the remote and rural areas throughout the country.**

#### **Awareness-raising**

(26) The Committee notes that awareness is increasing in the State party, especially with regard to trafficking, child domestic service and commercial sexual exploitation of children mainly due to the active collaboration among the Government, the International Organization for Migration (IOM) and ILO/IPEC. The Committee is however concerned at the lack of specific awareness about the offences under the Optional Protocol and their harmful effects.

**(27) The Committee recommends that the State party:**

**(a) Promote awareness in the public at large, including children, through information by all appropriate means and education about the preventive measures and harmful effects of the offences referred to in the Optional Protocol;**

**(b) Ensure participation of the community and, in particular, children and child victims, in such awareness-raising, information and education programmes;**

**(c) Strengthen cooperation with civil society organizations and the media in order to support awareness-raising and education activities on issues related to the Optional Protocol.**

## **V. Prohibition and related matters**

#### **Existing criminal or penal laws and regulations**

(28) The Committee takes note of the information that all laws pertaining to children are being reviewed to bring them in line with the Convention and its Optional Protocols, including the Marriage Act, 1971, Sexual Offences Acts of Tanzania Mainland, 2002 and of Zanzibar, 1998 and the Adoption Act, 2002. Nevertheless, the Committee is concerned that the current Penal Code (Tanzania Mainland) and Penal Act (Zanzibar) do not contain comprehensive definitions of sale of children, child prostitution and child pornography in

accordance with articles 2 and 3 of the Optional Protocol, to prosecute offenders. Moreover, the Committee expresses its concern that the perpetrators of offences under the Optional Protocol, particularly child prostitution, may not be adequately penalized under existing laws.

**(29) The Committee recommends that the State party expedite its law review processes in order to effectively prohibit the offences against children under the Optional Protocol and to ensure that perpetrators of the offences, including brothel owners, in the case of child prostitution, are duly prosecuted.**

#### **Adoption**

(30) The Committee is concerned about the information that the protection of children in the adoption process may not be adequate.

**(31) The Committee recommends that the State party expedite the review of the Adoption Act in accordance with the provisions of the Optional Protocol. It further encourages the State party to ratify the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.**

#### **Jurisdiction**

(32) The Committee, while welcoming that the State party may exercise its jurisdiction in accordance with article 4 of the Optional Protocol, remains concerned at the fact that the exercise of this jurisdiction may be limited to only some of the offences covered by the Optional Protocol.

**(33) The Committee recommends that the State party take all necessary measures to establish its jurisdiction over all the offences referred to in the Optional Protocol in conformity with article 4.**

#### **Extradition**

(34) The Committee notes that child prostitution and child pornography are extraditable offences under the Extradition Act. It also notes that the Act is in the process of being reviewed with the view to incorporating new developments on extradition matters. However, the Committee is concerned that extradition is not foreseen when the victim is Tanzanian and the offence is committed abroad.

**(35) The Committee recommends that the State party complete its revision of the Extradition Act and ensure that it complies with article 4, paragraph 2 (b), of the Optional Protocol.**

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

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

(36) The Committee takes note of the legal measures and procedures taken by the State party to protect the rights and interests of child victims and witnesses in the criminal justice process, including holding proceeding in camera. However, the Committee is concerned that legislation is not comprehensive and does not ensure all the rights of child victims, in particular their rights to privacy and to compensation.

**(37) The Committee recommends that the State party:**

**(a) Ensure the protection of child victims at all stages of the criminal justice process in accordance with article 8 of Optional Protocol and that the best interests of**

the child shall be a primary consideration. In this regard, the State party should be guided by the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20);

(b) Take all necessary measures to ensure that, adequate human and financial resources are allocated in order to improve the legal representation for child victims;

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

(d) Use child-friendly procedures to protect children from hardship during the justice process, including by the use of special interview rooms designed for children, child-sensitive methods of questioning and reducing the number of interviews, statements and hearings.

#### **Recovery and reintegration of victims**

(38) The Committee welcomes the Time-Bound Programme adopted in collaboration with ILO/OPEC which aims at eliminating the worst forms of child labour in the State party, especially commercial sexual exploitation of children and domestic service. It further notes the efforts made by the Social Welfare Department's 2000 Community-based Initiative Programme to provide care, support and protection for the most vulnerable children, including victims of offences under the Optional Protocol. However, the Committee notes with concern the scarce availability of social reintegration and physical and psychosocial recovery measures for child victims. The Committee is also concerned at the lack of systematic and coordinated mechanisms at district and community level which could address the rights and needs of child victims in a more comprehensive and coordinated manner.

(39) **The Committee recommends that the State party:**

(a) Ensure that adequate resources are earmarked for services to assist all child victims, boys and girls, including for their full social reintegration and their full physical and psychosocial recovery, in accordance with article 9, paragraph 3, of the Optional Protocol; and

(b) Take measures to ensure appropriate training, in particular legal and psychological training, for the persons who work with victims of the offences prohibited under the Optional Protocol, in accordance with article 8, paragraph 4, of the Optional Protocol.

#### **Helpline**

(40) The Committee welcomes the information provided by the State party delegation that there is a plan to establish a child helpline. The Committee recommends that such helpline be accorded a 3-digit, 24-hour and toll-free number to assist child victims.

## **VII. International assistance and cooperation**

#### **International cooperation**

(41) The Committee recommends that the State party, in accordance with article 10, paragraph 1, of the Optional Protocol, take all necessary steps to strengthen

international cooperation through multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism.

(42) The Committee encourages the State party to continue its cooperation with United Nations specialized agencies and programmes and civil society organizations and through bilateral arrangements to strengthen institutions working with children and to address the root causes, such as poverty and underdevelopment, contributing to the vulnerability of children to the sale of children, child prostitution, child pornography and child sex tourism.

(43) The Committee also recommends that the State party seek international support for cooperation projects relating to the implementation of the provisions of the Protocol, in particular in order to provide assistance for child victims. The State party is encouraged to seek technical assistance from relevant international bodies, including UNICEF.

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

### **Follow-up**

(44) The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, *inter alia*, by transmitting them to relevant ministries, the House of Representatives of Zanzibar and the Union Parliament and to district and community authorities, for appropriate consideration and further action.

### **Dissemination**

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

## **IX. Next report**

(46) In accordance with article 12, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its next periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention, due on 9 January 2012.

### **32. United Republic of Tanzania**

(1) The Committee considered the initial report of United Republic of Tanzania under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/TZA/1) at its 1363rd and 1364th meetings (CRC/C/SR.1363 and CRC/C/SR.1364), held on 29 September 2008, and adopted, on 3 October 2008, the following concluding observations:

## Introduction

(2) The Committee welcomes the submission of the State party's initial report and the replies to its list of issues (CRC/C/OPAC/TZA/Q/1/Add.1). The Committee expresses appreciation for the frank dialogue held with the high-level and multi-sectoral delegation.

(3) The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's second periodic report (CRC/C/TZA/CO/2) and with the concluding observations adopted on the initial report under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/OPSC/TZA/CO/1).

## Positive aspects

(4) The Committee welcomes the information that, children below 18 cannot participate in hostilities and that the Tanzania People's Defence Forces is manned solely by volunteers and that there is no conscription.

(5) The Committee also welcomes the ratification by the State party of:

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

(b) The International Labour Organization (ILO) Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in 2001;

(c) The African Charter on the Rights and Welfare of the Child in 2003;

(d) The Rome Statute of the International Criminal Court in 2002; and

(e) The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction in 2000.

## I. General measures of implementation

### Legal status

(6) The Committee welcomes the information that a number of laws are under review in order to be in line with the Convention on the Rights of the Child and the two Optional Protocols, in particular the Optional Protocol on the involvement of children in armed conflict. It also notes the plan to adopt a children's act. Nevertheless, the Committee is concerned that there is no schedule for the adoption of the Children's Act, that the two processes are going on simultaneously and that the State party has not specifically incorporated the Optional Protocol on the involvement of children in armed conflict into its domestic law.

**(7) The Committee recommends that the State party continue and complete the process of adopting a Children's Act and urge it to complete the review of the national legislation in accordance with the provisions of the Optional Protocol.**

### Coordination

(8) The Committee regrets that the existing coordination mechanisms are inadequate, understaffed and have weak linkages with local authorities. While noting the plan to establish a national body for the coordination of policies at all levels, the Committee is concerned at the lack of effective coordination both in Tanzania Mainland and Zanzibar.

(9) **The Committee recommends that a high-level national body be appointed, provided with adequate human and financial resources in order to ensure that harmonized coordination is provided in Tanzania Mainland as well as in Zanzibar with regard to the implementation of children's rights and in particular the Optional Protocol.**

#### **Dissemination and training**

(10) The Committee welcomes the efforts undertaken by the State party in translating the Optional Protocol in Kiswahili language to facilitate widespread dissemination. It also notes the training programme focused on child rights, including the Optional Protocol, for participants from various regional and district levels of Tanzania Mainland. The Committee is however concerned that specific information on the Optional Protocol is not yet included in all training programmes and school curricula. It is further concerned that the Kiswahili used to translate the Optional Protocol is too technical and not user-friendly.

(11) **The Committee encourages the State party to continue providing training on the Optional Protocol to members of the armed forces and groups of professionals dealing with children, such as teachers, authorities working for and with asylum-seeking and refugee children coming from countries affected by armed conflict, lawyers and judges, the media and police in Tanzania Mainland and Zanzibar. Furthermore, it recommends that the State party enhance its efforts to make the Optional Protocol widely known to the public at large and in particular to children and their parents through, inter alia, school curricula at all levels integrated with human rights education, and through the provision of a more user-friendly Kiswahili version.**

#### **Data collection**

(12) The Committee is concerned at the lack of data on former child soldiers seeking asylum in the United Republic of Tanzania, especially in the north-western part of the country.

(13) **The Committee recommends that a comprehensive data collection system is established in order to ensure that data, disaggregated, inter alia, by age, sex, socio-economic background and geographical area, including asylum-seeking and migrant children, are systematically collected and analysed as they provide essential tools for measuring policy implementation. The State party should seek the assistance of United Nations agencies and programmes, including the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Children's Fund (UNICEF), in this regard.**

#### **Independent monitoring**

(14) The Committee reiterates its concern expressed upon consideration of the second periodic report of the United Republic of Tanzania under the Convention (CRC/C/TZA/CO/2) about the lack of accessibility and availability of the Commission for Human Rights and Good Governance to all children in the country.

(15) **The Committee recommends that the State party provide necessary human and financial resources to ensure that the Commission for Human Rights and Good Governance can be easily accessible for all children at the local and regional levels to complain of any violation of their rights, including those covered by the Optional Protocol.**

## II. Prevention

### Voluntary recruitment

(16) The Committee appreciates the fact that the State party has no compulsory recruitment and that the minimum age for the voluntary recruitment of persons into its national armed forces is 18 years, but notes that in exceptional circumstances the law allows for the recruitment of persons under the age of 18. The Committee is also concerned that the gaps in the birth registration system may allow the recruitment of persons under 18.

**(17) The Committee recommends that the State party consider reviewing its legislation in order to absolutely ensure that no person under 18 years can be recruited. It further encourages that the State party enhance its birth registration system.**

### Birth registration

(18) The Committee appreciates the information that a new agency, Registration, Insolvency and Trusteeship Agency (RITA), in charge of restructuring the birth registration system is now active and that its campaign to raise awareness on the importance of birth registration is effective and that a large number of newborns and children have been registered. However, the Committee remains concerned at the very low level of birth registration in the country, in particular in remote and rural areas, which poses important difficulties in the implementation of the Optional Protocol.

**(19) The Committee reiterates its recommendation made upon the consideration of the second periodic report of the United Republic of Tanzania under the Convention (CRC/C/TZA/CO/2, para. 32). In particular, the State party should ensure free birth registration and introduce mobile birth registration units in order to reach the remote and rural areas throughout the country.**

## III. Prohibition and related matters

### Criminal legislation and regulation in force

(20) The Committee is concerned at the lack of specific legislation which prohibits the involvement of children in hostilities.

**(21) The Committee recommends that the State party:**

**(a) Ensure that the violation of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities be explicitly criminalized in the State party's legislation;**

**(b) Establish extraterritorial jurisdiction for these crimes when they are committed by or against a person who is a citizen of or has other links with the State party; and**

**(c) Ensure that military codes, manuals and other military directives are in accordance with the provisions and the spirit of the Optional Protocol.**

## IV. Protection, recovery and reintegration

### Assistance for physical and psychological recovery

(22) While appreciating the cooperation between the State party and UNHCR, the Committee notes that the State party receives a high number of asylum-seeking and migrant

children, including a number of former child soldiers coming from areas affected by armed conflicts. The Committee is concerned that no specific action is undertaken to identify these children with a view to providing them with specific assistance.

(23) **The Committee recommends that the State party assess the situation of children entering the United Republic of Tanzania who may have been recruited or used in hostilities abroad, and provide them with culturally sensitive and multidisciplinary assistance for their physical and psychological recovery and their social reintegration in accordance with article 6, paragraph 3, of the Optional Protocol.**

## **V. International assistance and cooperation**

(24) The Committee, while noting that the State party has adopted the Arms and Ammunition Act in 2002 which prohibits the trade and export of small arms and weapons, remains concerned at the fact that there exists no specific limitation of transportation of arms through the United Republic of Tanzania where the arms are destined to countries where children may be recruited or used in hostilities.

(25) **The Committee recommends that the State party further strengthen its normative framework by considering introducing a specific prohibition with respect to the sale of arms to countries where children have been known to be or may potentially be recruited or used in hostilities.**

(26) **The Committee further recommends that the State party, in accordance with article 7 of the Optional Protocol, strengthen its cooperation in the implementation of the present Optional Protocol, including in the prevention of any activity contrary thereto and in the rehabilitation and social reintegration of persons who are victims of acts contrary to the provisions of the Optional Protocol, including through technical cooperation and financial assistance.**

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

### **Follow-up**

(27) **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Union Parliament, the House of Representatives of Zanzibar, the Ministry of Defence and to local authorities, where applicable, for appropriate consideration and further action.**

### **Dissemination**

(28) **The Committee recommends that the initial report submitted by the State party and concluding observations adopted by the Committee be made widely available to the public at large in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.**

## **VII. Next report**

(29) **In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its combined third and fourth periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention, due on 9 January 2012.**

#### **IV. Cooperation with United Nations and other competent bodies**

33. Before and during the meeting of the pre-sessional working group and the session, the Committee held various meetings with United Nations bodies and specialized agencies, as well as with other competent bodies, in the framework of its ongoing dialogue and interaction with those bodies in the light of article 45 of the Convention. The Committee met with:

- Najat Maalla, Special Rapporteur on the sale of children, child prostitution and child pornography, to discuss issues of mutual concern and cooperation
- Gerison Lansdown, independent consultant, to discuss links between the Convention on Persons with Disabilities and the Convention on the Rights of the Child
- Victoria Forbes-Adam, Director, Coalition to Stop the Use of Child Soldiers, to discuss issues regarding involvement of children in armed conflict

#### **V. Methods of work of the Committee**

34. The Committee discussed its working methods, including ways and means of improving its working methods, in particular related to the consideration of the large number of reports received, and in view of the number of reports due, under the Convention and its two Optional Protocols. The secretariat read out the oral statement of programme budget implications related to the Committee's request to meet in two chambers and thereafter the Committee reaffirmed its decision adopted at its forty-eighth session (see annex V).

35. The Committee held a retreat during the forty-ninth session, with the financial support of the UNICEF National Committee for the Republic of Korea and assistance of the Kurt Bösch University Institute (Institut universitaire Kurt Bösch, IUKB) in Sion, Switzerland, to pursue its discussions regarding working methods, in particular treaty-specific reporting guidelines.

#### **VI. General comments**

36. The Committee also discussed, in general terms, the advancement of the drafts of its two forthcoming general comments on the right of the child to express views and be heard and on the rights of indigenous children. The Committee expects to have final drafts for consideration at its fiftieth session in January 2009.

#### **VII. Day of general discussion**

37. On 19 September 2008, the Committee held its annual day of general discussion entitled "The right to education in situations of emergency".

##### **A. Background**

38. The annual days of general discussion of the Committee on the Rights of the Child seek to foster a deeper understanding of the contents and implications of the Convention as they relate to specific articles or topics. On 19 September 2008, during its forty-ninth session, the Committee devoted its day of general discussion to "The right of the child to education in emergency situations" (Convention, arts. 28 and 29).

39. For the purpose of the day of general discussion, “emergency situations” are defined as all situations in which anthropogenic or natural disasters destroy, within a short period of time, the usual conditions of life, care and education facilities for children and therefore disrupt, deny, hinder progress or delay the realisation of the right to education. Such situations can be caused by, inter alia, armed conflicts — both international, including military occupation, and non international —, post-conflict situations, and all types of natural disaster.

40. The right to education is set out in the Convention on the Rights of the Child, as well as the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. The right to education in a situation of armed conflict is further protected under international humanitarian law by the Geneva Convention relative to the Protection of Civilian Persons in Time of War and Additional Protocols I and II to the Geneva Conventions, while the elementary education of refugees is protected by the Convention relating to the Status of Refugees, 1951.

41. The achievement of universal primary education and the promotion of gender equality were adopted as Millennium Development Goals by the General Assembly on 6 September 2001. Additionally, States declared in the “A world fit for children” outcome document of the General Assembly’s Special Session on Children in 2002, and reiterated in the mid-term review of 2007, that by 2015 all children would have access to and complete primary education that was free, compulsory and of good quality.

42. The purpose of the 2008 day of general discussion is to provide States and other actors with more comprehensive guidance as to their obligations to promote and protect the right to education, as outlined in articles 28 and 29.

43. On 19 September 2008, over 100 participants (consisting of States parties, international organizations and non-governmental organizations, as well as individuals) attended the meeting and more than 20 contributions were submitted prior to the event. An exhibit of children’s drawings was set up by Save the Children for this occasion presenting views of children whose lives are affected by emergency situations from many parts of the world.

## **B. Summary**

44. Ms. Lee, Chairperson of the Committee, opened the day of general discussion with a short introduction of the topic, outlining the programme for the day. The participants held a minute of silence to commemorate the deaths of four International Rescue Committee (IRC) staff killed in Afghanistan in August 2008: Jackie Kirk; Shirley Case; Nicole Dial and Mohammad Aimal.

45. Ms. Lee’s opening remarks were followed by an introductory statement by Cream Wright, Chief of the Education Section at UNICEF Headquarters. Mr. Wright highlighted the progress that had been achieved by the international community in identifying clear standards to meet the expectations of core commitments for children and in delivering them through coordinated support for children in emergency situations. He noted that the practical benefits of addressing education as a fundamental right have been proven. In arguing for the need for not only restoring normality but also improving when reconstructing education systems, he also highlighted the need for adequate and timely funding, noting that donors were quick to provide funding for emergencies but not necessarily for education in emergency situations. For many, education as a priority in emergency relief was still an outstanding issue, as the practical benefits of addressing education immediately at the outset of the emergency are still not sufficiently understood. Mr. Wright then elaborated on what he described as the three “P’s” – predicting

emergencies, preparing for emergencies and preventing emergencies, and said it was necessary to have tools to carry out those actions. Mr. Wright then highlighted the need for child-friendly schools, stressing the right of the child to a high-quality learning process. Mr. Wright concluded by recommending that the Committee on the Rights of the Child consider drafting a general comment on this issue in order to make States aware of the need to invest in a more proactive manner in addressing the rights of children in emergency situations. He added that UNICEF was prepared to provide technical assistance for such a general comment.

46. Following the introductory statement of Mr. Wright, the floor was given to Tove Wang, Chair, Rewrite the Future campaign of Save the Children, a member organization of the Inter-Agency Network for Education in Emergencies (INEE).<sup>3</sup> Ms. Wang stated that children affected by natural disasters, conflicts or other emergencies were the hardest to reach children in terms of providing access to quality education and were in greater danger of experiencing discrimination – the numbers of children affected by conflict who were still out of school was almost static. She added that, despite the fact that the Human Rights Council has reaffirmed the right to education of every child, including those in any kind of emergency, 37 million school-age children live in countries affected by long-term humanitarian crises and, each year, three-quarters of a million more children had their education disrupted or miss out entirely on education owing to humanitarian disasters. She also argued that high-quality education could increase a child's future potential to become an active member of their society — economically, socially and politically — and could promote stability and tolerance and contribute to building democracy and peace. Ms. Wang stressed that it was crucial to provide education from the outset of every humanitarian response. She highlighted that the obligation to ensure children's right to education did not end with individual States, but should also be addressed, when needed, within the framework of international cooperation – yet donors had neglected the right of the child to education in emergency situations, failing to provide the external funding. Ms. Wang stressed that crucial steps could be taken to prepare should a disaster occur. In this regard, she referred to the INEE Minimum Standards for Education in Emergencies, Chronic Crises and Early Reconstruction (hereafter “INEE Minimum Standards”), which build on the Millennium Development Goals, and to the fact that in November 2006, education was included in the international humanitarian response system through the formation of the Inter-Agency Standing Committee (IASC) Education Cluster,<sup>4</sup> designed to enhance coordination, improve accountability and quality and bring effective education to children in disaster situations. Ms. Wang stressed the need to work together and to utilize existing expertise and structures, including the INEE and the Education Cluster in order to ensure the right of children to education in emergency situations. Finally, Ms Wang recommended that today's discussion should be followed up by the Committee by issuing a general comment on this issue.

47. The final speaker of the opening segment was Vernor Munoz, Special Rapporteur on the right to education and keynote speaker for the day. Among other things, Mr. Munoz stated that the consequences of armed conflict and natural disasters had become increasingly visible and there was a possibility of such events occurring in every region of

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<sup>3</sup> INEE is an open, global network of representatives from non-governmental organizations, United Nations agencies, donor agencies, governments, teachers, researchers and individuals from affected populations working together to ensure all people the right to quality and safe education in emergencies and post-crisis recovery.

<sup>4</sup> The IASC Education Cluster was established at the end of 2006 and co-led by UNICEF and the Save the Children Alliance with the participation of an Advisory Group (UNESCO, the World Food Programme, UNHCR, International Rescue Committee, Christian Children's Fund and INEE).

the world; invariably, the civilian population was the most affected by armed conflict and natural disasters. In recent years, programmatic principles and funding for education had been cut. Physical, cognitive and social and emotional security combined with education was necessary. Armed conflict and political violence had been the main cause of more than 4 million boys and girls living with disabilities, as well as lack of services and minimal support. Some 90 percent of persons affected by natural disasters lived in developing countries that had less ability to deal with natural disasters. Education opportunities, even in times of peace, were frequently unequal and discriminatory, and such inequalities and discrimination were exacerbated in times of emergency situations. Mr. Munoz highlighted the fact that the Rome Statute provides that attacks on buildings intended for educational purposes were a war crime. He also noted that the World Conference on Education for All had shifted the language on education in emergency situations, so that the educational needs of boys and girls affected by emergency situations was not to be left to a development agenda, but had to be placed on the human rights agenda. He also urged donors to acknowledge the right to education and to allocate more resources to fragile States. He further urged States to identify emergency education plans and to create a study programme that was adaptable and non-discriminatory as a response to the needs of boys and girls in emergency situations.

48. The participants then divided into two working groups which proceeded to discuss the following themes: “the continuation and/or reconstruction of the educational system” (the first working group) and “content and quality of education provided for children in emergency situations” (the second working group).

#### **1. Continuation and/or reconstruction of the educational system**

49. The first working group focused upon the implementation of article 28 concerning access to education in the context of emergencies, with a particular focus on education as a right and how this was fulfilled. The working group discussed how to prioritize education as an emergency measure which had to be understood as an essential protection tool and which must be included in the humanitarian response from the very beginning of the emergency through to the development phase, allowing for the continuation of children’s education and building their future capacities.

50. The first working group was facilitated by Dainius Puras, a member of the Committee on the Rights of the Child. Mr. Puras was also joined by Cream Wright (UNICEF) and Alison Anderson (Director of INEE) as resource persons. Agnes Aidoo, Vice-Chairperson of the Committee of the Rights of the Child, and Maria Herczog, member of the Committee on the Rights of the Child, served as rapporteurs for the first working group.

51. Ms. Anderson gave a short presentation to the participants of the working group on the continuation and/or reconstruction of the educational system, posing the question: “why should access to education during an emergency be an urgent issue?” Ms Anderson argued that on average, displaced children spend eight years in displacement and therefore their education could not “wait” until they returned home or were locally integrated. She also highlighted the idea of access to safe, high-quality education as protection and an investment for a better future. Ms. Anderson noted that education was critical for all children, but especially urgent for children affected by emergencies. In emergency situations, education provides physical, psychosocial and cognitive protection, which could be both life-sustaining and life-saving, and that education in emergencies offered an opportunity to build back better and work with government and communities for social transformation by creating programmes which allowed excluded groups, like young children, girls, adolescents and disabled children, to attend school, improving access and quality of education. Ms. Anderson ended her presentation with a recommendation to the

Committee to consider issuing a general comment on education in emergencies following the day of general discussion and that the Committee, the Special Rapporteur on the right to education, States parties, NGOs and United Nations agencies have a joint follow-up meeting on the issue annually to assess the impact of their recommendations and to follow-up on them.

52. The discussion in the working group which followed highlighted that education was crucial, but often overlooked. Development partners were also not thinking of education in emergency situations; they applied a priority or hierarchy of rights, dealing with education at a later stage. The discussions also highlighted the need to respect children's rights in responding to emergency situations. Education was also protection for the well-being and security of children in conflict situations. The hierarchy with respect to development partners in addressing the right of children to education, which was ranked lower than other priorities, had to be changed. The Education for All – Fast Track Initiative<sup>5</sup> (a partnership of developing countries and donors to help low-income countries achieve the Millennium Development Goal of universal primary education by 2015) would support all countries in the transition and an emergency fund had been created to support emergency disaster relief targeted for education. It was also stressed that early childhood development was often overlooked in emergency situations, which needed to be addressed, that international cooperation and coordination was essential and that a culture of rights needed to be supported.

## **2. Content and quality of education provided for children in emergency situations**

53. The second working group focused on the implementation of article 29 concerning the content of education, considering the particular educational rights and needs of children in emergency situations, including the role of education as a life-saving measure.

54. The second working group was facilitated by Brent Parfitt, a member of the Committee on the Rights of the Child. Mr. Parfitt was joined by Christopher Talbot, Chief, a.i. of the Section for Education in Post-Conflict and Post-Disaster Situations, UNESCO, and Susan Nicolai, Senior Education Adviser and Deputy Coordinator for the IASC Education Cluster. Lothar Krappmann, Rapporteur of the Committee on the Rights of the Child, and Awich Pollar, a member of the Committee on the Rights of the Child, served as rapporteurs for the second working group.

55. In her presentation to the working group, Ms. Nicolai noted that implementation of rights, not a lack of rights was the problem. Families have little incentive to insist that their child attend school unless the education was of good quality and relevant. Ms Nicolai stated that while legal frameworks emphasized that it was the primary obligation of Governments to ensure education, they were often unable to do so because of lack of capacity, language differences, gender disparity and corruption. She argued that there was a need to call for an increase in long-term aid for education in emergencies and also to focus the education response on quality of education, not just building schools. The obligation to ensure that schools were inclusive and had non-biased curricula, should be upheld collectively and all actors in this field should aspire to meet the INEE Minimum Standards. Finally, Ms. Nicolai argued that in order to prevent conflict, build peace and avoid the dangers inherent in abuse of educational systems, peace agreements needed to have a reference to education and there must be a harmonized approach thereto; security and safety of schools, school children and education workers was part of quality education.

<sup>5</sup> <http://www.fasttrackinitiative.org/library/FrameworkNOV04.pdf>.

56. Following Ms. Nicolai's representation, Mr. Talbot took the floor. He highlighted the fact that "emergency" covers a large range of situations, not just the high-media phase, and that one also needed to look at long-term responses covering the transition and recovery phases and post-disaster reconstruction as well. Mr. Talbot stated that if learning content was not relevant and useful, the right to education was not being fulfilled. Mr. Talbot stated that the INEE Minimum Standards should be the starting point to putting into practice the right to education. Mr. Talbot also noted that conflict often brought attention to learning content and processes of reform of learning content were often launched on a small scale. In efforts to realize the right to education, attention should be given to support Governments, ministries and agencies to support an inclusive curricula revision process. Such processes must be the result of national and local reflection. On another note, Mr. Talbot stated that there was a growing desire to see a strengthening of monitoring mechanisms of compliance to already existing norms of international law that made it a crime to attack schools, teachers and other humanitarian workers.

57. In the discussion that followed, participants touched on the need to address the often neglected article 31 of the Convention, which recognized the child's right to leisure and play, because play could be very important in emergency situations and could help the child recover from emotional trauma. In order for education to be of quality, it needed to take into account the child's point of view as to what was considered quality education; education should be participatory and inclusive, flexible and adaptable. The need to include life skills in school curricula was also raised, as was the need to address psychosocial issues, and the Working Group Chairperson, Mr. Parfitt, responded positively thereto, pointing out that the Committee already made reference to mental health in its concluding observations. It was also noted by some participants that the right to education also included early childhood education, vocational training and tertiary learning and that there needs to be a balanced investment across the whole span of education in order to ensure quality and resources to education at all levels. Another important issue addressed was the need for valid, verifiable certification for schooling. It was pointed out that in some cases certain certificates were not recognized without a bribe and that led to petty corruption. A number of other issues were raised by participants including, the need to ensure schools as "zones of peace", the special educational needs of adolescents, peace agreements as an opportunity to advance education, education in the mother tongue of children and the inclusion of comparative religion taught by intercultural/interreligious teams in school curricula.

58. When the meeting reconvened in plenary, the four rapporteurs of the working groups, Ms. Aidoo and Ms. Herczog (first working group) and Mr. Krappmann and Mr. Pollar (second working group) summarized the main points raised during the discussion in the two groups.

59. Finally, Moushira Khattab, Rapporteur for the day of general discussion, made concluding comments in which she focused on the issues that had come out of the day's discussions, both in plenary as well as in the two working groups. She noted that under the Convention on the Rights of the Child the right to education was considered a fundamental right without discrimination of any kind and remarked that the idea had been the guiding principle of the day's discussion. Ms. Khattab identified five key messages from the discussion: that quality education was a human right that children did not forfeit when in an emergency situation; that it was a relief measure; that it must form an integral part of every humanitarian response; that it must be provided from the outset of relief measures; and that minimum standards must be respected. She noted that education should be a priority humanitarian response, because it was also a protection tool, key for the physical, psychological and cognitive development of the child.

60. In brief closing remarks, Ms. Lee stated that the day's discussion had highlighted a number of issues, including the fact that the right to education was a human right and was indivisible from other rights, and that an education component should be included in all emergency response strategies. She also noted that it had become clear that there was a need to take preventive action in order to ensure the right to education in emergency situations as much as possible. Ms Lee further stated that the Committee took note of the recommendations from various speakers for it to draft a general comment on issues related to implementation of articles 28 and 29 of the Convention in emergency situations, and that it would give serious consideration to these proposals.

### **C. Recommendations<sup>6</sup>**

61. The Committee recalls that education is an inalienable right that is inextricably linked to other fundamental rights and must be guaranteed to all children both in and outside of emergency situations. The Committee recalls that for the purpose of this day of general discussion, "emergency situations" are defined as all situations in which anthropogenic or natural disasters destroy, within a short period of time, the usual conditions of life, care and education facilities for children. Children affected by emergencies are among those most vulnerable and marginalized in the world, and constitute one of the largest groups of out-of-school children. For education for all to become a reality, the right of children to education in emergencies needs to be respected, protected and fulfilled.

62. Furthermore, the Committee highlights that the second Millennium Development Goal of a full course of primary schooling for every child will not be reached if the right to education of children in emergencies is not effectively ensured and implemented.

63. The Committee concurs with the underlying principle of the 2008 day of general discussion which upheld the right to education as a priority and an integral component of humanitarian relief response in emergency situations.

64. States parties which have ratified the Convention on the Rights of the Child have taken upon themselves obligations to implement child rights within their jurisdiction as well as to contribute to global implementation of these rights. The Committee recalls that the purpose of the 2008 day of general discussion is to provide States and other actors with more comprehensive guidance as to their obligations to promote and protect the right to education as outlined in articles 28 and 29. Therefore, the following recommendations are addressed not only to States parties but also to other relevant actors including non-State actors who may have de facto control over areas in which the inalienable rights of the child, including his/her right to education, must be respected, protected and fulfilled.

65. The Committee notes with appreciation the valuable initiatives and programmes implemented on the ground for children in emergencies by many organizations, particularly those under the umbrella of the Interagency Network for Education in Emergencies (INEE), including UNICEF, UNESCO, the International Rescue Committee (IRC), the International Committee of the Red Cross and Red Crescent, Save the Children and World Vision, among others.

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<sup>6</sup> These recommendations are based on the input to and discussions that took place during the day of general discussion on "The right of the child to education in emergency situations" on 19 September 2008 and are not claimed to be exhaustive.

## 1. Core obligations

66. The Committee underscores that the implementation of the right of the child to education in emergency situations must meet the requirements set out in articles 28 and 29 of the Convention without limitation.

67. The Committee considers that in situations of emergency, the child's need to enjoy his/her right to education is reinforced by the fact that it is a protection measure, as well as a relief measure and a life-saving measure that provides physical, psychosocial and cognitive protection. Education mitigates the psychosocial impact of conflicts and disasters by giving a sense of normalcy, stability, structure and hope for the future. The Committee therefore calls upon States parties to honour their obligation to fully ensure the right to education for every child within their jurisdiction, without any discrimination, throughout all stages of emergency situations, including the emergency preparedness phase and the reconstruction and the post emergency phases. The Committee also calls upon States parties, donors and relief agencies to include education as an integral component of the humanitarian relief response from the outset.

68. In its general comment No. 5 of 2003 on the general measures of implementation for the Convention (arts. 4, 42 and 44, para. 6, of the Convention), the Committee outlined States parties' obligations to develop general measures of implementation, including in relation to the progressive realization of economic, social and cultural rights enshrined in the Convention and international cooperation. In the recommendations from the 2007 day of general discussion on "Resources for the Rights of the Child – Responsibility of States", the Committee recommended that progressive realization be understood as imposing an immediate obligation for States parties to the Convention to undertake targeted measures to move as expeditiously and effectively as possible towards the full realization of economic, social and cultural rights of children. The Committee also considered that States parties are under the obligation to meet at least the core minimum content of economic, social and cultural rights, which includes basic education.

69. The Committee reiterates that the responsibility to fulfil the right to education in emergency situations does not rest upon individual States alone. When a State lacks the capacity and/or requisite resources, the international community including other States, donor organizations and United Nations agencies should ensure that the right to education is universally fulfilled in accordance with article 4, paragraph 2, of the Convention.

70. The Committee calls upon States parties, the donor community and humanitarian agencies, when undertaking efforts to ensure the right to education in an emergency situation, to apply a rights-based approach, taking into account the four general principles of the Convention: the right to non-discrimination (art. 2); best interests of the child (art. 3); the right to life, survival and development (art. 6); and the right to be heard (art. 12).

## 2. The obligation of States to ensure the right of the child to access to education in emergency situations: continuation/reconstruction of the educational system (art. 28)

### *Emergency preparedness*

71. The Committee, while recalling article 4 of the Convention stipulating that States parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the Convention, calls upon States parties to strengthen national systems of education, the legal framework for protection, and health and basic social services to increase their ability to withstand emergencies.

72. The Committee urges all States parties, in particular those that are prone to natural disasters or in areas likely to be affected by armed conflict, to prepare a plan of action for the provision of the right to education in emergency situations. This should include the

appointment of a focal point within the Ministry of Education in charge of coordination between governmental bodies, civil society, humanitarian relief agencies and donors; the allocation of adequate sustained resources to ensure the fulfilment of the right to education should an emergency occur; adaptation of curricula; the training of teachers to enable them to cope with emergencies; and the identification and training of volunteers.

*During the emergency*

73. With reference to the obligation under international law for States to protect civil institutions, including schools, the Committee urges States parties to fulfil their obligation inherent therein to ensure schools as zones of peace and places where intellectual curiosity and respect for universal human rights is fostered; and to ensure that schools are protected from military attacks or seizure by militants or use as centres for recruitment. The Committee urges States parties to criminalize attacks on schools as war crimes in accordance with article 8, paragraph 2 (b) (ix), of the Rome Statute of the International Criminal Court and to prevent and combat impunity.

74. The Committee recommends that States parties ensure that education is truly inclusive with easy access of marginalized children including: children with disabilities; children affected by HIV/AIDS, refugee and asylum-seeking children; internally displaced children; and very young children through early childhood development and education programmes. Secondary education, both general and vocational, should also be available for children beyond primary education.

75. The Committee, recognizing that gender equality is particularly challenged by the complex gender dynamics of emergencies, humanitarian assistance and early recovery which may compound vulnerability and marginalization, urges States parties to implement gender-equitable policy and programme interventions, including special measures, in order to ensure that all boys and girls affected by emergency situations have equal access to safe, quality and relevant education.

76. The Committee invites States parties, relief agencies and the donor community to draw on the resources of INEE, most notably the INEE Minimum Standards for Education in Emergencies, Chronic Crises and Early Reconstruction (INEE Minimum Standards) which offer a harmonized framework of principles and paths of action to all actors who may be involved in the provision of education during emergencies, for them to coordinate their educational activities and to promote the acceptance of responsibilities.<sup>7</sup> The Committee also urges States parties, relief agencies and the donor community to support the Inter-Agency Standing Committee (IASC)<sup>8</sup> and to draw on its resources as well as those of the IASC Education Cluster and the Transition Fund of the Education for All – Fast Track Initiative to build the capacities of local humanitarian and civil society organizations. The Committee also reiterates the recommendation of the Special Rapporteur on the right to education that the Education Cluster become the appropriate mechanism for determining educational needs in emergency situations and responding to them in a coordinated manner.<sup>9</sup>

*Reconstruction and post emergency*

<sup>7</sup> See the report of the Special Rapporteur on the right to education, A/HRC/8/10, para. 66.

<sup>8</sup> The Inter-Agency Standing Committee (IASC) for humanitarian assistance appointed individual agencies to lead the clusters. Their task is to clarify the roles, responsibilities and accountability of United Nations and non-United Nations partners responding to specific emergencies and to streamline communication with the host government (see [http://www.unicef.org/girlseducation/index\\_44882.html](http://www.unicef.org/girlseducation/index_44882.html)).

<sup>9</sup> See the report of the Special Rapporteur on the right to education, A/HRC/8/10, para. 84.

77. The Committee calls upon States parties and other relevant actors to include education in peace and ceasefire agreements and to ensure smooth transition to regular schools by honouring certification that respects the INEE Minimum Standards and accreditation and official recognition of education received during emergencies.

78. The Committee calls upon hosting States to respect the right of the refugee and asylum-seeking child to learn in his/her own language and to learn about his/her own culture. The Committee further stresses that, in situations of internal displacement, the language of displaced children must be taken into account if it is different from that of the local population.

79. Relief and reconstruction agencies and donors are urged to take into account the educational situation in and surrounding the emergency area and to extend assistance in this regard to the local population when necessary with a view to preventing social tensions.

### **3. The obligation to ensure quality education as a right in emergency situations: content (art. 29)**

80. The Committee highlights the importance of quality education which increases social cohesion and supports conflict resolution and peacebuilding. Quality education can also mitigate State fragility and can help to achieve social, economic and political stability of societies. Quality education can save lives by protecting against exploitation and harm, including abduction, recruitment of children into armed forces and/or groups and sexual and gender-based violence. By disseminating life-saving information on such issues as hygiene, landmine safety and HIV/AIDS prevention, good-quality education also provides the knowledge and skills to survive in emergencies.

81. The Committee recalls general comment No. 1 which states that the quality, content and values of education described in the Convention are relevant to children living in zones of peace, "but they are even more important for those living in situations of conflict or emergency". The Committee underscores that the quality of education should be guided by article 29, paragraph 1, of the Convention and must meet the agreed INEE Minimum Standards for education in emergencies in order to serve as a protection and a life-saving measure.

82. In emergency situations, high-quality education should reflect the specific living conditions of the child and should be child-centred, rights-based, protective, adaptable, inclusive and participatory.

83. Education must not incite hatred; it must instil respect for the rights of others and tolerance, and it must protect the child against prejudice and indoctrination by any political or religious group. Education must cater for the psychological or mental state of the child; assist the child to cope with the emergency; danger; threat or manipulation. Education should be sensitive to the culture, language and traditions of the child.

84. Non-formal or informal education for children who drop out of school, including through local community participation, must be supported and encouraged. The Committee recommends that such education be adapted to the needs of children with a view to encouraging those who are no longer in the formal educational system to re-enrol.

85. The Committee recalls that teachers are critical in ensuring that children receive a quality education. In order to meet minimum standards, teachers must be appropriately trained and monitored, and must receive necessary materials, support and supervision. In this regard, strategies for ensuring that teachers are appropriately compensated are vital, particularly in situations where the responsible public authority is unable to effectively coordinate and monitor employment of teachers. Teacher training should be an ongoing

process to improve their skills and instil confidence in their role in keeping children in school and protecting them from further trauma during emergency situations.

#### **4. Child participation**

86. The Committee recommends that States parties and other international partners support child participation so that children can voice their views with regard to what they learn (the content) and how they learn (rights-based and child-centred active learning) and are empowered by the relevant content of education and the active learning process. The Committee further recommends giving the child the opportunity to be heard in order to keep him/her from dropping out of school. The Committee associates itself with the opinion expressed by a child that a good school is a school where children get respect, activity, cooperation, and relations with peers, teachers and parents.

87. The Committee further recommends that children, along with their parents, be encouraged and enabled to participate in analyzing their situation and future prospects.

88. The Committee encourages the establishment and active involvement of parent-teacher associations, community educational committees and similar community initiatives.

#### **5. International assistance and funding**

89. States parties, United Nations agencies, donors and relief agencies are called upon to ensure the right of the child to education in emergency situations by adopting education as a relief measure and prioritizing it as a main area of basic relief assistance. The Committee reiterates the critical importance of including education in every humanitarian relief response from the outset.

90. The Committee once again urges States parties, United Nations agencies, donors and relief agencies to ensure that INEE Minimum Standards are applied at all stages of humanitarian relief response in order to ensure the right of children to education in emergencies. The Committee also reiterates the importance of support to IASC.

91. The Committee underscores the importance of allocating adequate human and financial resources including through international cooperation in order to fully realize the right of the child to education in emergency situations. It therefore calls upon States parties, United Nations agencies, donors and relief agencies to provide adequate sustained funding and assist States in raising and appropriately allocating funds to ensure the right of the child to education in emergency situations.

#### **6. Monitoring**

92. At the national level, all States parties should continually monitor the implementation of their commitments as outlined in this document. At the international level, States should include, when reporting to the Committee on the implementation of the Convention, as set out in article 44 of the Convention, progress achieved towards the implementation of these recommendations.

93. States parties and international partners are also encouraged by the Committee to share and disseminate lessons learned about minimizing the negative impact of emergency situations on children's right to education, with a view to achieving better preparedness and avoiding the recurrence of violation of the right to education in emergency situations.

94. The Committee will consider recommending the inclusion of information with regard to the implementation of the INEE Minimum Standards in State party reports on the implementation of the Convention and the Optional Protocols where relevant.

## **VIII. Future day of general discussion**

95. At its 1369th meeting, held on 3 October 2008, the Committee decided that it would not hold an annual day of general discussion in 2009, but rather devote a day to the commemoration of the twentieth anniversary of the adoption of the Convention.

## **IX. Future meetings**

96. The following is the draft provisional agenda for the fiftieth 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. Twentieth anniversary commemoration.
8. General comments.
9. Future meetings.
10. Other matters.

## **X. Adoption of the report**

97. At its 1369th meeting, held on 3 October 2008, the Committee considered the draft report on its forty-ninth session. The report was adopted unanimously by the Committee.

## Annexes

### Annex 1

#### Membership of the Committee on the Rights of the Child

<i>Name of member</i>	<i>Country of nationality</i>
Ms. Agnes Akosua <b>Aidoo</b> *	Ghana
Ms. Alya Ahmed Bin Saif <b>Al-Thani</b> **	Qatar
Ms. Joyce <b>Aluoch</b> **	Kenya
Mr. Luigi <b>Citarella</b> *	Italy
Mr. Kamel <b>Filali</b> *	Algeria
Ms. Maria <b>Herczog</b> *	Hungary
Ms. Moushira <b>Khattab</b> *	Egypt
Mr. Hatem <b>Kotrane</b> *	Tunisia
Mr. Lothar Friedrich <b>Krappmann</b> *	Germany
Ms. Yanghee <b>Lee</b> **	Republic of Korea
Ms. Rosa Maria <b>Ortiz</b> *	Paraguay
Mr. David Brent <b>Parfitt</b> **	Canada
Mr. Awich <b>Pollar</b> **	Uganda
Mr. Dainius <b>Puras</b> *	Lithuania
Mr. Kamal <b>Siddiqui</b> **	Bangladesh
Ms. Lucy <b>Smith</b> **	Norway
Ms. Nevena <b>Vuckovic-Sahovic</b> **	Republic of Serbia
Mr. Jean <b>Zermatten</b> **	Switzerland

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\* Term expires on 28 February 2011.

\*\* Term expires on 28 February 2009.

## Annex II

### Day of general discussion: outline

#### “The right of the child to education in emergency situations”

1. In accordance with rule 75 of its provisional rules of procedures, the Committee on the Rights of the Child has decided to devote periodically one day of general discussion to a specific article of the Convention or to a child rights issue.
2. At its forty-sixth session (17 September–5 October 2007), the Committee decided to devote its 2008 discussion day to articles 28 and 29 of the Convention dealing with the right to education, focusing upon the education of children in emergency situations. The discussion will take place on Friday, 19 September 2008 during the forty-ninth session of the Committee at the United Nations Office at Geneva.
3. The purpose of the day of general discussion is to foster a deeper understanding of the contents and implications of the Convention as they relate to specific topics. The discussions are public. Representatives of Governments, United Nations human rights mechanisms, United Nations bodies and specialized agencies, as well as national human rights institutions, non-governmental organizations and individual experts are invited to take part.

#### The context: the right to education for children in emergency situations

4. For the purpose of the day of general discussion, “emergency situations” are defined as all situations in which anthropogenic or natural disasters destroy, within a short period of time, the usual conditions of life, care and education facilities for children and therefore disrupt, deny, hinder progress or delay the realisation of the right to education. Such situations can be caused by, inter alia, armed conflicts — both international, including military occupation, and non international — post-conflict situations, and all types of natural disasters.
5. The right to education is set out in the Convention on the Rights of the Child as well as the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. The right to education in a situation of armed conflict is further protected under international humanitarian law by the Geneva Convention relative to the Protection of Civilian Persons in Time of War, and Additional Protocols I and II to the Geneva Convention, while the elementary education of refugees is protected by the Refugee Convention 1951.
6. The achievement of universal primary education and the promotion of gender equality were adopted as Millennium Development Goals by the General Assembly on 6 September 2001. Additionally, States declared in the “A world fit for children” outcome document of the General Assembly’s Special Session on Children in 2002 that by 2015, all children would have access to and complete primary education that is free, compulsory and of good quality.
7. Despite the level of attention now given to education through international law and global initiatives such as Education for All, estimates suggest that of the 72 million children

out of school,<sup>a</sup> 36 million live in conflict-affected fragile States.<sup>b</sup> In many of these countries, years of instability and conflict have devastated the education system. Schools are destroyed or taken over by armed forces, teachers are killed or flee to escape violence, children are being recruited and forced to fight, and are more vulnerable to abuse and exploitation.

8. In the past, the Committee has observed serious difficulties regarding the enjoyment of the right to education in countries experiencing emergency situations. In particular, the availability of data, the costs of education, low enrolment, budget allocation, the nature and quality of learning and discrimination in education systems are recurring concerns.

9. The Committee has received relatively little information on children's education in emergency situations. Although the issue is recognized, it is often not treated with the importance that it deserves or as a matter of children's rights by various stakeholders. Many aspects of education in emergency situations, such as specialized teacher training or secure schools, are overlooked and as a result are not prioritized.

### **Approaches and objectives for the day of general discussion**

10. The purpose of the 2008 day of general discussion is to provide States and other actors with more comprehensive guidance as to their obligations to promote and protect the right to education as outlined in articles 28 and 29.

11. The Committee on the Rights of the Child adopted in 2001 its first general comment on article 29 (the aim of education).<sup>c</sup> The content of that general comment will be a guiding instrument for the debate on what quality education should be, although targeted adaptation for emergency situations will be needed.

12. This discussion should focus on those aspects of the issues which have proved most problematic for States Parties to address, and for which States may therefore benefit from the views and experiences of the wide range of partners the discussion day is able to bring together. Given the complexity of the concepts and issues involved as well as the concerns raised and experiences gathered to date in the Committee's efforts to address these issues, it is proposed that participants to this meeting be divided in two working groups on the following themes:

#### **Working Group 1: Continuation and/or reconstruction of the educational system**

13. The first Working Group will focus upon the implementation of article 28 concerning access to education in the context of emergencies, with a particular focus on education as a right and how this is fulfilled. The working group will discuss how to prioritize education as an emergency measure which has to be understood as an essential protection tool and which must be included in the humanitarian response from the very beginning of the emergency through to the development phase, allowing for the continuation of children's education and building their future capacities.

Among the main issues that could be discussed are:

- How to ensure respect for, and prioritization of, children's right to education in the midst of an emergency, including good practices

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<sup>a</sup> See UNESCO, 2008 EFA Global Monitoring Report.

<sup>b</sup> See Save the Children estimate of 20 November 2007.

<sup>c</sup> Available at: [http://www2.ohchr.org/english/bodies/crc/docs/GC1\\_en.doc](http://www2.ohchr.org/english/bodies/crc/docs/GC1_en.doc).

- How to ensure the continuation or reconstruction of the entire educational system during and after the emergency situation, including, through measures to protect schools and learning centres and transform them into “protected areas”
- How to address and bridge the gap between the provision of education in the emergency phase and in the post-emergency recovery and development phase
- How to ensure that stakeholders assume their respective responsibilities in making education part of relief efforts and that they prioritize children’s right to education from the very beginning of the emergency situation, through, inter alia, allocation of appropriate resources in emergency budgets; how the responsibilities of the stakeholders change as the shift is made from emergency to the recovery phase and then to the development phase
- Measures that are needed to re-establish daily routines in schooling, including examples of best practices; and
- How to use “windows of opportunity” for quality education that may arise in emergency situations vis-à-vis disadvantaged children, such as those who, prior to the emergency situation, did not attend schools

### **Working Group 2: Content and quality of education provided for children in emergency situations**

14. The second working group will focus on the implementation of article 29 concerning the content of education, considering the particular educational rights and needs of children in emergency situations, including the role of education as a life-saving measure.

Among the main issues that could be discussed are:

- The principles and priorities guiding the content of education in emergency situations; how to adapt curricula in light of emergency situations effectively into the curricula; and how to adopt appropriate methods of learning and teaching
- The role of rights-based life skills curricula in protecting children, mitigating harm and responding to their needs and rights in emergency contexts; the identification of most needed life skills and related indicators (e.g., peace education, specific life skills such as awareness about land mines, hurricanes and tsunamis, prevention of sexual and gender-based violence)
- How the protection of the right to education can contribute to the realisation of other rights in emergency situations: education and right to life, education and protection, education and peace, education and child participation; Good practices in the area of human rights education in emergency situations, focusing on understanding, tolerance and respect, peace and the dignity of every human being; and
- Education as a rehabilitation, recovery and reintegration measure

### **Expected outcome**

15. At the end of the forty-ninth session, the Committee will adopt a set of recommendations aimed at improving the implementation of the Convention in the area discussed. In adopting the recommendations, the Committee will be guided by the discussion day, the recommendations proposed by the working groups and the written contributions submitted. The recommendations are intended to provide pragmatic guidance to States parties as well as other relevant actors.

### **Participation in the day of general discussion**

16. The day of general discussion is a public meeting at which representatives of Governments, United Nations bodies and specialized agencies, non-governmental organizations, including representatives of children's organizations, and individual experts are welcome. The meeting will be held during the forty-ninth session of the Committee, at the Office of the High Commissioner for Human Rights (Palais Wilson, Geneva), on Friday, 19 September 2008.

17. The format of the discussion day is meant to allow participants to exchange views in a frank and open dialogue. The Committee therefore asks participants to avoid presenting formal statements during the discussion day. Written contributions are invited on the issues and topics mentioned, within the framework outlined above. In particular, the Committee is interested in receiving information specifically related to the themes mentioned above. *Contributions should be submitted before 27 June 2008 electronically to: CRCgeneraldiscussion@ohchr.org.*

18. For more information on submission and registration, please refer to the guidelines posted on the Committee's webpage at: <http://www2.ohchr.org/english/bodies/crc/discussion.htm>.

## Annex III

### **Day of general discussion: list of representatives of States parties, organizations and bodies registered for participation**

#### **Representatives of States parties to the Convention**

Norad — Norwegian Agency For Development Cooperation, Permanent Mission of Albania, Permanent Mission of Botswana, Permanent Mission of Colombia, Permanent Mission of Costa Rica, Permanent Mission of Côte d'Ivoire, Permanent Mission of Cuba, Permanent Mission of Ecuador, Permanent Mission of France, Permanent Mission of Germany, Permanent Mission of India, Permanent Mission of Israel, Permanent Observer Mission of Palestine, Permanent Mission of the Philippines, Permanent Mission of Sweden, Swedish International Development Agency, Permanent Mission of Uganda, — Ministry of Justice and Human Rights of Côte d'Ivoire, Ministry of Foreign Affairs of Côte d'Ivoire, Ministry for the Family, Women and Social Affairs of Côte d'Ivoire, Ministry of Education, Social Policy and Sport of Spain, Federal Department for Foreign Affairs of Switzerland, Ministry of Foreign Affairs of Colombia, Ministry of Foreign Affairs of Norway, Social Department Zurich, the Zurich Office for Youth and Career Advice, — Ministry of Basic Education of Cameroon.

#### **Ombudsmen and Commissioners for Children**

Office of the Ombudsperson for Children of the Republic of Croatia, the Office of the Ombudsman for Children in Finland, Northern Ireland Commissioner for Children/Young People.

#### **Non-governmental organizations, others organizations, institutions, academics and individuals**

Action against Poverty — Liberia, Action by Churches Together International (Act), Advancement for Women/Children's Rights, Arigatou Foundation, Association Points Coeur, Bundesfachverband Unbegleitete Minderjährige Flüchtlinge, Calbril, Calderdale Council, Canadian International Development Agency, Centre for Sustainable Futures/Plymouth University, Cercle d'initiative commune pour la recherche, l'environnement et la qualité, Child Helpline International, Child Rights Information Network, Childreach International, Children's Law Centre, Clinique Internationale de Défense des droits humains at the Université du Québec in Montreal, Comunita Papa Giovanni XXIII Association, Defence for Children International, Defence of the Child Project, Dost Welfare Foundation, ECPAT International, Education Progress, Federation for the protection of Children's Human Rights, FMS International-Onlus Foundation Waarde, Help the Afghan Children, India Alliance for Child Rights, Inter-Agency Network for Education in Emergencies, International Agency for Crime Prevention, International Catholic Child Bureau, International Committee of the Red Cross, International Federation of Social Workers, International Korczak Association, International Rescue Committee, International Save the Children Alliance, International Social Services (ISS), Irish Aid Uganda, Italian NGO Group for the CRC, Me Precious International Movement, Network on Humanitarian Action — Uppsala University, Sweden, NGO Group for the Convention on the Rights of the Child, Pak Turk International Cag Educational Foundation, Physicians

for Human Rights, Plan International, Reach Out For Kids Foundation Inc., Reach Out To Asia (Rota), Réseau des Associations Congolaises des Jeunes, Right to Education Project/University of London, Right to Education/Action Aid International, Rozaria Memorial Trust, Save the Children, Canada, Save the Children, Italy, Save the Children, Republic of Korea, Save the Children, Norway — Inter-Agency Network for Education in Emergency, Save the Children, Sweden, Save the Children, Switzerland, SOS-Kinderdorf International, Teachers without Borders, Canada, Terre des Hommes International Federation, The African Child Policy Forum, Scouts Movement, Sphere Project, University of the Western Cape, Volontariato Internazionale Per Lo Sviluppo/Italian NGO Group for the Convention on the Rights of the Child, World Vision International, Centre for Sustainable Futures/Plymouth University, Johanna Aalto, Usman Ali, Else M. Engel, Lena Stamm, Laila Sadiwa Stormorken, Rosana Eliana Vega, UNICEF Liberia, UNICEF Headquarters, United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), UNESCO, UNICEF Timor-Leste, UNAIDS, UNHCR (Zimbabwe), United Nations Girls' Education Initiative (UNGEI)/UNICEF, UNICEF Iraq, UNHCR, UNICEF Jamaica, UNICEF Nigeria.

## Annex IV

### Day of general discussion: list of submissions

#### Non-governmental organizations

##### **Plan International**

Reaching out to children excluded from the right to education in emergency situations

##### **Kinderdorf International**

Working with the community for the community

##### **International Catholic Child Bureau**

The right of the child to education in emergency situations: reflections from our grassroots experience

##### **Committee for Legal Aid to the Poor**

The right to education in emergency situations

##### **Child Helpline International**

Child helplines as an essential mechanism to protect the right to education in emergency situations

##### **Inter-Agency Network for Education in Emergencies (INEE)**

Submission to the Committee on the Rights of the Child for the day of general discussion on education in emergency situations

##### **Swedish International Development Cooperation Agency (SIDA)**

Comments by SIDA

##### **Ad Hoc Working Group on “Education in Emergencies: The African Context; an African Perspective”**

The right of the child to education in emergency situations

##### **EN FMS**

The right to education in emergency situations: reflections from the experience

##### **Comunità Papa Giovanni XXIII**

Day of general discussion: the right of children to education in emergency situations

##### **International Development and Disability Consortium**

Discussion paper on Access to quality educational activities for children with disabilities in conflict and emergency situations

##### **The International Clinic for the Defense of Human Rights of the Université du Québec à Montréal and Teachers Without Borders-Canada**

Ensuring education for all and guaranteeing child’s right to registration  
Assurer une éducation pour tous et le droit à l’enregistrement des enfants

##### **Save the Children Norway on behalf of the International Save the Children Alliance**

Recommendations to the Committee on the Rights of the Child

##### **World Vision**

The right of the child to education in emergency situations

##### **UNICEF, IRC, INEE, UNGEI**

The right of the child to education in emergency situations

**Save the Children Spain**

The right to education in emergencies

**Arigatou International**

The right of the child to education in emergency situations

**Defence for Children Palestine**

The right of the child to education in emergency situations

**UNICEF**

The right of the child to education in emergency situations

## Annex V

### **Oral statement of programme budget implications in connection with the decision of the Committee on the Rights of the Child to work in two chambers**

1. By its decision of 6 June 2008 annexed to the report of the Secretary-General, A/63/160, the Committee on the Rights of the Child would request the General Assembly, at its sixty-third session, to authorize the Committee to meet for an additional twelve weeks (eight additional weeks of sessional meetings and four weeks of pre-sessional working group meetings) between October 2009 and January 2011. It may be recalled that at the time of adoption of the decision by the Committee at its forty-eighth session, the Committee was informally advised by its Secretariat of the financial implications of its decision, but documentation to support the estimated costs, was not provided nor was there an official statement recorded, due purely to time constraints.

2. This statement is to confirm to the Committee that the additional meeting time required would allow the Committee to consider reports in two parallel chambers, consisting of nine members each, during its regular sessions, thereby increasing the number of reports of States parties to be examined from 10 to 16 per session which would result in an increase in the number of reports considered from 40 to 64 reports.

3. The activities to be carried out relate to programme 1, General Assembly and Economic and Social Council affairs and conference management; subprogramme 2, Supporting human rights bodies and organs, of programme 19, Human rights; and subprogramme 4, Support services, of programme 24, Management and support services, of the biennial programme plan and priorities for the period 2008–2009.<sup>a</sup> They also fall under section 2, General Assembly and Economic and Social Council affairs and conference management; section 23, Human rights; and section 28E, Administration, Geneva, of the programme budget for the biennium 2008–2009.

4. Provisions have been made in the 2008–2009 programme budget for travel and per diem costs of the 18 members of the Committee to attend its three annual regular sessions in Geneva of 15 working days each, and three regular pre-sessional working groups of five working days each as well as for conference services for the Committee.

5. Should the General Assembly approve the Committee's request, provisions for a total of 80 additional sessional meetings (in 2010 and 2011) would be required as well as a total of 40 additional pre-sessional meetings (10 in 2009 and 40 in 2010). The additional meetings of the Committee would require interpretation services in the three official languages (exceptionally four). Summary records would be provided for the 80 additional sessional meetings of the Committee, no summary records would be required for the 40 pre-sessional working group meetings. The additional meetings would require an additional 2520 pages of pre-session and 1248 pages of post-session documentation in the three (exceptionally four) official languages, in total,

6. Should the General Assembly approve the request made by the Committee, no additional resources would be required for the travel or per diem costs for the members of the Committee in relation to the additional meetings,

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<sup>a</sup> *Official Records of the General Assembly, Sixty-first session, Supplement No. 6 (A/61/6/Rev.1).*

7. Approval of the request is expected to give rise to additional staffing requirements to provide for general temporary assistance estimated as follows: (a) 2 staff at the P-3 level for 6 work months each in 2009 (from July 2009); for 12 work months each in 2010 and for 2 work months each in 2011; and (b) one general service-level assistant for 6 work months in 2009, 12 work months in 2010 and 2 work months in 2011.

8. The additional requirements relating to the additional meetings of the Committee referred to in paragraphs 5 and 7 above, are summarized in the table below:

**(United States dollars)**

	<i>2009</i>	<i>2010</i>	<i>2011</i>
I. Section 23, Human Rights			
Staff costs (net)	208 300	416 600	43 500
II. Section 2, General Assembly affairs and Economic and Social Council affairs conference services			
Meeting servicing, interpretation and documentation	513 100	3 162 000	540 900
III. Section 28E, Administration, Geneva			
Support services	3 800	34 200	7 600
IV. Staff assessment	33.8	67.6	11.2
V. Income for staff assessment	(33.8)	(67.6)	(11.2)
<b>Grand total</b>	<b>725 200</b>	<b>3 612 800</b>	<b>592 000</b>

9. In connection with the estimated requirements of \$725,200 for 2009, all efforts will be made to meet the requirements within the provisions under: (a) section 2, General Assembly and Economic and Social Council affairs and conference management (\$513,100); (b) section 23, Human rights (\$208,300); and section 28E, Administration, Geneva(\$3,800), of the programme budget for the biennium 2008–2009.

10. With respect to the requirements for the biennium 2010–2011 of \$3,612,800 and \$592,000, they will be considered in the context of the 2010–2011 proposed programme budget.