



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/TTO/CO/2
17 March 2006

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-first session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Concluding observations: Trinidad and Tobago

1. The Committee considered the second periodic report of Trinidad and Tobago (CRC/C/83/Add.12) at its 1096th and 1097th meetings (see CRC/C/SR.1096 and 1097) held on 16 January 2006 and adopted at the 1120th meeting held on 27 January 2006 the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's informative and comprehensive report and the written replies to its list of issues (CRC/C/TTO/Q/2), which gave a clearer understanding of the situation of children in the State party. The Committee further notes with appreciation the open dialogue it had with the high-level delegation.

B. Positive aspects

3. The Committee notes the enactment of the following laws aimed at enhancing the implementation of the Convention:

(a) Children's Authority Act (No. 64 of 2000), establishing a body responsible for receiving complaints from children in alternative care;

(b) Children's Community Residences, Foster Homes and Nurseries Act (No. 65 of 2000), aimed to ensure compliance of all children's homes with existing rules and standards;

(c) Miscellaneous Provisions (Children) Act (No. 66 of 2000), bringing in line laws affecting children;

(d) Children (Amendment) Act (No. 68 of 2000), defining a child as under 18 years of age;

(e) Adoption of Children Act (No. 67 of 2000), aimed to regulate adoption procedures.

4. The Committee also notes with appreciation the establishment, in 1999, of the Human Rights Unit within the Ministry of Attorney-General.

5. The Committee notes with interest the establishment in 2004 of the Pilot Family Court and its possible extension to other regions.

6. The Committee welcomes the ratification, in 2000, of the 1951 Convention relating to the Status of Refugees and the 1967 Protocol.

7. The Committee welcomes the ratification of the International Labour Organization (ILO) Conventions No. 138 concerning Minimum Age for Admission to Employment in 2004, and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, in 2003.

C. Principal areas of concern and recommendations

1. General Measures of Implementation (arts. 4, 42 and 44, para. 6 of the Convention)

Previous recommendations

8. The Committee regrets that some of the recommendations in its concluding observations (CRC/C/15/Add.82) adopted following consideration of the State party's initial report (CRC/C/11/Add.10) have been given insufficient follow-up, particularly those relating to coordination; data collection; resource allocation for children; abuse, ill-treatment and domestic violence; corporal punishment; alternative care; reproductive health; education; street children; child labour; and administration of juvenile justice. Those recommendations are reiterated in the present document.

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

Legislation

10. While welcoming the set of legislation enacted in 2000 to harmonize the domestic laws with the Convention, the Committee is deeply concerned that these laws have not entered into force, except for the Miscellaneous Provisions (Children) Act (No. 66 of 2000).

11. **The Committee recommends that the State party take all appropriate measures to have these laws promulgated and to facilitate their speedy entry into force.**

National Plan of Action

12. The Committee welcomes the establishment of the Inter-Ministerial Committee to coordinate efforts for the implementation of the National Plan of Action for Children and the State party's efforts to revise the NPA to bring it in line with the goals set by the United Nations General Assembly Special Session for Children. The Committee is however concerned that the adoption of the revised NPA by the Cabinet has been delayed to February 2006.

13. **The Committee recommends that the State party urgently adopt the revised National Plan of Action for the full implementation of the Convention, covering all areas of the Convention and incorporating the objectives and goals of the outcome document entitled: "A World Fit for Children" of the United Nations General Assembly Special Session for Children and allocate sufficient human and financial resources for its implementation. In this regard, the Committee recommends that the State party seek technical assistance from, inter alia, UNICEF and involve civil society in the preparation and implementation of such national plan of action.**

Coordination

14. The Committee notes that numerous ministries and bodies play a role in matters relating to the implementation of the Convention. The Committee remains concerned about the lack of clear and well-structured coordination among these bodies.

15. **The Committee recommends that the State party establish a clear and well-structured coordination among all relevant bodies.**

Independent monitoring

16. While noting the existence of the Ombudsman in the State party, the Committee is nevertheless concerned at the absence of an independent mechanism with a specific mandate to regularly monitor and evaluate progress in the implementation of the Convention on the Rights of the Child, either within the Ombudsman's Office or as a separate institution, and which is empowered to receive and address individual complaints on behalf of, or from, children.

17. **The Committee encourages the State party to establish, taking into account its general comment No. 2 of 2002 (CRC/GC/2002/2) on national human rights institutions and with the Paris Principles (General Assembly resolution 48/134), an independent and effective mechanism, either within the existing Ombudsman Office or as a separate entity, that monitors the implementation of the Convention, deals with complaints from children or their representatives in a child-sensitive and expeditious manner. Such a body should be provided with adequate human and financial resources and made easily accessible to children. The Committee also recommends that the State party consider seeking technical assistance from the United Nations Children's Fund (UNICEF) and the Office of the High Commissioner for Human Rights (OHCHR) in this regard.**

Resources for children

18. The Committee, while noting the positive economic development of the State party, is concerned at the lack of sufficient budget allocation for children and the implementation of their rights, in particular about the fact that allocation of resources does not appropriately address regional disparities.

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

(a) Prioritize budgetary allocations to ensure the implementation of the rights of children to the maximum extent of available resources;

(b) Take into account the decentralization process and address the regional disparities, when allocating resources; and

(c) When designing and implementing international cooperation projects, use the rights-based approach.

Data collection

20. The Committee is concerned at the absence of comprehensive and up-to-date statistical data in the State party's report and the lack of an adequate national data collection system on all areas covered by the Convention. Such data is crucial for the formulation, monitoring and evaluation of progress achieved and impact assessment of policies with respect to children.

21. **The Committee recommends that the State party develop a system of data collection and indicators consistent with the Convention and disaggregated by gender, age and in different parishes and dependencies. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children living in poverty, children with disabilities, children from single-parent families, children victims of sexual abuse, sexual exploitation, economic exploitation and of trafficking, and street children. It further encourages the State party to use these indicators and data in the formulation of laws, policies and programmes for the effective implementation of the Convention. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF, in this regard.**

Dissemination

22. While taking note of the efforts made by the State party to involve non-governmental organizations (NGOs), young people and professionals in the preparation of the second periodic report and to disseminate information about the Convention, the Committee is concerned that these measures to raise awareness among the public, parents and children as well as professional groups working for and with children on the principles and provisions of the Convention are insufficient.

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

(a) Strengthen its efforts to ensure that the provisions and the principles of the Convention are widely known and understood by adults and children alike;

(b) Undertake systematic education and training on the rights of the Convention for children and their parents, as well as all professional groups working for and with children, in particular parliamentarians, judges, magistrates, lawyers, law enforcement officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel and social workers;

(c) Include human rights education in the official curriculum, at all levels of education;

(d) Develop initiatives with journalists and the media to disseminate widely the principles of the Convention and to promote a respectful treatment of children by the media.

Cooperation with civil society

24. The Committee, while welcoming the consultation held by the Human Rights Unit of the Office of the Attorney-General in the preparation of the second periodic report, notes that the dialogue with the civil society on the implementation of the Convention is limited and not systematic and that the Government provides limited funding for NGOs.

25. The Committee recommends that the State party involve systematically communities and civil society, including children, throughout all stages of the implementation of the Convention and consider providing more resources for NGOs.

2. Definition of the child (art. 1 of the Convention)

26. While noting that majority is attained at 18 years under the Age of Majority Act and the amended Children (Amendment) Act 68 of 2000, the Committee notes with concern that this Act has not been proclaimed yet and that the definition that remains valid defines a child as a person under the age of 14 years. In addition, the Committee is concerned that the domestic legal order of the State party contains a number of different minimum ages and definitions of the child according to purpose, sex and religion.

27. The Committee recommends that the State party proclaim as a matter of priority the amendment to the Age of Majority Act of 2000, and make the necessary efforts to harmonize the various minimum ages and definitions of the child in its legal order to recognize that all persons below 18 are entitled to special protection measures and specific rights as enshrined in the Convention.

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

Non-discrimination

28. While noting that discrimination is prohibited under the Constitution, the Committee is concerned that:

(a) The grounds mentioned in the Constitution are not in full compliance with article 2 of the Convention, and that no additional legislation exist that explicitly prohibits all forms of discrimination and in greater detail;

(b) Some groups of children, in particular children living in poverty and children affected by HIV/AIDS, may suffer from discriminatory attitudes and disparities in accessing basic services;

(c) Only battery and assault against male children is punished under the Children's Act (chap. 11:02, section 5 (1)) and that discrimination remains in sentencing of male and female offenders for sexual offences against children.

29. The Committee recommends that the State party:

(a) Increase its efforts to ensure implementation of existing laws guaranteeing the principle of non-discrimination;

(b) Adopt appropriate legislation, where necessary, to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2 of the Convention;

(c) Amend the Children's Act and the Sexual Offences Act in order to ensure that girls and boys are equally protected under both Acts.

30. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of general comment No. 1 on article 29 (1) of the Convention (aims of education).

Best interests of the child

31. While noting that the Family Court protects the best interests of the child, the Committee is concerned that principles laid down in article 3 of the Convention are not fully applied and systematically integrated into the policies and programmes of the State party.

32. The Committee encourages the State party to pursue its efforts with the Family Court project and ensure that the principle of the best interests of the child is reflected and implemented in all administrative and judiciary decisions, policies and programmes relating to children.

Respect for the views of the child

33. The Committee is concerned that the views of the child are not given sufficient consideration in all areas of children's lives and that the provisions of article 12 of the Convention are not fully integrated into the State party's legislation and administrative and judicial decisions or in policies and programmes relevant to children.

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

(a) **Amend legislation so that the principle of respect for the views of the child is recognized and respected, inter alia, within custody disputes and other legal matters affecting children;**

(b) **Promote and facilitate respect for the views of children and ensure their participation in all matters affecting them in all spheres of society, particularly in the family, in school and in communities, in accordance with article 12 of the Convention;**

(c) **Provide educational information to, among others, parents, teachers, government administrative officials, the judiciary and society at large on children's rights to be heard and to have their views taken into account.**

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

Right to nationality

35. While noting the efforts taken by the State party in registering children at birth, including the decision to waive the birth certificate fee and the introduction in 2000 of the Late Registration of Birth Programme, the Committee remains concerned that there are still a significant number of children whose births are not registered.

36. **In light of article 7 of the Convention, the Committee urges the State party to strengthen its efforts to reform its civil registration system to ensure that all children are registered at birth including through review of the existing registration system, awareness-raising campaigns, and to consider facilitating procedures of birth registration through mobile units for remote areas.**

Right to identity

37. Given the significant number of female-headed households in the State party, the Committee is concerned that the establishment of legal paternity, especially in cases when the biological father does not want to legally recognize the child, may be time consuming and expensive, constituting an impediment to the right of the child to identity and/or to know both parents.

38. **In the light of article 7 of the Convention, the Committee recommends that the State party facilitate the establishment of paternity for children born out of wedlock by creating accessible and expeditious procedures and by providing mothers with necessary legal and other assistance in this regard.**

Corporal punishment

39. While welcoming the amendment to the Children Act (No. 46:01) prohibiting the use of corporal punishment as a penal sanction for persons aged under 18, the Committee remains concerned that corporal punishment is lawful in the home and in institutions, and is widely practised.

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

(a) **Expressly prohibit by law corporal punishment in all settings and ensure the implementation of the law;**

(b) **Conduct awareness-raising campaigns to inform the public about the negative impact of corporal punishment on children and actively involve children and the media in the process; and**

(c) **Ensure that positive, participatory, non-violent forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28 (2) as an alternative to corporal punishment at all levels of society.**

**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)**

Parental responsibilities and recovery of maintenance for the child

41. The Committee welcomes the fact that the new Children's Authority Act (No. 64 of 2000) and the reciprocal provisions made with other Commonwealth territories to extend the Maintenance Orders (Enforcement) Act ensures better provision of child maintenance by absent fathers. However, it remains concerned that the Children's Authority Act is not yet in force, that recovery of maintenance is not always effectively enforced, especially when one or both parents live abroad, and notes with regret that the State party has not ratified the 1973 Hague Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations or the 1996 Hague Convention on jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect to Parental Responsibility and Measures for the Protection of Children.

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

(a) **Provide particular support to children in single-parent families, including through community structures, social security benefits and the creation of a National Fund for Child Support;**

(b) **Amend or adopt legislation so that both parents have equal responsibilities in the fulfilment of their obligations towards their children;**

(c) **Take measures to ensure as far as possible the maintenance of children born out of wedlock by their parents, particularly their fathers; and**

(d) **Consider ratifying the 1973 Hague Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations and the 1996 Hague Convention on jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect to Parental Responsibility and Measures for the Protection of Children.**

Children deprived of a family environment and alternative care

43. The Committee welcomes the fact that the new Children's Authority Act will provide for the establishment of a body responsible for receiving complaints from children in alternative care and that the draft Children's Community Residences, Foster Homes and Nurseries Act, aims to ensure compliance of all children's homes with existing rules and standards. The Committee notes with regret that the State party has not ratified the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption. The Committee is further concerned:

- (a) That the Children's Authority Act and the Children's Community Residences, Foster Homes and Nurseries Act are not yet in force;
- (b) At the discrepancy in the levels of care provided and its reportedly alarming conditions;
- (c) At the absence of a comprehensive programme to regulate and monitor institutions providing alternative care for children in the State party;
- (d) That neglected, abused and abandoned children are placed in industrial schools together with children in conflict with the law;
- (e) That isolation is used in institutions as a disciplinary measure, solely based on the decision of the direction of the institution, without any regulation.

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

- (a) Adopt a comprehensive programme to coordinate the efforts and policies of different ministries and departments on foster care;**
- (b) Ensure effective monitoring of all institutions providing alternative care for children;**
- (c) Ensure that neglected, abused and abandoned children are duly protected and receive assistance for their physical and psychological recovery and their social reintegration;**
- (d) Ensure that isolation as a disciplinary measure in institutions only be used as a last resort, that it be based on a formal decision, for a specific length of time and with the possibility of being reviewed by a higher authority;**
- (e) Establish an independent mechanism to oversee disciplinary measures in institutions;**
- (f) Consider ratifying the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption.**

Abuse and neglect

45. While recognizing efforts taken by the State party, including the establishment of the Domestic Violence Unit within the Gender Affairs Division and of a 24-hour hotline, the Committee is seriously concerned:

(a) About the very high incidence of domestic violence and neglect in the State party, including sexual violence and incest;

(b) That the institutions responsible for matters relating to violence against children, including the Domestic Violence Unit and the National Family Services, have not been allocated sufficient resources to effectively carry out their work;

(c) About the lack of adequate and effective complaint mechanisms for child victims of abuse and neglect.

46. The Committee acknowledges with appreciation the hosting by the State party of the Regional Consultation for the Caribbean held in the context of the Secretary-General's in-depth study on the question of violence against children on 10 and 11 March 2005.

47. **The Committee recommends that the State party take the necessary measures to prevent child abuse and neglect, by, inter alia:**

(a) Carrying out public education campaigns that raise awareness of consequences of ill-treatment of children, alternative measures of discipline for children and address sociocultural barriers that inhibit victims from seeking assistance;

(b) Introducing legislation making reporting obligations mandatory for suspected cases of abuse and neglect for all professionals working for and with children, and train them in the identification, reporting and management of ill-treatment cases;

(c) In addition to existing procedures, establishing effective mechanisms to receive, monitor and investigate complaints in a child sensitive manner and ensure proper prosecution of perpetrators of child abuse and neglect;

(d) Providing services for the physical and psychological recovery and social reintegration to victims of sexual and other forms of abuse, neglect, ill-treatment, violence or exploitation, and take appropriate measures to prevent the criminalization and stigmatization of victims, including through cooperation with NGOs; and

(e) Seeking technical assistance from, inter alia, UNICEF and the World Health Organization (WHO).

48. **The Committee further recommends that the State party use the outcome of the regional consultation for the Caribbean held in the context of the Secretary-General's in-depth study on the question of violence against children in order to take action, in partnership with civil society, to ensure the protection of every child from all forms of physical or mental violence, and to generate momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.**

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

Children with disabilities

49. The Committee, while welcoming the establishment, in 1999, of the National Coordinating Committee on Disability is concerned about the high prevalence of mental and physical disabilities among children in the State party. The Committee also notes with concern that service provision for children with disabilities in the State party are heavily reliant on non-governmental organizations. In particular, the Committee notes that there are no State-run residential institutions available for children with physical or mental disabilities and that there are no special education and assistance programmes currently available.

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

(a) **Conduct a study on the causes of disabilities affecting children in the State party, with a view to improving their access to suitable health care, education services and employment opportunities;**

(b) **Allocate adequate resources to strengthen services for children with disabilities, support their families and train professionals in the field;**

(c) **In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339), further encourage the inclusion of children with disabilities into the regular educational system and their integration into society, inter alia, by giving more attention to special training for teachers and making the physical environment, including schools, sports and leisure facilities and all other public areas, accessible for children with disabilities;**

(d) **Seek technical cooperation for the training of professional staff working with and for children with disabilities, including teachers, from, among others, UNICEF and WHO.**

Health and health services

51. While noting that the Health Sector Reform Programme is under way, the Committee is concerned about the:

(a) Lack of sufficient resources allocated to the health service sector;

(b) Lack of appropriate data on health issues, including on vaccination coverage, the level of malnutrition and the state of breastfeeding;

(c) Disproportionately high number of infants born underweight;

(d) Targets set by the State party to reduce maternal, infant and under-five mortality rates have not been met, despite the increase of resources;

(e) Poor sanitation, given that many of the sewage treatment plants are non-operational;

(f) High maternal and infant mortality rates.

52. The Committee recommends that the State party:

(a) Increase and strengthen measures to improve the health infrastructure, including through international cooperation, in order to ensure access to basic health care and services adequately stocked with appropriate resources, including basic medicines for all children, as well as the provision of adequate sanitation in all parts of the State party;

(b) Strengthen efforts to ensure adequate provision of prenatal and post-natal care, including awareness-raising efforts, among others on breastfeeding; and

(c) Strengthen the data collection system, inter alia, with regard to important health indicators, ensuring timeliness and reliability of both quantitative and qualitative data and using it for the formulation of coordinated policies and programmes for the effective implementation of the Convention.

Adolescent health

53. The Committee is concerned about:

(a) The low level of awareness among adolescents on reproductive health issues, inter alia, due to the fact that reproductive health education is not part of the official curriculum;

(b) The high incidence of teenage pregnancy and of sexually transmitted diseases;

(c) The high number of unsafe and clandestine abortions undergone by teenage girls, seriously threatening their lives;

(d) The lack of data and the insufficient attention given by the State party to adolescent health issues, including developmental, mental and reproductive health concerns.

54. The Committee recommends that the State party, taking into account general comment No. 4 of 2003 on Adolescent health and development (CRC/GC/2003/4):

(a) Formulate adolescent health policies and programmes, with the participation of adolescents, with a particular focus on the prevention of sexually transmitted diseases, especially through reproductive health education and child-sensitive counselling services;

(b) Strengthen developmental and mental health counselling services as well as reproductive health counselling and make them known and accessible to adolescents;

(c) Take measures to incorporate sexual and reproductive health education in the school curriculum, particularly at the secondary level, to inform adolescents fully of reproductive health rights, including prevention of sexually transmitted diseases including HIV/AIDS and early pregnancies;

(d) Consider means of providing particular support to pregnant teenagers, including through community structures and social security benefits; and

(e) Continue to work with international agencies with expertise in health issues relating to adolescents, inter alia, the United Nations Population Fund (UNFPA), UNICEF and WHO.

HIV/AIDS

55. The Committee welcomes the efforts made by the State party to prevent and control HIV/AIDS, including the adoption of the National AIDS Programme and the Reduction of Mother-to-Child Transmission Programme and the provision of free antiretroviral treatment. The Committee, however, remains concerned about the high incidence of the infection, in particular the mother-to-child transmission and its wide prevalence in the State party. The Committee is deeply concerned at the serious impact on the enjoyment of cultural, economic, social and civil rights and freedoms and at the stigmatization of children infected with or affected by HIV/AIDS.

56. **The Committee recommends that the State party, taking into account its general comment No. 3 of 2003 on HIV/AIDS and the rights of the children (CRC/GC/2003/3):**

(a) Further integrate respect for the rights of the child into the development and implementation of its HIV/AIDS policies and strategies for children infected with and affected by HIV/AIDS, as well as their families;

(b) Involve children when implementing these strategies;

(c) Continue and strengthen its collaboration with relevant United Nations agencies.

Standard of living and social security

57. In view of the significant number of children living in poverty, the Committee notes with concern that the social security system in the State party is not in full compliance with article 26 of the Convention. In particular, the Committee is concerned that female-headed households and new applicants may be excluded, due to restrictive eligibility requirements.

58. **The Committee recommends that the State party revise and/or establish a social security policy along with a clear and coherent family policy in the framework of poverty reduction strategy, paying particular attention to marginalized groups including female-headed households.**

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

Education

59. While welcoming the introduction of free education at primary and secondary levels, the Committee is concerned about:

- (a) Inadequate educational infrastructure, including overcrowding, material shortages in schools and reports of classroom violence;
- (b) The hidden costs of education, which constitute a significant burden for the poor;
- (c) That fact that approximately one third of the school-aged population do not attend secondary school;
- (d) The unsatisfactory length of compulsory schooling;
- (e) The significant number of pregnant teenagers who do not continue their education;
- (f) The lack of human rights education, including on the rights of the child, in the school curriculum.

60. **The Committee recommends that the State party carefully examine the budget allocations and measures taken within the field, with regard to their impact on the progressive implementation of the child's right to education and leisure activities. In particular, the Committee recommends that the State party:**

- (a) Take further measures to facilitate the accessibility to education of children from all groups in society by, inter alia, improve materials provisions in schools, and eliminate additional costs of schooling;**
- (b) Take measures to increase school attendance and reduce the dropout and repetition rates, including by involving children and adolescents in these programmes;**
- (c) Address the educational needs of pregnant students and teenage mothers in schools and ensure that they have access to education;**
- (d) Extend compulsory schooling to an internationally acceptable length of time;**
- (e) In the light of the Committee's general comment No. 1 on article 29 (1) of the Convention (aims of education), include human rights education, including the rights of children, in the school curriculum at all levels of education; and**
- (f) Seek further technical assistance from, inter alia, UNICEF and the United Nations Educational, Scientific and Cultural Organization (UNESCO).**

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

Economic exploitation

61. The Committee, despite the State party's ratification in April 2003 of the International Labour Organization (ILO) Convention 182 on the Elimination of the Worst Forms of Child Labour, remains concerned that the domestic legislation on child labour are not sufficiently enforced, and that there is no specific programme in place to protect children from exploitative labour. The Committee expresses concern about the low minimum age for employment, which is currently set at 12. The Committee is also concerned about the 16 to 18 year olds who work in sugar factories at night. The Committee further notes with concern that most children work in the informal sector, to which regulatory legal provisions do not apply, including domestic labour.

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

(a) Raise the minimum age for employment to the level required by ILO Convention 138;

(b) Adopt appropriate measures, including legislative measures, to prevent and eliminate unlawful work and to implement ILO Convention 182;

(c) Make every effort, including taking preventive measures to ensure that those children who engage in lawful domestic work do not work under conditions which are harmful to them and continue to have access to education; and

(d) Implement all policies and legislation relevant to child labour, inter alia, through campaigns and education for the public on the protection of the rights of children.

Substance abuse

63. While noting the initiatives taken by the State party to eradicate trafficking and illicit use of drugs, including the National Alcohol and Drug Abuse Prevention Programme (NADAPP), the Committee remains concerned at the growing incidence of substance abuse by children, including the use of marijuana and cocaine. It is also concerned about the lack of specific legislation prohibiting the sale, use and trafficking of controlled substances by children. The Committee also notes with concern that alcohol consumption by children is widespread, excessive and starts at a young age.

64. **The Committee recommends that the State party continue its efforts to combat drug and alcohol abuse by children, including through public education awareness campaigns, and ensure that children who abuse alcohol and/or use drug and substance have access to effective structures and procedures for treatment, counselling, recovery and social reintegration.**

Street children

65. In view of the State party's recognition that there are children who work and live in the streets, and given that they are often victims of abuse, neglect and exploitation, the Committee regrets the paucity of information about specific programmes and measures taken to address their situation.

66. **The Committee recommends that the State party, taking into account article 12 of the Convention:**

(a) Undertake a study on the root causes and scope of this phenomenon and establish a comprehensive strategy to prevent this phenomenon and to reduce the number of street children;

(b) Take effective measures to ensure that street children are provided with adequate protection, nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training in order to support their full development;

(c) Ensure that street children are provided with recovery and social reintegration services, especially when victims of physical, sexual and substance abuse, and provided with services for reconciliation with their families and community;

(d) Establish an adequate mechanism to receive complaints from street children about cases of abuse and violence; and

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

Refugee children

67. While acknowledging that the State party is a party to the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol, the Committee notes with concern that there is no domestic legislation on matters relating to refugees and asylum-seekers.

68. **The Committee recommends that the State party develop and implement appropriate legislation to protect the rights of refugees and asylum-seekers.**

Sexual exploitation

69. The Committee, while noting the efforts taken by the State party, remains concerned about the number of children and adolescents victims of sexual exploitation and notes with concern that sex tourism is prevalent in the State party. The Committee is also concerned that public campaigns to educate the population of the laws governing sexual exploitation have not generally been effective. The Committee also notes with concern that possession of child pornography, including on the Internet, is not specifically prohibited under the law.

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

(a) **Enforce legislative and other measures to ensure protection from sexual abuse and exploitation for boys and girls under 18 years;**

(b) **Adopt, as a matter of priority, the 2001 Obscene Publications and Child Pornography Bill with a view to prohibiting specifically the possession of child pornography, including on the Internet;**

(c) **Undertake a comprehensive study to examine the sexual exploitation of children, gathering accurate data on its prevalence;**

(d) **Take appropriate legislative measures and develop an effective and comprehensive policy addressing the sexual exploitation of children, including the factors that place children at risk of such exploitation;**

(e) **Prevent criminalizing child victims of sexual exploitation and ensure proper prosecution of perpetrators; and**

(f) **Implement appropriate policies and programmes for the 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.**

Trafficking

71. The Committee notes the lack of information in the State party report on trafficking of persons, including children, and that there are no laws that specifically address trafficking in persons.

72. **The Committee recommends that the State party examine the phenomenon of trafficking, gathering accurate data on its prevalence and introduce accordingly legislation prohibiting trafficking of persons, including children. The Committee also recommends that the State party consider ratifying the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.**

Juvenile justice

73. The Committee is concerned:

(a) About the low age of criminal responsibility;

(b) That life imprisonment may be ordered by the courts since the law does not specify the minimum age at which a person may be sentenced to life imprisonment;

(c) About children who are in adult prisons, which are reported to be overcrowded and in extremely poor conditions, despite the fact that most persons aged below 18 in conflict with the law are sent to designated children's orphanages and industrial schools or the Youth Training Centre (YCT);

(d) About persons below 18 who are placed in adult detention facilities due to "unruly character" or "depraved character", as stipulated in sections 74 (2) and 78 (3) of the Children Act, chapter 46:01.

74. The Committee recommends that the State party review its legislation and policies to ensure the full implementation of juvenile justice standards, in particular article 37 (b) and article 40, paragraph 2 (b) (ii)-(iv) and (vii) of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and in the light of the Committee's 1995 day of general discussion on the administration of juvenile justice. In this regard, the Committee recommends that the State party, in particular:

(a) Raise the age of criminal responsibility to an internationally acceptable standard;

(b) Ensure that life imprisonment is never sentenced to persons below the age of 18;

(c) Ensure that detained children are always separated from adults and that deprivation of liberty is used only as a last resort, for the shortest appropriate time and in appropriate conditions;

(d) In cases where deprivation of liberty is unavoidable and used as a last resort, improve procedures of arrest and conditions of detention and establish special units within the police for the handling of cases of children in conflict with the law.

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

75. The Committee notes that the State party has not ratified 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.

76. The Committee recommends that the State party 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.

10. Follow-up and dissemination

Follow-up

77. 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 Council of Ministers or the Cabinet or a similar body, the Parliament and to provincial or State Governments and Parliaments, when applicable, for appropriate consideration and further action.

Dissemination

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. In light of the recommendation on reporting periodicity adopted by the Committee and described in the report on its twenty-ninth session (CRC/C/114), the Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention is ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by States parties is crucial. The Committee invites the State party to submit its third and fourth periodic reports in one consolidated report by 3 January 2009, due date of the fourth periodic report. This consolidated report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report thereafter every five years as foreseen by the Convention.
