



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### **Concluding observations on the combined third and fourth periodic report of Cyprus, adopted by the Committee at its sixtieth session (29 May–15 June 2012)**

1. The Committee considered the combined third and fourth periodic report of Cyprus (CRC/C/CYP/3-4) at its 1700th and 1701st meetings (see CRC/C/SR.1700 and 1701), held on 30 May 2012, and adopted, at its 1724th meeting, held on 15 June 2012 (see CRC/C/SR.1724), the following concluding observations.

#### **I. Introduction**

2. The Committee welcomes the submission of the State party's combined third and fourth periodic report, submitted in accordance with the reporting guidelines of the Committee, as well as the written replies to its list of issues (CRC/C/CYP/Q/3-4/Add.1). The Committee appreciates the constructive dialogue with the State party's multisectoral delegation.

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

3. The Committee welcomes as positive the adoption of the following legislative measures:

- (a) The amendment to the Protection of Young Persons at Work Law and the Safety and Health at Work (Protection of Youth) Regulations, in 2012;
- (b) The amendment of its Refugee Law, for increased compliance with the European Union asylum acquis and international protection standards, in 2009;
- (c) The Combating of Trafficking and Exploitation of Human Beings and the Protection of Victims Law, in 2007;
- (d) The Criminal Code (Amendment) Law No. 18(I)/2006, increasing the minimum age of criminal responsibility to 14 years, in 2006;
- (e) The Protection of Children of Sentenced Women or Women Suspects Law, in 2005;
- (f) The Law on the Rehabilitation of Convicted Persons, in 2004.

4. The Committee also welcomes the ratification or signature of:
  - (a) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2010;
  - (b) The Convention on the Rights of Persons with Disabilities, in 2011;
  - (c) The Optional Protocol to the Convention on the Rights of Persons with Disabilities, in 2011;
  - (d) The Optional Protocol to the Convention against Torture and other Cruel, or Inhuman or Degrading Treatment or Punishment, in 2009;
  - (e) The International Convention for the Protection of All Persons from Enforced Disappearances, in 2007.
5. The Committee also welcomes the following institutional and policy measures:
  - (a) The establishment of a Youth Advisory Committee, in 2010;
  - (b) The adoption of a National Drug Strategy for the period 2009–2012, in 2009;
  - (c) The adoption of a National Action Plan for the Prevention and Combating of Violence in the Family for the period 2008–2013, in 2008.

### **III. Factors and difficulties impeding the implementation of the Convention**

6. The Committee reiterates its observation (CRC/C/15/Add.205, para. 5) that the State party, as a consequence of events that occurred in 1974 and that resulted in the occupation of part of the territory of Cyprus, is not in a position to exercise control over all of its territory and consequently cannot ensure the application of the Convention in areas not under its control. However, it remains a matter of concern to the Committee that no information on children living in the occupied territories could be provided.

### **IV. Main areas of concern and recommendations**

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

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

7. While welcoming the State party's efforts to implement the concluding observations on its previous report (CRC/C/15/Add.205), the Committee is concerned that some of the recommendations contained therein have not been fully addressed.

**8. The Committee urges the State party to take all necessary measures to effectively address the recommendations contained in the concluding observations of the second periodic report that have yet to be implemented, particularly those on legislation, allocation of resources, data collection and the administration of juvenile justice.**

##### **Legislation**

9. The Committee notes that progress has been made in a number of areas. However, the Committee is concerned that the State party's draft Law for the Welfare, Care and

Protection of Children has yet to be implemented. In that context, there continues to be prolonged and serious gaps in the protection of child rights.

10. **The Committee recommends that the State party expeditiously adopts the Law for the Welfare, Care and Protection of Children. Furthermore, the Committee reiterates its previous recommendation (CRC/C/15/Add.205, para. 9) urging the State party to take effective measures to ensure that its domestic legislation conforms fully with the principles and provisions of the Convention, in particular in the area of juvenile justice.**

#### **Coordination**

11. The Committee is concerned that the State party does not have a mechanism for the coordination of activities between ministries and services for the implementation of the Convention at every level of the State.

12. **The Committee calls upon the State party to ensure that it undertakes measures to establish an effective mechanism for coordinating the implementation of child rights policy among all the relevant bodies and institutions and at all levels. In doing so, the State party is urged to ensure that this mechanism is provided with the necessary human, technical and financial resources to coordinate child rights policy that is comprehensive, coherent and consistent at national and local levels.**

#### **Independent monitoring**

13. The Committee appreciates that the State party has appointed a Commissioner for the Protection of Children's Rights as an independent institution with similar functions to that of an Ombudsman, including a mandate to hear complaints and pursue claims on behalf of children. While noting as positive the mandate and powers granted to the Commissioner, the Committee is concerned that the limited human, financial and technical resources allocated to the office of the Commissioner prevents it from fulfilling its role in independently monitoring the implementation of the Convention. The Committee is also concerned that neither of the Commissioner for the Protection of Children's Rights nor its Commissioner for Administration and Human Rights (Ombudsman) have enforcement mechanisms to impose their decisions. Furthermore, the Committee is concerned that, with the allocation of, inter alia, tasks relating to coordination and data collection, there is inadequate clarity that the Commissioner's primary role is that of independent monitoring.

14. **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 and article 4 of the Convention, the Committee urges the State party to expeditiously take appropriate measures to ensure that its Commissioner for the Protection of Children's Rights is provided with adequate human, technical, and financial resources for the Commissioner's office to effectively function, particularly with regards to dealing with complaints from or for children in a child-sensitive and expeditious manner, and ensuring remedies for violations under the Convention.**

#### **Allocation of resources**

15. The State party has significantly increased the financial resources allocated to programmes and services benefiting families in general. However, notwithstanding the Committee's previous recommendation to specify details on the amount and proportion of State party budget spent on the implementation of children's rights (CRC/C/15/Add.205, para. 16), the Committee regrets that the State party has been unable to provide this information and adopt a budgeting process that takes into account child rights, with clear allocations for the effective implementation of the Convention.

16. Emphasizing articles 2, 3, 4 and 6 of the Convention, the Committee reiterates its previous recommendation (CRC/C/15/Add.205, para. 16) to the State party that the State party pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations for the implementation of the economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups, “to the maximum extent of ... available resources”. Furthermore, it recommends that the State party specify the amount and proportion of the State budget spent through public and private institutions or organizations for the implementation of children’s rights, in order to allow evaluations on the impact and effect of such expenditures in relation to the accessibility, quality and effectiveness of such services for children in the different sectors.

#### **Data collection**

17. The Committee remains deeply concerned that the State party has no centralized national registry for the collection of data, with individual ministries and services implementing separate data collection systems which are not interlinked or coordinated. In this context, the Committee is also concerned at the severe lack of disaggregated data with regard to, inter alia, urban/rural residence, membership of minority group, ethnicity, religion and disability.

18. **The Committee urges the State party to expeditiously take measures to establish a comprehensive system for data collection, analysis and monitoring, with data that is disaggregated by age, gender, ethnicity, geographic region and socio-economic background. In doing so, it particularly recommends that the State party undertake a review of its existing data collection systems with a view to using the findings thereof for the establishment of a centralized comprehensive system for the collection of disaggregated statistics and other information on a regular basis, as well as develop child-specific rights indicators.**

#### **Dissemination and awareness-raising**

19. The Committee notes as positive awareness-raising activities undertaken by the State party to disseminate the Convention through engaging with youth organizations and children in schools, including with regard to the publication of the Citizen’s Charter for Children in 2007, the annual Children’s Week in November and the mandate of the recently established Commissioner for the Protection of Children’s Rights. However, the Committee remains concerned that general awareness of the existence and importance of the Convention remains low. It also notes with concern that, notwithstanding the mandate for disseminating information on and raising awareness of child rights, the Commissioner has inadequate funds and resources for effectively conducting that work.

20. **The Committee recommends that the State party takes prompt measures to include mandatory modules on human rights and the Convention in its school curriculum and training programmes for all professionals working with or for children, particularly in rural areas and in situations concerning asylum seekers, refugees and internally displaced persons. The Committee further recommends that the State party increase the resources allocated for disseminating information on and raising awareness of the Convention, including by strengthening media engagement in a child-friendly manner, in particular through greater use of the press, radio, television, the Internet and other media, and the active involvement of children in public outreach activities.**

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

### **Non-discrimination**

21. The Committee notes the State party's draft Law for the Welfare, Care and Protection of Children, which incorporates the principle of non-discrimination as a general principle in all legal proceedings, including administrative and/or judicial proceedings. However, the Committee remains concerned that there continues to be discrimination against children of Turkish origin and other minorities.

**22. In accordance with article 2 of the Convention, the Committee urges the State party to increase its efforts to adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds, including by considering the establishment of a targeted programme specifically addressing discrimination against children of Turkish descent and other ethnic minorities.**

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

23. The Committee is concerned that the principle of the best interests of the child is not widely known, appropriately integrated or consistently applied in all legislative, administrative and judicial proceedings and all policies, programmes and projects relevant to and with an impact on children.

**24. The Committee recommends that the State party intensify its efforts to conclude the adoption of all draft laws which attach importance to the principle of the best interests of the child. The Committee further urges the State party to strengthen its efforts to ensure that the principle of the best interests of the child is widely known and appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and all policies, programmes and projects relevant to and with an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance for determining the best interests of the child in every area and disseminate them to the public and private social welfare institutions, courts of law, administrative authorities and legislative bodies. The legal reasoning of all judicial and administrative judgments and decisions should also be based on this principle, specifying the criteria as mentioned.**

### **Right to life, survival and development**

25. While the Committee welcomes the series of measures taken by the State party to reduce the overall number of fatalities and injuries, it is concerned that there continues to be high numbers of children involved in traffic accidents, the rates of which are among the highest in Europe.

**26. The Committee recommends that the State party continue to strengthen its efforts to enhance road safety and reduce the high number of injuries and deaths caused by accidents through the implementation of further traffic safety and awareness-raising initiatives.**

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

27. The Committee commends the State party for establishing an effective and active children's parliament. It also welcomes the establishment of the Cyprus Youth Board, which allows youth to provide advice on policies affecting them and supports the implementation of youth-related programmes that have been approved by the Council of Ministers. However, the Committee is concerned that:

(a) The Youth Board has not been allocated adequate funding and resources to effectively fulfil its function, with its primary funding arising from ad hoc contributions from civil society;

(b) The views of children are not always taken into account, having regard to age and maturity, in judicial proceedings;

(c) Respect for the views of children in the general context of Cypriot society is not well understood and respected.

**28. In the light of article 12 of the Convention and the Committee's general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:**

**(a) Increase the funding and resources allocated to its Youth Board to ensure that its ability to effectively fulfil its mandate as a platform for communicating the views of the child on Government policy and support the implementation of youth-related Government programmes with full respect for the views of the child on them;**

**(b) Take measures, including enacting legislation, to ensure that the views of the child, with due regard to age and maturity, are taken into account in all decisions affecting her/him, including in judicial proceedings;**

**(c) Undertake awareness-raising campaigns to facilitate families and adults' understanding and respect of the right of children to express their views and actively create opportunities for children's participation in matters that concern them.**

**C. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)**

**Corporal punishment**

29. The Committee is concerned at the widespread social acceptance of corporal punishment in the State party. Furthermore, while noting that the State party's Violence in the Family (Prevention and Protection of Victims) Law of 2000 prohibits corporal punishment, the Committee is concerned that article 54 of the State party's Children's Law (1956) allowing for "the right of any parent, teacher or other person having the lawful control or charge of the child to administer punishment to him" is still in force.

**30. The Committee recommends that the State party continue conducting awareness-raising and public education campaigns promoting alternative forms of discipline which are non-violent, and participatory forms of child-rearing and education. Furthermore, the Committee recommends that the State party explicitly repeal article 54 of its Children's Law (1956) to ensure all of its legislation explicitly prohibits all forms of corporal punishment of children in all settings, including the home.**

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

**Children deprived of a family environment**

31. The Committee notes as positive that the State party has been able to place children who are deprived of a family environment and aged from 0 to 5 years in foster care instead of institutional care. However, the Committee is concerned that children above the age of 5 years, particularly those with behavioural difficulties, tended to be placed in institutional

care. In that context, the Committee is also concerned about the inadequacy of training provided to the care professionals at these care facilities.

**32. The Committee recommends that the State party strengthen the support provided to foster parents. In doing so, it recommends that the State party pay particular attention to improving the proportion of children over the age of 5 years deprived of a family environment, and children with behavioural difficulties, being placed in foster care. It further recommends that the State party ensure that adequate training, including on the Convention, is provided to caregivers at institutional childcare facilities. In doing so, it recommends that the State party establish a system for the regular evaluation of the quality of care provided at such facilities and ensure that children in such care are ensured access to effective complaints and remedy mechanism for abuse and/or neglect.**

#### **Adoption**

33. The Committee notes that the State party is in the process of seeking legislative approval of a new Adoption Bill. However, the Committee remains concerned that, pending the adoption of the new Bill, the State party's adoption law is not in full compliance with the Convention and the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

**34. The Committee recommends that the party expeditiously seek the enactment of its new Adoption Bill and, in doing so, ensure that all aspects of its national and intercountry adoptions are in full compliance with the Convention and the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.**

#### **Violence against children, including abuse and neglect**

35. The Committee notes the State party's nationwide awareness campaign for 2007–2008 to sensitize the public on the issue of domestic violence and child abuse and campaigns organized by the Advisory Committee for the Prevention and Combating of Violence in the Family. However, the Committee remains concerned at the continued prevalence of domestic violence against women and children and the sociocultural tolerance thereof. In particular, the Committee is concerned that:

(a) Existing measures taken against domestic violence are inadequate, with the rates of such violence remaining high, and no evaluation on the effectiveness of such measures is conducted;

(b) Large numbers of victims remain without support or shelters for their protection;

(c) There remains a lack of statistical data on violence in the family, in spite of the Committee's previous observation (CRC/C/15/Add.205, para. 45);

(d) An effective and accessible system for reporting and investigating cases of domestic violence is absent.

**36. The Committee urges the State party to expeditiously adopt an effective strategy to combat domestic violence and allocate the necessary human and financial resources for the implementation of this strategy. In particular, the Committee urges the State party to:**

(a) **Undertake an independent and systematic evaluation on the effectiveness of current measures to eradicate domestic violence, with a view to using the results of the evaluation to improve such measures;**

(b) Ensure that specialized shelters for victims or those at risk of violence are made available in order to fully provide for their security as well as their physical and mental well-being;

(c) Include specific information in its next periodic report on follow-up to cases of abuse reported to the social welfare services, as well as information on the announced second research project on the extent of child abuse in Cyprus, with re-emphasis on its previous recommendation (CRC/C/15/Add.205, para. 46);

(d) Establish an accessible and effective mechanism for the prompt investigation and remedy of cases of domestic violence.

Furthermore, the Committee also urges the State party to expeditiously ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

37. With reference to the United Nations study on violence against children (A/61/299) and the Committee's general comment no. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee further encourages the State party:

(a) To prioritize the elimination of all forms of violence against children, including by ensuring the implementation of the recommendations of the United Nations study on violence against children, while paying particular attention to gender;

(b) To provide information concerning the implementation by the State party of the recommendations of the study in its next periodic report, particularly those highlighted by the Special Representative of the Secretary-General on Violence against Children, in particular:

(i) The development in each State of a national comprehensive strategy to prevent and address all forms of violence against children;

(ii) The introduction of an explicit national legal ban on all forms of violence against children in all settings;

(iii) The consolidation of a national system of data collection, analysis and dissemination, and a research agenda on violence against children.

#### **E. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1–3) of the Convention)**

##### **Children with disabilities**

38. The Committee welcomes the State party's Ministry of Education and Culture establishing a mechanism for identification and support of children with learning difficulties, emotional and other problems. However, it is concerned that the State party has no definition of inclusive education incorporated into its law. It is further concerned that there are insufficient measures to ensure that mainstream schools are accessible to all children with disabilities.

39. The Committee recommends that the State party establish a clear legislative definition of inclusive education. It further recommends that the State party adopt measures, including reasonable accommodation in all schools, to ensure that children with disabilities are able to exercise their right to education, and provide for their inclusion in the mainstream education system.

### **Adolescent health**

40. While welcoming the State party's National Drug Strategy 2009–2012 to monitor the improvement of the actions by its services and organizations involved in countering drug use, the Committee remains concerned at the high rate of children consuming alcohol, tobacco, drugs and other harmful substances.

41. **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, systematically collect comprehensive information on the consumption of alcohol and tobacco among children, and take the necessary measures for the effective enforcement of the prohibition of the sale of such products to children. The Committee also recommends that the State party consider prohibiting the advertising of alcohol and tobacco products through television, radio, publications, the Internet and other media commonly accessed by children and adolescents.**

### **Breastfeeding**

42. The Committee is concerned at the paucity of information on the state of breastfeeding in Cyprus. While noting that Cyprus has ratified European Union Directive 2006/131/EC for implementing the International Code of Marketing of Breast-milk Substitutes, the Committee notes that this directive is less comprehensive than the Code. The Committee also regrets that the State party has yet to implement the Baby-friendly Hospital Initiative.

43. **The Committee recommends that the State party establish a mechanism for systematically monitoring infant and child-feeding. In doing so, it recommends that the State party pay particular attention to the rates of breastfeeding initiation and exclusive breastfeeding of children until 6 months of age in its next report. Furthermore, the Committee recommends that the State party strengthen its legislation regulating the marketing of breast-milk substitutes with a view to fully complying with the standards of the International Code of Marketing of Breast-milk Substitutes. The Committee also recommends that the State party take measures to implement the Baby-friendly Hospital Initiative, including by providing sufficient funds and monitoring the progress of its implementation and success rates.**

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

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

44. While welcoming the State party's Zones of Educational Priority policy to increase the availability of more diverse education in a non-discriminatory manner, the Committee is concerned that:

- (a) Cypriot Turkish-speaking children continue to have limited access to education, beyond in the restricted context of language lessons, in their native language;
- (b) There is low availability of holistic early childhood development and education facilities and institutions, particularly for children under the age of 4;
- (c) Religious education may be a factor of division and conflict among children in school and does not sufficiently contribute to a spirit of understanding, tolerance and friendship among all ethnic and religious groups as stipulated in article 29, paragraph 1 (d) of the Convention.

45. **The Committee urges the State party to take measures to:**

(a) **Allocate resources for ensuring that Turkish Cypriot children are provided with the option of receiving bilingual education, including in their mother tongue;**

(b) **Promote, develop and ensure access to early childhood development and education, particularly for children under the age of 4 and, especially for children at risk of delayed development and socioeconomic deprivation, take into account the Committee's general comment No. 7 (2005) on implementing child rights in early childhood;**

(c) **Ensure that religious education is optional, taking into consideration the best interests of the child, and is conducted in a manner that contributes to a spirit of understanding, tolerance and friendship among all ethnic and religious groups as stipulated in article 29, paragraph 1 (d), of the Convention.**

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

**Asylum-seeking, refugee and internally displaced children**

46. The Committee welcomes the State party's adoption of further amendments to its Refugee Law between 2002 and 2009 to further transpose the European Union asylum acquis and international protection standards into its national law. However, the Committee remains deeply concerned about the situation of asylum-seeking and refugee children in the State party, particularly with regard to:

(a) **Persisting and serious ambiguity on the interpretation and implementation of the provisions of section 10 of the State party's Refugee Law relating to the representation of unaccompanied and separated children in the asylum process, resulting in unaccompanied asylum-seeking children remaining without representation since 2009;**

(b) **Section 8 of the State party's Refugee Law limiting asylum seekers' right to remain until the administrative examination stage of their claim, resulting in asylum-seeking children awaiting adjudication of their asylum claims by the Supreme Court being automatically considered illegal migrants, depriving them of access to reception conditions, including welfare assistance and medical care; and increasing their vulnerability to detention and deportation;**

(c) **Denial of sponsored specialized medical care abroad to refugee and asylum-seeking children, even in cases where permanent disability is a foreseen risk, and the frequent denial of special needs benefits;**

(d) **The State party's policy of issuing children of internally displaced persons a certificate of refugee status instead of a refugee identity card, resulting in limitations on the housing schemes that they are eligible for.**

47. **The Committee urges the State party to take urgent and necessary measures, including to adequately address the situation of asylum-seeking children and, in doing so, take every necessary measure to:**

(a) **Expediently give full effect to the provisions of its Refugee Law, in accordance with the European Union asylum acquis and international protection standards, to guarantee separated and unaccompanied children legal representation in the asylum process;**

(b) Bring section 8 of its Refugee Law in line with international protection standards to ensure that the right to remain is not limited to the administrative examination stage of a claim and that, while awaiting the determination of a claim, applicants are ensured continued access to essential services;

(c) Ensure the full application of its Refugee Law and its Reception Conditions Regulations to provide refugees with the same level of health care as nationals, including adequate medical care to persons with special needs, and free medical care when they do not have the means;

(d) Ensure that children of internally displaced persons have equal access to all essential services, including housing schemes.

In considering the above recommendations, the Committee draws the State party's attention to the Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees issued by UNHCR in December 2009. The Committee also encourages the State party to consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

#### **Sexual exploitation and trafficking**

48. The Committee welcomes the State party's abolition of so-called "artiste" visas for the entertainment sector. However, the Committee is concerned that significant problems persist with trafficking in human beings, including children, in particular trafficking of women for sexual exploitation mainly in bars, nightclubs and so-called cabarets. It is further concerned that the State party's National Action Plan against Trafficking in Human Beings, which covers the period of 2010–2012 lacks a child-specific focus. Furthermore, the Committee is concerned at the absence of adequate monitoring and oversight on the situation of heightened vulnerability to trafficking which the considerable number of migrant children residing in the State party with persons other than their parents or guardians face.

49. The Committee urges the State party to expeditiously ratify the Council of Europe Convention on Action against Trafficking in Human Beings that it signed in 2007. Furthermore, in the light of its general comment No. 13, the Committee urges the State party to raise the awareness of the public, strengthen early detection and prevention mechanisms and ensure full protection for all children victims of sexual exploitation and abuse, including in the family and outside. The Committee also recommends that the State party take all measures necessary to fulfil its obligations as a party to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and take into account the outcome documents adopted at the 1996, 2001 and 2008 World Congresses against Sexual Exploitation of Children held, respectively, in Stockholm, Yokohama and Rio de Janeiro. It also recommends that the State party ensure adequate safeguards and checks for migrant children residing in the State party with persons other than their parents or guardians to prevent trafficking and adopt, without further delay, a specific National Action Plan for child victims of trafficking.

#### **Economic exploitation**

50. While noting as positive the amendment of the Law on the Protection of Young Persons at Work (L. 48(I)/2001), the Committee is concerned that the monitoring and

protection of children employed as domestic workers remains inadequate, with no legislation requiring the compulsory registration of child domestic workers and the current labour inspectorate not having the mandate to carry out inspections on the working and living conditions of children in such employment.

51. **The Committee recommends that the State party consider further amendments to its Law on the Protection of Young Persons at Work (L. 48(I)/2001) to ensure that adequate safeguards for children employed as domestic workers, including mandatory registration of such employment and the empowerment of labour inspectorates to carry out spot checks on the working and living conditions of children in such employment. Furthermore, the Committee recommends that the State party consider ratifying International Labour Organization Convention No. 189 (2011) concerning decent work for domestic workers.**

#### **Helplines**

52. While welcoming the State party launching the “116 000” European Helpline for missing children, the Committee is concerned that the State party currently has no general national helpline for children requiring help in other matters.

53. **The Committee recommends that the State party establish a child helpline covering the whole country. In doing so, it recommends that the helpline be accessible 24 hours, have an easy to remember three or four digit numbers and be allocated adequate financial and technical resources as well as personnel trained to respond to children and analyse the calls for appropriate action. The Committee further recommends that the State party seek assistance in this regard from, inter alia, the United Nations Children’s Fund (UNICEF) and Child Helpline International.**

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

54. The Committee welcomes the State party raising the minimum age of criminal responsibility to 14 years. It also notes that the State party has a new legislative framework on juvenile justice under discussion among its competent Ministries and the House of Representatives. However, the Committee is concerned that children above the age of 14 can still be tried as adults for serious offences. Furthermore, the Committee reiterates its previous concern (CRC/C/15/Add.205, para. 59) on the State party lacking a juvenile criminal justice system that ensures appropriate treatment of children at all stages of its judicial proceedings.

55. **The Committee recommends that the State party bring the juvenile justice system fully into line with the Convention, in particular articles 37, 39 and 40, and with other relevant standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), the Vienna Guidelines for Action on Children in the Criminal Justice System, and the Committee’s general comment No. 10 (2007) on children’s rights in juvenile justice.**

**In particular, the Committee recommends that the State party:**

(a) **With reference to its previous recommendation (CRC/C/15/Add.205, para. 60), establish a juvenile justice system, including juvenile courts that have adequate human, technical and financial resources;**

(b) **Adopt a holistic and preventive approach to addressing the problem of juvenile offenders and its underlying social factors, with a view to supporting children**

at risk at an early stage by using alternative measures to detention such as diversion, probation, counselling, community service or suspended sentences, wherever possible;

(c) Ensure that children, including those between the ages of 14 and 18 years, are not subject to the adult justice system, regardless of the nature of the offence committed.

#### **Child victims and witnesses of crimes**

56. While noting that the State party does have a child victim and criminal witness protection programme, the Committee is concerned at the absence of information on, *inter alia*, the age of the victims, type of crimes and details of offenders. It further notes that in the absence of such information, an evaluation on the efficacy of this protection programme is not feasible.

57. The Committee recommends that the State party systematically collect data, including on victim age, offence committed and offender demography with a view to including this in its next periodic report and utilizing it to evaluate the effectiveness of its current criminal witness or victim protection programme. In doing so, the Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes, for example, children victims of abuse, domestic violence, sexual and economic exploitation, abduction and trafficking and witnesses of such crimes, including those perpetrated by State and non-State actors, are provided with the protection required by the Convention and that the State party take fully into account the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime in the drafting and enactment of such legal provisions and regulations.

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

58. The Committee encourages the State party to sign the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and encourages the State party, in order to further strengthen the fulfilment of children's rights, to accede to the Optional Protocol and all core human rights instruments, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

### **I. Cooperation with regional bodies**

59. The Committee recommends that the State party cooperate with the Council of Europe for the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe member States.

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

60. 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 Government, the Parliament, regional bodies and other local governments, when applicable, for appropriate consideration and further action.

61. The Committee further recommends that the combined third and fourth periodic report and written replies submitted by the State party and the related

recommendations (concluding observations) adopted by the Committee be made widely available in the languages of the country, 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 and its implementation.

#### **K. Next report**

62. The Committee invites the State party to submit its combined fifth and sixth periodic report by 8 March 2018, including specific information on the implementation of and follow-up to the recommendations contained in these present concluding observations of the Committee. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr.1) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the guidelines. Should a report exceeding the page limitations be submitted, the State party will be asked to review and resubmit the report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, the translation of the report for purposes of examination of the treaty body cannot be guaranteed.

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