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Thirty-second session
13-31 January 2003

REPORT ON THE THIRTY-SECOND SESSION

(Geneva, 13-31 January 2003)

CONTENTS

<i>Chapter</i>	<i>Paragraphs</i>	<i>Page</i>
I. RECOMMENDATION ADOPTED BY THE COMMITTEE ON THE RIGHTS OF THE CHILD		4
II. ORGANIZATIONAL AND OTHER MATTERS	1 - 15	5
A. States parties to the Convention	1 - 4	5
B. Opening and duration of the session	5	5
C. Membership and attendance	6 - 9	5
D. Agenda	10	6
E. Pre-sessional working group	11 - 13	7
F. Organization of work	14	7
G. Future regular meetings	15	7
III. REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION	16 - 503	8
A. Submission of reports	16 - 22	8
B. Consideration of reports	23	9
Concluding observations: Estonia	23 - 78	9
Concluding observations: Republic of Korea	79 - 141	24
Concluding observations: Italy	142 - 198	36
Concluding observations: Romania	199 - 265	49
Concluding observations: Viet Nam	266 - 321	67
Concluding observations: Czech Republic	322 - 392	78
Concluding observations: Haiti	393 - 460	95
Concluding observations: Iceland	461 - 503	109
IV. COOPERATION WITH UNITED NATIONS AND OTHER COMPETENT BODIES	504 - 507	118
V. FUTURE DAY OF GENERAL DISCUSSION	508	119

CONTENTS (*continued*)

<i>Chapter</i>	<i>Paragraphs</i>	<i>Page</i>
VI. INFORMAL MEETING WITH STATES PARTIES	509	119
VII. WORKING METHODS	510	119
VIII. GENERAL COMMENTS	511 - 513	119
IX. PROVISIONAL AGENDA FOR THE THIRTY-THIRD SESSION	514	119
X. ADOPTION OF THE REPORT	515	120

Annexes

I. Membership of the Committee on the Rights of the Child	121
II. Outline for the Day of general discussion on “The rights of indigenous children” to be held on 19 September 2003	122

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

Organization of work

Thirty-second session, recommendation

The Committee on the Rights of the Child,

Stressing the crucial importance of periodic reporting by States parties, in conformity with the obligations under article 44 of the Convention on the Rights of the Child, (a) within two years after the entry into force of the Convention for the State party concerned and (b) thereafter every five years,

Noting that many States parties have yet to submit their second periodic report under the Convention,

Acknowledging that at the time of the dialogue with the Committee States parties have updated the information they provided in their initial report in the written replies submitted to the list of issues,

Referring to its recommendation adopted at its twenty-ninth session (CRC/C/114) concerning overdue reports and the one-time schedule proposed to States parties in order that they may catch up with the established periodicity in the following two situations:

- (a) When the second periodic report is due within the year following the dialogue with the Committee;
- (b) When the second periodic report is already due at the time of the dialogue and the third report is due two years or more after the dialogue with the State party,

Expressing the need to support States parties in an effort to ensure compliance with the strict time frame established by article 44, paragraph 1, of the Convention,

1. Decides to inform States parties in the related concluding observations adopted by the Committee of the deadline for the submission of their second and, where appropriate, following periodic reports;

2. Decides, therefore, to apply the following additional rule:

(a) When the second periodic report is due between one and two years following the dialogue with the Committee, the State party shall be requested to submit that report combined with the third one; however, in view of the large number of reports received by the Committee every year and the consequent lengthy time period between the date of submission of a State party report and its consideration by the Committee, the Committee urges the State party, in order to reduce that period, to submit its consolidated second and third report 18 months before its due date. This rule also applies, mutatis mutandis, when a similar situation occurs with the third and fourth periodic reports;

3. Stresses that these rules apply only as an exceptional measure, for one time only, in an attempt to provide an opportunity for a State party to respect the strict reporting periodicity foreseen in article 44, paragraph 1, of the Convention.

II. ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Convention

1. As at 31 January 2003, the closing date of the thirty-second session of the Committee on the Rights of the Child, there were 191 States parties to the Convention on the Rights of the Child. The Convention was adopted by the General Assembly in 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 article 49 thereof. An updated list of States that have signed, ratified or acceded to the Convention is available on: www.ohchr.org.

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 46 States parties and signed by 111 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 44 States parties and signed by 105 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. A list of States that have signed, ratified or acceded to the two Optional Protocols is available on: www.ohchr.org.

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

4. As at 31 January 2003, 130 States parties to the Convention had notified the Secretary-General of their acceptance of the amendment to article 43, paragraph 3, of the Convention increasing the membership of the Committee from 10 to 18 members (resolution 50/155). In accordance with article 50, paragraph 2, of the Convention on the Rights of the Child, the amendment entered into force on 18 November 2002, the day of the deposit of the instrument of notification by the 128th State party (two thirds of States parties).

B. Opening and duration of the session

5. The Committee on the Rights of the Child held its thirty-second session at the United Nations Office at Geneva from 13 to 31 January 2003. The Committee held 29 meetings. An account of the Committee's deliberations at its thirty-second session is contained in the relevant summary records (see CRC/C/SR.834; 836-841; 844-845; 848-849; 852-857; and 862).

C. Membership and attendance

6. All the members of the Committee attended the thirty-second session. 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. Mr. Ibrahim Abdul Azziz Al-Sheedi, Ms. Ghalia Mohd Bin Hamad Al-Thani, Ms. Judith Karp, Ms. Awa N'Deye Ouedraogo, Ms. Marilia Sardenberg and Ms. Moushira Khattab were not able to attend the session in its entirety.

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

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

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

General consultative status

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

Special consultative status

Arab Organization for Human Rights, Amnesty International, Coalition against Trafficking in Women, Defence for Children International, International Commission of Jurists, International Confederation of Free Trade Unions, International Confederation of Social Workers, International Federation of Women in Legal Careers, International Federation Terre des Hommes, International Save the Children Alliance, 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, NGO Working Group for Nutrition, International Baby Food Action Network.

D. Agenda

10. At its 834th meeting, on 13 January 2003, the Committee adopted the following agenda on the basis of the provisional agenda (CRC/C/122):

1. Adoption of the agenda.
2. Organizational matters.
3. Submission of reports by States parties.
4. Consideration of reports of States parties.

5. Cooperation with other United Nations bodies, specialized agencies and other competent bodies.
6. Methods of work of the Committee.
7. General comments.
8. Future meetings.
9. Other matters.

E. Pre-sessional working group

11. In accordance with a decision of the Committee at its first session, a pre-sessional working group met in Geneva from 7 to 11 October 2002. All the members participated in the working group. Representatives of OHCHR, ILO, UNICEF, UNESCO, UNHCR and WHO also participated. A representative of the NGO Group for the Convention on the Rights of the Child, as well as representatives from various national and international non-governmental organizations, also attended.

12. The purpose of the pre-sessional working group is to facilitate the Committee's work under articles 44 and 45 of the Convention, primarily by reviewing State party reports and identifying in advance the main questions that would need to be discussed with the representatives of the reporting States. It also provides an opportunity to consider questions relating to technical assistance and international cooperation.

13. Mr. Jaap Doek 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 initial reports of three countries (Estonia, Haiti and Solomon Islands) and the second periodic reports of six countries (Czech Republic, Iceland, Italy, Republic of Korea, Romania and Viet Nam). The lists of issues were transmitted to the permanent missions of the States concerned with a note requesting written answers to the issues raised in the list, if possible, before 1 December 2002.

F. Organization of work

14. The Committee considered the organization of its work at its 834th meeting, on 13 January 2003. The Committee had before it the draft programme of work for the thirty-second session, prepared by the Secretary-General in consultation with the Chairperson of the Committee, and the report of the Committee on its thirty-first session (CRC/C/121).

G. Future regular meetings

15. The Committee decided that its thirty-third session would take place from 19 May to 6 June 2003 and that its pre-sessional working group for the thirty-fourth session would meet from 10 to 13 June 2003.

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

A. Submission of reports

16. The Committee had before it the following documents:

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

(b) Note by the Secretary-General on the States parties to the Convention and the status of submission of reports (CRC/C/123);

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

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

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

17. The Committee was informed that, in addition to the nine reports that were scheduled for consideration by the Committee at its current session and those which had been received prior to the Committee's thirty-second session (see CRC/C/121, para. 17), the Secretary-General had received the initial report of Papua New Guinea (CRC/C/28/Add.20) and Liberia (CRC/C/28/Add.21); the second periodic reports of Croatia (CRC/C/70/Add.23), Austria (CRC/C/83/Add.8), Luxembourg (CRC/C/104/Add.4), France (CRC/C/65/Add.26) and Togo (CRC/C/65/Add.27); and the third periodic reports of Sweden (CRC/C/125/Add.1) and Bolivia (CRC/C/125/Add.2).

18. As at 31 January 2003, the Committee had received 176 initial and 68 periodic reports. A total of 203 reports (162 initial and 40 second periodic) have been considered by the Committee.

19. At its thirty-second session, the Committee examined initial and periodic reports submitted by nine States parties under article 44 of the Convention. It devoted 17 of its 29 meetings to the consideration of reports (see CRC/C/SR.836-841; 844-845; 848-849; 852-857; and 862).

20. The following reports, listed in the order in which they were received by the Secretary-General, were before the Committee at its thirty-second session: Estonia (CRC/C/8/Add.45), Republic of Korea (CRC/C/70/Add.14), Italy (CRC/C/70/Add.13),

Romania (CRC/C/65/Add.19), Viet Nam (CRC/C/65/Add.20), Czech Republic (CRC/C/83/Add.4), Haiti (CRC/C/51/Add.7), Iceland (CRC/C/83/Add.5), and Solomon Islands (CRC/C/51/Add.6). The Solomon Islands requested the postponement of the consideration of their initial report to the next (thirty-third) session of the Committee. The Committee agreed to this request.

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

B. Consideration of reports

Concluding observations: Estonia

23. The Committee considered the initial report of Estonia (CRC/C/8/Add.45), which was received on 7 June 2001, at its 836th and 837th meetings (see CRC/C/SR.836 and 837), held on 14 January 2003, and at the 862nd meeting (CRC/C/SR.862), held on 31 January 2003, adopted the following concluding observations.

A. Introduction

24. The Committee notes that the initial report (which was regrettably submitted eight years after it was due) follows the guidelines for reporting and appreciates the detailed and informative written replies which were submitted. The Committee acknowledges that the presence of a well-qualified and cross-sectoral delegation contributed to a better understanding of the process of implementation of the Convention in the State party.

B. Positive aspects

25. The Committee welcomes:

(a) The adoption of new legislation, such as the Juvenile Sanctions Act 1999, the Social Benefits for Disabled Persons Act 1999, the new Penal Code 2002, the Amendment to the Basic and Upper Secondary Schools Act 2002, and Regulation No. 209 of 2002 on the procedure for creating conditions for learning the mother tongue and studying the national culture for students in Estonian-language schools whose mother tongue is not Estonian;

(b) The system of family benefits and child allowances supporting parents and children in general and providing extra support for especially vulnerable families such as single-parent families, and families with many children and/or with unemployed parents;

(c) The programme called “Integration in Estonian Society, 2000-2007”;

- (d) The introduction of comprehensive health-care insurance;
- (e) The school meal programme and school milk campaign;
- (f) The ratification of international treaties relevant to the protection of children's rights (including the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; the Hague Conventions on Protection of Children and Cooperation in Respect of Intercountry Adoption and on Civil Aspects of International Child Abduction; and the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children).

C. Factors and difficulties impeding the implementation of the Convention

26. The Committee acknowledges that the State party continues to face socio-economic difficulties with the prolonged period of economic transition having led to a deterioration of living standards, high unemployment rates, poverty and regional disparities, thereby affecting negatively the welfare and living standards of vulnerable families with children.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Legislation

27. While noting the adoption of various legislative measures with respect to child rights, the Committee is concerned at the weak implementation of legislation in some instances. Noting that the 1992 Child Protection Act reflects some principles and provisions of the Convention, it remains concerned that many of the provisions have not been fully implemented through detailed regulations, in accordance with article 68 of the Act, and with adequate budgetary allocation. The Committee is concerned that there is no process of harmonization between the existing legislation and the Convention and between the various legislative acts.

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

- (a) **Establish a process of harmonization and bring laws into conformity with the Convention;**
- (b) **Ensure that the necessary regulations are made for the effective implementation of those legislative measures, including adequate budgetary allocation;**
- (c) **Ensure that children's rights impact assessments are performed on proposals of relevant legislation and policies.**

Coordination

29. The Committee notes that the Social Welfare Department of the Ministry of Social Affairs is responsible for the coordination of child welfare policy and that a permanent

commission for the child and family has been established with an advisory capacity. However, the Committee is concerned that the mandate of the Department is not sufficient for effective coordination of the activities relevant to the implementation of the Convention throughout the State party.

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

(a) **Ensure that the mandate of the Social Welfare Department is sufficient to permit it to coordinate the implementation of all areas of the Convention, both among ministries as well as among national, regional and local authorities. Furthermore, the Committee recommends that financial and human resources be provided to allow for the effective implementation of the coordination role;**

(b) **Enhance efforts to strengthen the networks relating to the various children's rights initiatives;**

(c) **Create a multisectoral platform for developing policies and standards for the implementation of the Convention throughout the State party.**

Data

31. The Committee welcomes the statistical information provided in the written replies; however, it notes the insufficiency of data in some areas and is concerned at the insufficient evaluation of data to devise policies and programmes.

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

(a) **To consider the publication of annual statistical surveys on the rights of children, as the Statistical Office currently does in other fields;**

(b) **To continue its efforts to collect disaggregated data on all persons under 18 years of age for all areas covered by the Convention, including the most vulnerable groups (e.g. victims of abuse and ill-treatment), and to use these data to assess progress and design policies to implement the Convention.**

Monitoring structures

33. The Committee welcomes the existence of various mechanisms for filing complaints, such as the Legal Chancellor, also mandated to serve as Ombudsman. Nevertheless, it is concerned that this is not a specialized body with an explicit mandate to address effectively violations of children's rights and to monitor and regularly evaluate progress in the implementation of the Convention.

34. **The Committee recommends that the State party consider the establishment of a unit, or a specialized body, within or outside the Legal Chancellor's Office, in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights ("The Paris Principles") (General Assembly resolution 48/134, annex) and the Committee's general comment No. 2, to monitor and evaluate progress in**

the implementation of the Convention at the national and local levels. This body should be adequately resourced, accessible to children, and empowered to receive, investigate and address effectively complaints of violations of children's rights in a child-sensitive manner.

National plan of action

35. The Committee notes that the State party is in the process of elaborating various strategies for implementing parts of the Convention; however, it is concerned at the absence of a rights-based comprehensive plan of action for all children.

36. **The Committee encourages the State party to develop a comprehensive rights-based plan of action for the full implementation of the Convention that includes, inter alia, strategies that are under consideration by the State party and the goals and objectives of the outcome document "A World Fit for Children", and to provide the mechanisms and regulations for the effective implementation of this plan of action.**

Resource allocation

37. The Committee is concerned that the increase in public expenditure on children is not commensurate with the State party's overall budget increase and is not "to the maximum extent of ... available resources", as stipulated in article 4 of the Convention. Furthermore, the Committee is concerned that legislation, strategies and policies are not linked to detailed resource allocation.

38. **In the light of article 4 of the Convention, the Committee recommends that the State party:**

(a) **Ensure implementation of the economic, social and cultural rights of all children, to the maximum extent of available resources;**

(b) **Continue to prioritize and target budgetary allocations for children belonging to the most vulnerable groups;**

(c) **Systematically assess the impact of budgetary allocations on the implementation of child rights;**

(d) **Ensure resources for sufficient numbers of qualified professionals working with and for children;**

(e) **Provide adequate support to local authorities for the implementation of the Convention.**

Cooperation with civil society

39. Recognizing the important role played by civil society, the Committee is concerned that insufficient efforts have been undertaken by the State party to facilitate the involvement of non-governmental organizations (NGOs) in the implementation of the Convention in a more structured and sustainable manner.

40. **The Committee encourages the State party to strengthen cooperation and make greater efforts towards structured and sustained involvement of civil society groups, NGOs and community-based organizations in the implementation of the Convention.**

Training/dissemination of the Convention

41. The Committee notes that some efforts have been made by the State party to raise awareness of the Convention, including through pre-school education and university courses. Yet, the Committee remains concerned that the level of awareness among children, professionals and the general public remains low.

42. **The Committee encourages the State party to continue:**

(a) **To strengthen, expand and ensure continuity of its programme for the dissemination and implementation of the Convention, including in Russian and other minority languages, among children and parents, civil society, and all sectors and levels of Government;**

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

2. General principles

43. The Committee is concerned that the right to non-discrimination (article 2 of the Convention), the principle that the best interests of the child shall be a primary consideration (art. 3), the right to life, survival and development of the child (art. 6) and the right of the child to express his or her views freely and to have those views taken into account according to age and maturity (art. 12) are not fully reflected in the State party's legislation, policies and programmes at the national and local levels.

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

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

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

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

The right to non-discrimination

45. The Committee is concerned that the current discriminatory attitudes towards linguistic minority communities (e.g. the Russian-speaking community), non-citizens, especially those without legal status, and other disadvantaged groups may restrict, directly or indirectly, the rights guaranteed under the Convention to children belonging to those groups. In particular, the Committee is concerned:

(a) That there are no legislative provisions defining crimes with a racist element as racially motivated crimes, or for racist motivation to be taken into account by the courts as a factor when pronouncing sentence. In this regard, the Committee is concerned at the effectiveness of measures to guarantee the security of children who may be victims of racist acts;

(b) That there is no legislation at present prohibiting discrimination in housing, and access to education and public services;

(c) That a high proportion of children from Russian-speaking communities are stateless;

(d) That large minority groups (e.g. the Russian-speaking community, which accounts for approximately 30 per cent of the population) are disproportionately overrepresented among low-income and unemployed households, and underrepresented in the public service.

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

(a) **Take effective measures, including enacting or rescinding legislation where necessary, to ensure that all children enjoy all the rights set out in the Convention without discrimination, in accordance with article 2;**

(b) **Study the effectiveness of the measures taken to counter all forms of discrimination;**

(c) **Consider the adoption of provisions to criminalize and punish racially motivated acts;**

(d) **Carry out comprehensive public education campaigns to prevent and combat negative societal attitudes in this regard.**

47. **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 Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in 2001, taking account of the Committee's general comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).**

Respect for the views of the child

48. The Committee, while noting the information received on the active involvement of students in the education system in Estonia, regrets that little information was provided in the report on the actual respect for and enjoyment of this right in the family, administrative bodies and courts.

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

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

(b) **Develop skills-training programmes in community settings for parents, teachers, professionals working with and for children and local officials on how to encourage children to express their informed views and opinions by providing them with proper information and guidance, and to take those views and opinions into consideration;**

(c) **Encourage and support the establishment of youth centres throughout the State party.**

3. Civil and political freedoms

Nationality

50. The Committee welcomes the amendments made in 1998 to the Law on Citizenship simplifying procedures for the naturalization of children of stateless persons and notes that the number of stateless persons in Estonia is decreasing. Nevertheless, the Committee is concerned that the situation of stateless parents, who by virtue of their status are unable to participate fully in Estonian society, negatively impacts on their children's integration into Estonian society. Moreover, it is concerned that, under article 21 of the Law on Citizenship, children of former military and security service personnel and their spouses and families may be denied citizenship.

51. **The Committee recommends, in accordance with articles 2 and 7 of the Convention, that the State party:**

(a) **Reduce the number of stateless children by, inter alia, expediting and improving the procedure of naturalization;**

(b) **Improve the situation of non-citizens without legal residence permits by, among other things, simplifying and shortening the procedures for applying for residence permits;**

(c) **Carry out campaigns to encourage applications with a view to reducing, as far as possible, the number of children who are stateless or illegal residents;**

(d) **Take measures to eliminate discrimination against children on account of their parents' past opinions or activities;**

(e) Ensure that all children residing on the territory of Estonia enjoy all the rights under the Convention, whether or not they are citizens;

(f) Accede to the Convention relating to the Status of Stateless Persons of 1954 as well as to the Convention on the Reduction of Statelessness of 1961, with a view to ensuring protection to all stateless persons in Estonia.

Violence/abuse/neglect/maltreatment

52. The Committee notes the information on the Tartu and Tallin support centres, as well as the recent studies on child sex abuse and bullying in schools. The Committee also notes that all violence against children is prohibited. However, it remains concerned that there is still insufficient information on and awareness of the ill-treatment and abuse of children within the family, in schools and in institutions, as well as of domestic violence and its impact on children. Moreover, it is concerned that current efforts in this regard may have limited impact because of the lack of a comprehensive strategy and the inadequate allocation of resources.

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

(a) Conduct a study to assess the causes, nature and extent of ill-treatment and abuse of children, including sexual abuse, and design policies and programmes to address them, bearing in mind the importance of prevention programmes;

(b) Explicitly prohibit corporal punishment and take all measures to prevent all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family, in schools and in institutions;

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

(d) Establish effective mechanisms and procedures for receiving, monitoring and investigating complaints, including intervention where necessary;

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

(f) Give attention to addressing and overcoming sociocultural barriers that inhibit victims from seeking assistance;

(g) Provide counselling, care, recovery and reintegration services to victims and perpetrators alike;

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

(i) Devise a comprehensive strategy for reducing and preventing violence in schools, whether among students or by teachers, including through peer groups;

(j) Take into account the Committee's recommendations adopted at its day of general discussion on "Violence against children within the family and in schools" (CRC/C/111, chap. V.).

4. Family environment and alternative care

Family environment

54. The Committee welcomes the priorities as described in the State party's report to support the family structure, but remains concerned that there is a high number of children in institutions and that:

(a) According to the report submitted by the State party, 27.6 per cent (1999) of children in shelters are placed there because of their difficult economic conditions;

(b) Conditions in institutions are poor and the system of periodic review of placement does not adequately take into account the views and best interests of the child by providing appropriate counselling and support or finding forms of alternative care;

(c) There is insufficient collection of adequate data.

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

(a) Undertake a comprehensive study on the phenomenon of institutionalization of children;

(b) Promote the family as the best environment for the child, through counselling and community-based programmes as well as financial support to assist parents in raising children at home;

(c) Continue to increase and strengthen foster care, family-type foster homes and other family-based alternative care;

(d) Place children in institutions only as a measure of last resort;

(e) Take all necessary measures to improve standards and conditions in institutions;

(f) Ensure that children in institutions enjoy all the rights set forth in the Convention, including the right to maintain personal relationships and direct contact with their parents and families on a regular basis;

(g) Provide support and training for personnel in institutions, including social workers;

(h) Establish effective mechanisms for complaints from children in care and for monitoring standards of care and establish efficient regular periodic review of placement, taking into account the best interests of the child;

(i) Provide adequate follow-up and reintegration services for children who leave institutional care.

Family reunification

56. The Committee welcomes the judgement pronounced in May 2000 by the National Court of the Estonian Republic, which deemed unconstitutional the refusal of a residence permit application for the purposes of family reunification on the grounds that it exceeded the immigration quota. The Committee is concerned that article 5, paragraph 3, of the 1997 Refugee Act does not guarantee family reunification because it requires a dependent refugee spouse and dependent children outside Estonia to meet the criteria of the 1951 Refugee Convention even after the principal applicant has met the criteria. Further, the Committee is concerned that there are no legal provisions which make it possible for family members to reunite with a child who has been recognized as a refugee.

57. In accordance with article 10 of the Convention, the Committee recommends that the State party ensure:

(a) That the provisions of the Aliens Act reflect the decision of the National Court and are implemented;

(b) That the Refugee Act is amended to ensure that the right to family reunification shall be dealt with by the State party in a positive, humane and expeditious manner.

Foster care and adoption

58. The Committee is concerned that there is no effective system for the screening of foster or adoptive parents, including national standards and efficient mechanism to prevent the sale and trafficking of children, to review, monitor and follow up the placement of children, and to collect statistics on foster care and adoption, including intercountry adoption.

59. In the light of articles 20 and 21 of the Convention, the Committee recommends that the State party:

(a) Establish a comprehensive national policy and guidelines governing foster care and adoption;

(b) Establish a central monitoring mechanism in this regard.

5. Basic health and welfare

Children with disabilities

60. The Committee appreciates the many efforts made in this field, as well as the fact that the State party acknowledges that challenges remain with regard to guaranteeing children with disabilities the rights contained in the Convention, integrating them in mainstream education and

providing support for families. It notes with concern that the implementation of the Education Act does not sufficiently envisage the inclusion of disabled children; that negative societal attitudes towards inclusion persist; and that support payments are only payable for disabled children up to 16 years of age.

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

(a) **Review existing policies and practice in relation to children with disabilities, taking due account of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and of the Committee's recommendations adopted at its day of general discussion on children with disabilities (CRC/C/69, para. 338);**

(b) **Provide early childhood care and special education for children with disabilities;**

(c) **Make greater efforts to implement alternatives to the institutionalization of children with disabilities, including community-based rehabilitation programmes;**

(d) **Undertake awareness-raising campaigns which focus on prevention, inclusive education, family care and the promotion of the rights of children with disabilities;**

(e) **Give attention to combating negative societal attitudes towards children with disabilities;**

(f) **Provide adequate support, supervision and training to persons working with these children, including the teaching staff in mainstream schools;**

(g) **Take measures to remove physical barriers to enable effective access of children with disabilities to schools and other institutions and services in a manner conducive to the child's achieving the fullest possible social integration and individual development.**

Adolescent health

62. The Committee notes the existence of the State-sponsored ongoing prevention programme on alcoholism and substance abuse, 1997-2002, and welcomes information in the written replies concerning the development of new programmes to address the problems affecting the reproductive health of youths, including sexually transmitted diseases and HIV/AIDS. However, the Committee is concerned at the prevailing mental health problems, the high suicide rate, the large number of abortions and incidence of sexually transmitted diseases, the increasing number of HIV infections among injecting drug users and the high number of accidents, and reiterates the concerns expressed by the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.85, paras. 27-30) where these relate to children.

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

(a) **Strengthen and ensure that its programmes for adolescent health are effectively implemented, including through the provision of adequate resources;**

- (b) Ensure that future measures are formulated with the full participation of adolescents;**
- (c) Ensure that adolescents have access to child-sensitive and confidential counselling services, including mental health counselling;**
- (d) Strengthen efforts in the area of adolescent health education within schools.**

6. Education

Education

64. The Committee welcomes the inclusion of the Convention in the school curriculum and appreciates the acknowledgment by the State party that there are challenges facing the right to education. In this regard, it shares the concern that more than 5,000 children do not attend school, and that repetition and drop-out rates are high. Possible reasons for dropping out include: lack of protection from bullying, overcrowded classrooms, a poor school environment as a result of diminished extracurricular activities, overburdened teachers and closure of schools in rural areas for economic reasons.

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

- (a) To undertake a study of the causes of the high repetition, drop-out and non-attendance rates and undertake effective actions to address these problems on the basis of the findings of the study;**
- (b) To consider adapting the school curricula to the varied needs of children and promote activities that may attract children to schools, thereby reducing the number of dropouts;**
- (c) To evaluate the effectiveness of those activities and devise strategies accordingly;**
- (d) To further enhance the system of education for national minorities;**
- (e) To take adequate measures to promote a non-violent environment in schools;**
- (f) To take all the appropriate measures to implement regulation No. 209 for mother-tongue instruction for students whose mother tongue is not Estonian, providing also for the teaching of their culture and history;**
- (g) To consider implementing the recommendations made by the Legal Chancellor with regard to schools in rural areas;**
- (h) To improve the quality of education in the whole country in order to achieve the goals set out in article 29, paragraph 1, of the Convention and in the Committee's general comment No. 1 on the aims of education, and to ensure that human rights education, including children's rights, are included in the school curricula.**

7. Special measures of protection

Street children

66. The Committee is concerned at the increasing number of street children and at the lack of a systematic comprehensive strategy to address this situation and to provide these children with adequate assistance.

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

(a) **Undertake a study on the causes and scope of the phenomenon of street children and develop a comprehensive strategy with the aim of preventing and reducing this phenomenon and protecting children;**

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

(c) **Ensure that these children are provided with recovery and reintegration services, including psychosocial assistance for physical, sexual and substance abuse, and services for reconciliation with their families.**

Drug abuse

68. The Committee notes the information related to the ongoing “Alcoholism and substance abuse prevention programme, 1997-2007”; however, it remains concerned that children are not effectively protected from the illicit use of narcotic drugs and psychotropic substances and at the increasing use of drugs and the rise in the number of injecting drug users.

69. **The Committee encourages the State party to continue its efforts to provide children with accurate and objective information about substance use and to take all appropriate measures, including drug education in schools. The Committee urges the State party to evaluate the ongoing prevention programme with a view to reconsidering modalities of implementation to maximize its effectiveness. Furthermore, the State party is urged to enhance rehabilitation services for children who are victims of substance abuse.**

Sexual exploitation and trafficking

70. The Committee is concerned at the insufficient information and awareness of the extent of commercial sexual exploitation and trafficking of children. It is also concerned that there is no specific prohibition in law of trafficking in human beings, including for the purpose of prostitution.

71. **In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to assessing the causes, nature and extent of sexual exploitation and trafficking of children, including prostitution and child pornography (including on the Internet), and implement appropriate policies and**

programmes for prevention and protection and for the recovery and social reintegration of child victims, in accordance with the 1996 Declaration and Agenda for Action and the Global Commitment adopted at the Second World Congress against Commercial Sexual Exploitation of Children, held in 2001.

Administration of juvenile justice

72. The Committee notes the existence of the Crime Prevention Council and a new training council to train judges and prosecutors, and appreciates that the minimum age of criminal responsibility has recently been raised to 14 years. However, the Committee is concerned:

- (a) That there are no special courts, specially trained judges or prosecutors established for criminal proceedings against juveniles;
- (b) That there have been several cases recently where the child's right to privacy in criminal proceedings has not been respected by the media;
- (c) That the period for investigation and pre-trial detention can be prolonged for up to six months;
- (d) That only Tartu and Tallinn have separate rooms and facilities for the questioning of children;
- (e) That in practice the handling of cases by juvenile committees is very limited and that most cases are processed by the general court system;
- (f) That the situation at Maardu Prison is difficult and there is not sufficient opportunity for learning or working or participating in social, educational or arts courses. In addition, there are no programmes to protect the youngest and weakest prison inmates from violent behaviour.

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

- (a) **Ensure a system of juvenile justice that fully integrates into its legislation (including the Juvenile Sanctions Act, the Means of Influencing Minors Act, and the new Penal Code) and practise the provisions of the Convention, in particular articles 37, 39 and 40, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, the Guidelines for Action on Children in the Criminal Justice System, and the Committee's recommendations at its day of general discussion on the administration of juvenile justice, held in 1995;**
- (b) **Ensure that children have access to legal aid and independent and effective complaints mechanisms;**
- (c) **Train professionals in the area of social recovery and reintegration of children;**

(d) **Ensure that deprivation of liberty is only used as a measure of last resort, for the shortest possible time, is authorized by the court, and that persons under 18 are not detained with adults;**

(e) **Continue and strengthen efforts to improve conditions at Maardu Prison.**

Children belonging to minority groups

74. While welcoming the Programme on Integration in Estonian Society, 2000-2007, the Committee notes the tension arising around the question of the language of instruction of children belonging to minority groups in Estonia.

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

(a) **Take all measures to implement effectively regulation No. 209 for mother-tongue instruction for students whose mother tongue is not Estonian;**

(b) **Implement the Programme on Integration in Estonian Society in such a way that all the children of Estonia will be taught about the culture, history and identity of the various groups living in Estonia and that exchanges are organized between pupils of different schools in order to foster contacts, friendships and mutual respect among children from all groups of society;**

(c) **Guarantee the quality of instruction of the Estonian language to children belonging to minority groups so as to ensure that minority-language-speaking children can participate on a more equal level with Estonian-speaking children, in particular at higher education levels.**

8. Optional Protocols

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

9. Dissemination of reports

77. **In the light of article 44, paragraph 6, of the Convention, the Committee recommends that the report and written replies submitted by the State party be made widely available to the public at large and that efforts be made to translate the report into the languages of the minorities, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within all levels of administration of the State party and the general public, including concerned NGOs.**

10. Next report

78. In the light of the recommendation on reporting periodicity adopted by the Committee at its twenty-ninth session (see CRC/C/114), the Committee, aware of the considerable delay in the State party's reporting, underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States' responsibilities to children under the Convention includes ensuring that the Committee has regular opportunities to examine the progress made in the implementation of the Convention. In this regard, regular and timely reporting by States parties is crucial. The Committee recognizes that some States parties experience difficulties in reporting in a timely and regular manner. As an exceptional measure, in order to help the State party catch up with its reporting obligations under the Convention, the Committee invites the State party to submit its second, third and fourth periodic reports in one consolidated report by 1 November 2008. The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.

Concluding observations: Republic of Korea

79. The Committee considered the second periodic report of the Republic of Korea (CRC/C/70/Add.14), submitted on 1 May 2000, at its 838th and 839th meetings (see CRC/C/SR.838 and 839), held on 15 January 2003, and at the 862nd meeting, (CRC/C/SR.862), held on 31 January 2003, adopted the following concluding observations.

A. Introduction

80. The Committee welcomes the submission of the State party's second periodic report, as well as the detailed written replies to its list of issues (CRC/C/Q/REP/KO/2), which gave a clearer understanding of the situation of children in the State party. It further notes with appreciation the high-level delegation drawn from several sectors sent by the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion.

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

81. The Committee welcomes the legislation enacted to implement further the Convention on the Rights of the Child, in particular the Special Act for Punishment of Domestic Violence of 1997, which addresses investigation and reporting of cases of child abuse, and the Juvenile Protection Act of 2000, which criminalizes persons involved in the purchase of sexual services from those under 19 years of age.

82. The Committee welcomes the establishment in 2001 of the National Commission on Human Rights.

83. The Committee welcomes the State party's ratification of ILO Conventions Nos. 138 and 182 in 1999 and 2001, respectively, and its raising of the minimum age of employment to 15 years, as was previously recommended by the Committee.

C. Factors and difficulties impeding the implementation of the Convention

84. The Committee acknowledges that, due to the 1997 Asian financial crisis and the ensuing structural adjustment reform programme of the International Monetary Fund (IMF), the State party has faced economic and financial constraints which has affected its ability to implement economic, social and cultural rights. The Committee also notes that the strict austerity measures have allowed the State party to repay its international loans in a timely manner and that the economy has largely recovered.

D. Principal areas of concern and recommendations

1. General measures of implementation

Committee's previous recommendations

85. The Committee regrets that most recommendations in the concluding observations (CRC/C/15/Add.51), adopted following its consideration of the State party's initial report (CRC/C/8/Add.21), have been insufficiently addressed, particularly those regarding:

- (a) The withdrawal of reservations (para. 19);
- (b) The development of public education campaigns to combat discriminatory attitudes towards girls, disabled children and children born out of wedlock (para. 20);
- (c) Measures to promote participation of children in family, school and social life (para. 26);
- (d) The prohibition of all forms of corporal punishment (para. 22);
- (e) A review of the State party's education policy with a view to reflecting fully the aims of education set out in article 29 of the Convention (para. 29).

86. The Committee reiterates those concerns and urges the State party to make sustained efforts to address those recommendations contained in the concluding observations on its initial report that have not been implemented and to address the list of concerns contained in the present concluding observations on its second periodic report.

Reservations

87. The Committee remains very concerned at the State party's reservations to articles 9, paragraph 3, 21, paragraph (a), and 40, paragraph 2 (b) (v).

88. The Committee, noting that juveniles sentenced for having committed a crime have the right to appeal, encourages the State party to withdraw, as soon as possible, the reservations made to article 40, paragraph 2 (b) (v). The State party is also encouraged to expedite the process of reforming the Civil Act so that both children and parents are

guaranteed the right to maintain contact with each other, and to strengthen its efforts to change public attitudes to domestic adoption, in order to withdraw the reservations to articles 21, paragraph (a), and 9, paragraph 3, in accordance with the Vienna Declaration and Programme of Action, adopted in 1993.

Legislation

89. The Committee, while taking note of amendments to domestic legislation, nevertheless remains concerned that domestic laws do not yet fully conform with the provisions and principles of the Convention.

90. The Committee encourages the State party to take all necessary measures to ensure that its domestic legislation conforms fully with the principles and provisions of the Convention.

Coordination

91. The Committee notes that the National Plan of Action on Children was included in the eighth Five-Year Social and Economic Development Plan for 1998-2002. However, it remains concerned at the lack of a permanent central mechanism that is fully empowered to coordinate all policies and programmes for children run by the various ministries at different levels of government.

92. The Committee recommends that the State party broaden the scope of the Comprehensive Plan for Child Protection and Child-Rearing, formulated in 2001, to include all rights under the Convention and the commitments made at the United Nations special session of the General Assembly on children (May 2002) and outlined in the outcome document entitled “A World Fit for Children”. In addition, the Committee recommends that the State party designate one permanent and central mechanism to be responsible for the coordination of all policies and programmes for children, and ensure that it has the necessary authority and adequate financial, human and material resources to carry out its responsibilities effectively.

Monitoring by public authorities

93. The Committee welcomes the information provided by the delegation that the State party is considering the establishment of a permanent body within the Government to monitor its implementation of the Convention.

94. The Committee recommends that the State party expedite the establishment of such a monitoring mechanism and actively monitor its activities in implementing the Convention.

Independent monitoring

95. The Committee welcomes, as noted in paragraph 82 above, the establishment of the National Commission on Human Rights. Nevertheless, it is concerned that the Commission has no specialization in children’s rights.

96. **The Committee recommends that the State party, in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (“The Paris Principles”) (General Assembly resolution 48/134, annex) and the Committee’s general comment No. 2 on national human rights institutions:**

(a) **Ensure that there is at least one child rights expert amongst the commissioners, or alternatively, that the Commission establish a subcommittee on children’s rights;**

(b) **Ensure that the National Commission on Human Rights is accessible to children, in particular by raising awareness of its power to receive, investigate and address complaints by children in a child-sensitive manner.**

Allocation of resources

97. The Committee notes with concern that allocations for children from the central budget, particularly in the areas of health and education, have been steadily declining since 1997, despite economic recovery in the past two years. Current levels of spending are insufficient to respond to national and local priorities for the protection and promotion of children’s rights and are not commensurate with budgetary allocations of other States at a similar level of economic development.

98. **The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by:**

(a) **Prioritizing budgetary allocations to ensure 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”;**

(b) **Identifying the amount and proportion of the State budget spent on children in the public, private and NGO sectors in order to evaluate the impact of the expenditures and also, in view of the costs, the accessibility, quality and effectiveness of the services provided to children in the various sectors.**

Data collection

99. The Committee shares the concern expressed by the State party in its written replies that the existing data collection mechanism does not cover all children under 18 years in all areas of the Convention and notes the plan to develop a child rights index.

100. **The Committee encourages the State party to continue and strengthen its efforts to establish an effective system for the collection of disaggregated data, specifically for all persons under the age of 18, and use these data and indicators for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention. It also encourages the State party to complete the work on the child rights index as soon as possible in order to be able to evaluate continuously the progress made in implementing the Convention.**

Cooperation with civil society

101. While noting the cooperation between the State party and civil society in delivering services to children, the Committee is concerned that there is a lack of necessary standard-setting, and that cooperation with civil society at the policy-making level or in the reporting process has been limited.

102. **The Committee emphasizes the important role of civil society as a partner in implementing the provisions of the Convention, and recommends that the State party involve NGOs in a more systematic and coordinated manner in all stages of the implementation of the Convention, including policy formulation, at the national and local levels, and in the drafting of future periodic reports on the implementation of the Convention. It also recommends that the State party take into account the recommendations arising from the day of general discussion held in 2002 on the theme “The private sector as service providers and its role in implementing child rights” (CRC/C/121, para. 630) and improve its supervision of private organizations delivering services by, inter alia, improving the system of registration and authorization of service providers.**

Dissemination

103. The Committee is concerned that children and the public at large, as well as all groups of professionals working with and for children, are not sufficiently aware of the Convention and the rights-based approach enshrined therein.

104. **While noting the activities of NGOs and international organizations to disseminate information on children’s rights, the Committee reminds the State party of its obligations under articles 42 and 44 to make the principles and provisions of the Convention, as well as its own reports on the implementation of the Convention, widely known. It recommends that the State party:**

(a) **Undertake public awareness campaigns on children’s rights aimed at the general public and specifically at children;**

(b) **Carry out systematic education and training on the principles and provisions of the Convention for all professionals working with and for children, in particular teachers, judges, parliamentarians, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, health personnel, including psychologists, and social workers.**

2. Definition of the child

105. The Committee remains concerned about the difference in the minimum age of marriage of girls (16) and boys (18).

106. **The Committee reiterates its previous recommendation to the State party that it raise the minimum age of marriage of girls to that of boys.**

3. General principles

107. The Committee is concerned that the general principles and rights enshrined in the Convention, such as the right to non-discrimination (art. 2), the principle that the best interests of the child shall be a primary consideration (art. 3), the right to life, survival and development of the child (art. 6) and the right of the child to express his or her views freely and to have those views taken into account according to age and maturity (art. 12), are not fully reflected in the State party's legislation, policies and programmes at the national and local levels.

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

- (a) Appropriately integrate the general principles of the Convention, namely articles 2, 3, 6 and 12, into all relevant legislation concerning children;**
- (b) Apply those principles in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on all children;**
- (c) Apply those principles in planning and policy-making at every level, as well as in actions taken by social and health welfare and educational institutions, courts of law and administrative authorities.**

Non-discrimination

109. The Committee notes with concern the absence of information in the State party's report on racial discrimination, and the limited amount of information regarding acts of discrimination against children from single-parent families, children born out of wedlock, children with disabilities, girls and migrant families. It is also concerned that the Constitution does not explicitly prohibit discrimination on the grounds of race, colour, language, political or other opinion, national or ethnic origin, disability, birth or other status, as stated in the Convention.

110. **The Committee recommends that the State party enact legislation explicitly prohibiting discrimination in order to include all grounds enumerated in article 2 of the Convention. In addition, the Committee recommends that the State party undertake all necessary proactive measures to combat societal discrimination, in particular against children from single-parent families, children born out of wedlock, children with disabilities, children of migrant workers and girls through, inter alia, public education and awareness campaigns.**

111. **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 Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in 2001, taking account of the Committee's general comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).**

Respect for the views of the child

112. The Committee is concerned that traditional attitudes towards children in society still limit respect for their views within the family, schools, other institutions and society at large.

113. The Committee recommends that the State party, in accordance with article 12 of the Convention:

(a) Ensure that the Child Welfare Act, amended in 2000, be revised to include the right of children to express their views freely in all matters affecting them, and take effective measures, including legislation, to promote respect for the views of children and facilitate their participation in all matters affecting them by courts, administrative bodies, schools and disciplinary proceedings in the education system;

(b) Provide educational information to, inter alia, parents, educators, government administrative officials, the judiciary and society at large on children's right to have their views taken into account and to participate in all matters affecting them;

(c) Undertake a regular review of the extent to which children's views are taken into consideration and the impact this has on policies, programmes and children themselves.

4. Civil rights and freedoms

Freedom of expression and association

114. The Committee is concerned at the limitations on students' freedom of expression and association due to strict administrative control of student councils and school regulations that limit or prohibit outside political activities of students in elementary and secondary schools. It is further concerned about allegations that Internet chat rooms, set up independently by teenagers, have been arbitrarily closed down by the authorities.

115. In the light of articles 12 to 17 of the Convention, the Committee recommends that the State party amend legislation, guidelines issued by the Ministry of Education and school regulations to facilitate children's active participation in decision-making processes and in political activities both within and outside schools and ensure that all children fully enjoy their right to freedom of association and expression.

Corporal punishment

116. The Committee notes with great concern that corporal punishment is officially permitted in schools. The Committee is of the opinion that corporal punishment does not conform with the principles and provisions of the Convention, particularly since it constitutes a serious violation of the dignity of the child (see similar observations of the Committee on Economic, Social and Cultural Rights, E/C.12/1/Add.79, para. 36). The fact that the Ministry of Education guidelines leave the decision on whether to use corporal punishment in schools to the individual school administrators suggests that some forms of corporal punishment are acceptable and therefore undermines educational measures to promote positive, non-violent forms of discipline.

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

(a) **Implement the recommendation of the National Commission on Human Rights that the relevant legislation and regulations be amended to expressly prohibit corporal punishment in the home, schools and all other institutions;**

(b) **Carry out public education campaigns about the negative consequences of ill-treatment of children in order to change attitudes towards corporal punishment, and promote positive, non-violent forms of discipline in schools and at home as an alternative to such punishment.**

5. Family environment and alternative care

Alternative care

118. The Committee notes the State party's establishment of group homes as an alternative to the institutionalization of children separated from their families. However, it is concerned that the establishment of group homes and the development of the foster care system remain limited, and that private alternative care institutions are not subject to governmental regulations or regular inspections.

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

(a) **Continue to expand the number of group homes and the foster care system, in particular by providing greater financial support to foster families and increasing the counselling and support mechanisms for foster families;**

(b) **Ensure the periodic review of placement of children in all public and private institutions, which takes into account the views and best interests of the child and, wherever possible, aims to reintegrate children into a family environment;**

(c) **Increase the number of social workers and upgrade their skills and capacity to provide assistance to children in alternative care and to vulnerable families.**

Adoption

120. The Committee remains concerned that, due to prevailing negative cultural traditions, domestic adoptions may be arranged without authorization or involvement of the competent authorities and that such arrangements do not necessarily take into account the best interests of the child or, where appropriate, the views of the child. The Committee also notes with concern the high number of intercountry adoptions, suggesting that this form of adoption is not necessarily a measure of last resort, and reiterates its concern, stated in previous concluding observations, that the State party has not ratified the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption.

121. **The Committee reiterates its previous recommendation to the State party and calls for:**

(a) **A comprehensive review of the system of domestic and intercountry adoptions with a view to reforming legislation in order to bring it into full conformity with the principles and provisions of the Convention on the Rights of the Child, in particular article 21;**

(b) **The ratification of the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption.**

Child abuse and neglect

122. The Committee welcomes the establishment of Centres for the Prevention of Child Abuse in many regions of the country that deal with reports of child abuse and neglect and provide counselling and assistance to victims. Nevertheless, it is concerned that there is no nationwide system for receiving and effectively addressing complaints of child abuse and neglect or for providing assistance to victims.

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

(a) **Take all appropriate measures, including legislative reform, to establish a national system for receiving, monitoring and investigating complaints of child abuse and neglect and, when necessary, prosecuting cases in a child-sensitive manner, and provide training for law enforcement officials, social workers and prosecutors in this regard;**

(b) **Strengthen its efforts to establish Centres for the Prevention of Child Abuse in order to develop a nationwide response system which is designed to provide, where appropriate, support and assistance to both victims and perpetrators of family violence, rather than solely intervention or punishment, and which ensures that all victims of violence have access to counselling and assistance with recovery and reintegration;**

(c) **Establish a mechanism for collecting data on the perpetrators and victims of abuse and neglect, disaggregated by gender and age, in order to properly assess the extent of these problems, and design policies and programmes to address these concerns.**

Child maintenance

124. The Committee is concerned at the high number of divorced and single parents, primarily mothers, who do not receive the child maintenance payments to which they are legally entitled.

125. **In the light of article 27 and the principle of the best interests of the child (art. 3), the Committee recommends that the State party take all effective measures to enforce child maintenance obligations based on a court order or agreements between parties in a manner that does not stigmatize the child or his or her custodial parent. For instance, the State party might consider establishing a national fund to ensure payment of overdue child maintenance obligations to the custodial parent while enforcement measures are enacted, or introducing a system in which child support payments are automatically deducted from the salaries of those employees with child maintenance obligations.**

6. Basic health and welfare

126. The Committee is encouraged by the very positive health indicators for children. Nevertheless, it is concerned that the proportion of the government budget allocated to health is less than 1 per cent, and that 90 per cent of all health care facilities are privately operated. The Committee is also concerned that the proportion of mothers breastfeeding their children declined significantly during the 1990s, and that the number of adolescents smoking and using amphetamines and other illicit substances is increasing.

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

(a) **Increase to a significant level the funding allocated to health and establish a system of public care facilities so that low-income families may have access to health systems at no cost;**

(b) **Take steps to encourage and educate mothers on the benefits of exclusive breastfeeding of infants during the first six months and adopt a national code on breastfeeding;**

(c) **Take effective measures to counteract any negative impact on the employment of women who breastfeed their children;**

(d) **Undertake a study of adolescent health with a view to developing a comprehensive adolescent health policy that addresses, inter alia, education on HIV/AIDS and other sexually transmitted diseases, the problem of smoking and drug abuse amongst teenagers as well as other relevant issues.**

Children with disabilities

128. The Committee is extremely concerned that societal discrimination against children is widespread and prevents these children from enjoying their right to “a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation”. In particular, it is concerned at reports that a significant number of children with disabilities are abandoned each year, that many cannot attend school and when they do attend school they are segregated from other students.

129. **The Committee recommends that the State party, in accordance with the recommendations arising from the Committee’s day of general discussion, held in 1997, on children with disabilities, and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex):**

(a) **Take effective measures to combat the culture of discrimination against children with disabilities, including through awareness-raising and education campaigns aimed at parents, children, teachers and the general public;**

(b) **Undertake a comprehensive survey of the number of children with disabilities, including those currently not attending school, which assesses their educational needs and access to education and other social services;**

(c) Expand existing programmes aimed at improving the physical access of children with disabilities to public buildings and areas, including schools and recreational facilities, and increase the number of integrated education programmes at pre-primary, primary, secondary and tertiary levels.

7. Education

130. The Committee is concerned that, despite the State party's relatively high level of economic development, only primary education is free, while welcoming the information that the State party is in the process of making middle school education free. Similarly, while there is no disparity in enrolment rates of girls and boys in primary education, significantly fewer girls than boys are enrolled in higher education. Finally, the Committee reiterates its concern that the highly competitive nature of the education system risks hampering the development of the child to his or her fullest potential.

131. The Committee recommends that the State party:

(a) Raise the quality of public schools, which is low compared to that of private schools, by increasing material resources provided to schools and improving the quality of teaching;

(b) Develop a time-bound strategy for reducing and eliminating the cost of pre-school and secondary education;

(c) Take effective measures to ensure that higher education is accessible to all on the basis of capacity, by promoting the enrolment of girls and addressing persistent gender stereotypes;

(d) Review its education policy with a view to reducing competitiveness and reflecting the aims of education set out in article 29, paragraph 1, of the Convention and in the Committee's general comment No. 1 on the aims of education.

8. Special protection measures

Sexual exploitation

132. The Committee welcomes the enactment in 2000 of the Juvenile Protection Act, which aims to penalize those purchasing sexual services from children. However, the Committee is concerned that the Act is not being effectively implemented and that there are limited data available on the prevalence of child sexual exploitation. It is also concerned at reports of the widespread phenomenon of *Wonjokyuje* in which adolescent girls engage in a sexual relationship with older men for money.

133. The Committee recommends that the State party:

(a) Develop a national plan of action on commercial sexual exploitation of children, which includes measures for effective data collection, as agreed at the first and second World Congresses against Commercial Sexual Exploitation of Children, held in 1996 and 2001, respectively;

- (b) Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints in a child-sensitive manner;**
- (c) Ensure that all victims of sexual abuse and exploitation have access to appropriate recovery and reintegration programmes and services;**
- (d) Develop preventive measures that target those soliciting and providing sexual services, such as materials on relevant legislation on the sexual abuse and exploitation of minors, and education programmes, including programmes in schools on healthy lifestyles.**

Juvenile justice

134. The Committee is concerned that juveniles accused of violating the law and subject to protective measures may be deprived of their liberty without undergoing criminal proceedings or having access to legal assistance.

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

- (a) Ensure the full implementation of juvenile justice standards, in particular articles 37, 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and in the light of the Committee's day of general discussion, held in 1995, on the administration of juvenile justice, and carry out specialized training for personnel in the juvenile justice system;**
- (b) Use deprivation of liberty only as a measure of last resort and ensure that all juveniles involved in protection measures that may result in deprivation of liberty have access to legal counsel at an early stage;**
- (c) Amend legislation in order to eliminate the discretionary power of the public prosecutor to decide whether a minor is subject to criminal proceedings or protective measures.**

Children of migrant workers

136. The Committee is concerned that education and social welfare laws and regulations do not include specific provisions providing for the welfare and rights of foreign children, in particular those of undocumented migrant workers.

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

- (a) Amend domestic laws, in particular those on education and social welfare, to include specific provisions which ensure equal access to services for all foreign children, including those of undocumented migrant workers;**
- (b) Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990.**

9. Optional Protocols to the Convention on the Rights of the Child and amendment to article 43, paragraph 2, of the Convention

138. The Committee notes that the State party has signed but not ratified the two 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.

139. The Committee recommends that the State party ratify the two Optional Protocols to the Convention on the Rights of the Child.

10. Dissemination of documents

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

11. Next report

141. In the light of the recommendation on reporting periodicity adopted by the Committee at its twenty-ninth session (see 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 has regular opportunities to examine the progress made in the implementation of the Convention. In this regard, regular and timely reporting by States parties is crucial. As an exceptional measure, in order to help the State party catch up with its reporting obligations so as to be in full compliance with the Convention, the Committee invites the State party to submit its third and fourth reports in one consolidated report by 19 December 2008, date on which the fourth report is due. The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.

Concluding observations: Italy

142. The Committee considered the second periodic report of Italy (CRC/C/70/Add.13), submitted on 21 March 2000, at its 840th and 841st meetings (see CRC/C/SR. 840 and 841), held on 16 January 2003, and at its 862nd meeting (CRC/C/SR.862), held on 31 January 2003, adopted the following concluding observations.

A. Introduction

143. The Committee welcomes the submission of the second periodic report with its annexes which follow the reporting guidelines of the Committee. The Committee welcomes the self-critical character of the report and the participatory process leading to its preparation. It also notes the timely submission of the written replies to its list of issues (CRC/C/Q/ITA/2), which permitted a clearer understanding of the situation of children in the State party. The

Committee also notes the positive dialogue it had with the delegation of the State party and acknowledges that the presence of a high-level and large delegation directly involved in the implementation of the Convention permitted a better understanding of the rights of the child in the State party.

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

144. The Committee welcomes:

(a) The ratification of the two 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;

(b) The establishment of a special Parliamentary Commission on Children and of a National Observatory on Children and Adolescents (Law 451/97);

(c) The establishment of the National Documentation and Analysis Centre for Children and Adolescents, which has gathered an impressive amount of data and research on children made available on its web site;

(d) The adoption of Law 285/97 containing provisions on the promotion of rights and opportunities for children and adolescents, which set up a National Fund for Children and Adolescents;

(e) The Adoption of Law 269/98 against the exploitation of prostitution, pornography and sexual tourism to the detriment of children;

(f) The campaign against female genital mutilation;

(g) The widespread inclusion of children with disabilities into the mainstream schools;

(h) The ratification of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

(i) The ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

C. Principal subjects of concern and recommendations

Previous concluding observations

145. The Committee regrets that some of the concerns it expressed and the recommendations it made (CRC/C/15/Add.41) after its consideration of the State party's initial report (CRC/C/8/Add.18) have been insufficiently addressed, particularly those contained in paragraphs 13 and 15 to 22, regarding coordination in the implementation of the Convention, non-discrimination and ill-treatment of children. Those concerns and recommendations are reiterated in the present document.

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

1. General measures of implementation

Legislation

147. The Committee notes that a number of substantive pieces of legislation have been adopted and that reference to the Convention is made in some of them. In addition, the Committee welcomes the information provided by the State party on draft laws under consideration, including with respect to juvenile justice and education.

148. **The Committee recommends that the State party continue to rigorously review the legislation and ensure that national and regional laws are rights-based and conform with international human rights standards, including the Convention, and effectively implemented.**

Resources

149. The Committee welcomes the adoption of the Guidelines of the Italian Cooperation on Children and Adolescent Issues offering a vision of the development of the younger generations as an area of investment. Nevertheless, the Committee remains concerned that the Convention is not implemented to the “maximum extent of ... available resources”, as stipulated by article 4 of the Convention.

150. **The Committee recommends that the State party continue to increase, as far as possible, resources allocated to children and their family and undertake an analysis of all sectoral and total budgets across the State party and in the regions in order to analyse the proportion spent on children, identify priorities and allocate resources to the “maximum extent of ... available resources”. The Committee also recommends that the State party apply this principle in the activities carried out by the Foreign Ministry’s international development aid and cooperation.**

Coordination

151. The Committee welcomes the establishment of the National Observatory on Children and Adolescents (Law 451/97) which coordinates the policies and programmes with regard to children at the national, regional and local levels. In addition, the Committee notes with appreciation that this National Observatory is in charge of drafting a National Plan of Action for Children every two years to set priorities and coordinate all actions regarding children. The Committee further notes the regular meetings of the State-Regions Conference (Conferenza Stato-Regioni) aimed at coordinating activities between the State and the regions and at monitoring the implementation of policies at the regional and national levels. The Committee is concerned that this coordination is not sufficient and that some specific issues are coordinated outside this National Observatory. The Committee is also concerned at the lack of structured coordination with NGOs.

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

(a) **Strengthen effective coordination, in particular by the National Observatory and the State-Regions Conference, within and between government agencies at the national, regional and local levels in the implementation of policies for the promotion and protection of the child, as it previously recommended (CRC/C/15/Add.41, para. 13);**

(b) **Ensure closer and more active cooperation with NGOs working for the rights of the child, especially at the local level;**

(c) **Encourage the participation of children in the activities of the National Observatory.**

National Plan of Action

153. The Committee notes that the new National Plan of Action for children is going to be discussed by the parliament and that the State party considers the possibility of formulating another plan for the implementation of the World Fit for Children outcome document of the United Nations special session of the General Assembly on children. The Committee is concerned at the possible discrepancies between the two aforementioned plans.

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

(a) **Expedite the consideration of the National Plan of Action with a view to its adoption;**

(b) **Ensure the harmonization between the National Plan of Action and the plan for the implementation of the outcome document of the special session of the General Assembly;**

(c) **Effectively monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.**

Independent monitoring structures

155. The Committee notes the establishment of Offices of Public Defender of Childhood in four regions and the efforts to establish a national public defender for children (including in particular the bills pending in parliament), but remains concerned that there is no central independent mechanism to monitor the implementation of the Convention which is empowered to receive and address individual complaints of children at the regional and national levels.

156. **The Committee recommends that the State party complete its efforts to establish a national independent ombudsman for children, if possible, as part of a national independent human rights institution (see the Committee's general comment No. 2 on the role of independent human rights institutions), and in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the "Paris Principles") (General Assembly resolution 48/134, annex), to monitor and evaluate progress in the implementation of the Convention. It should be accessible to children, empowered to receive and investigate complaints of violations of child rights in a**

child-sensitive manner, and equipped with the means to address them effectively. The Committee further recommends that appropriate linkages between the national and regional institutions be developed.

Data collection

157. The Committee notes with appreciation the efforts undertaken to improve data collection, notably through the establishment of the National Documentation and Analysis Centre for Children and Adolescents. However, the Committee remains concerned at the insufficient data in some areas covered by the Convention. The Committee is also concerned that data are still obtained on the basis of a family-centred approach rather than an approach in which the child is considered as an autonomous human being. The Committee is further concerned at the lack of coherence between the various bodies in charge of data collection, and in the various regions.

158. **In line with its previous recommendations (ibid., para. 14), the Committee reiterates its recommendations that the State party:**

(a) Strengthen its mechanism for collecting and analysing systematically disaggregated data on all persons under 18 for all areas covered by the Convention, with special emphasis on the most vulnerable groups, including children with disabilities, Roma children, children belonging to migrant families, unaccompanied children, child victims of violence and children from economically and socially disadvantaged households;

(b) Use these indicators and data effectively in formulating and evaluating policies and programmes for the implementation and monitoring of the Convention;

(c) Ensure the coherence of the data collection process by the various institutions, both at the national and regional levels.

Training/dissemination of the Convention

159. The Committee notes with appreciation the efforts to disseminate the Convention, notably through the National Documentation and Analysis Centre for Children and Adolescents, and in particular the inclusion of the rights of the child into civic education. However, the Committee remains concerned that the activities relating to dissemination, awareness-raising and training of professionals are not always undertaken in a systematic and targeted manner.

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

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

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

2. General principles

Non-discrimination

161. The Committee notes the establishment of several observatories on discrimination in the State party as well as the provisions on discrimination contained in Law 40/98 (Regulations on Immigration and Rules on the Conditions of the Foreigner). Nonetheless, the Committee is concerned at racist incidents involving minorities, the use of hate speech in public presentations, and the disparities in the enjoyment of economic and social rights, particularly in the fields of health, social welfare, education and housing, experienced by poor children, Roma children, non-Italian children, including unaccompanied minors, and disabled children.

162. **In accordance with article 2 and other related articles of the Convention and in line with its previous recommendations (ibid., paras. 17 and 18), the Committee recommends that the State party:**

- (a) Take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes, and implement the recommendations of the Committee on the Elimination of Racial Discrimination (A/56/18, paras. 298 and 320);**
- (b) Strengthen its efforts to incriminate and take appropriate penal sanctions against any act of racism, racial discrimination, xenophobia and related intolerance;**
- (c) Carefully and regularly evaluate existing disparities in the enjoyment by children of their rights and undertake, on the basis of this evaluation, the necessary steps to prevent and eliminate discrimination through proactive measures;**
- (d) Ensure that the devolution process will enhance the elimination of disparities between children based on the wealth of the region to which they belong;**
- (e) Continue to prioritize and target resources and social services to children belonging to the most vulnerable groups;**
- (f) Study promptly the situation of foreign children in detention, ensure their full rights without discrimination, especially to education, and ensure their right to integration into society.**

163. The Committee requests that specific information be included in the next periodic report on measures and programmes relevant to the Convention undertaken by the State party as a follow-up to the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in 2001, taking into account the Committee's general comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).

Best interests of the child

164. The Committee welcomes the adoption by the Constitutional Court of the best interests of the child as a constitutional principle, but remains concerned that the general principle of the best interests of the child (art. 3) is not fully applied and duly integrated in the implementation of the policies and programmes of the State party.

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

Respect for the views of the child

166. The Committee is concerned that the general principle, as laid down in article 12 of the Convention, is not fully applied in practice. In this regard, the Committee is concerned that the right of children to be heard is insufficiently guaranteed in proceedings affecting them, in particular in cases of the separation of parents, divorce, adoption or foster care, or within education.

167. The Committee recommends that:

(a) Legislation governing procedure in courts and administrative proceedings ensure that a child capable of forming his or her own views has the right to express those views and that they are given due weight;

(b) Particular emphasis be placed on the right of every child to participate in the family, at school, within other institutions and bodies and in society at large, with special attention to vulnerable groups;

(c) Awareness-raising among the public at large, as well as education and training of professionals on the implementation of this principle, be reinforced.

3. Civil and political rights

The right to an identity

168. The Committee is concerned that adopted children cannot know the identity of their natural parents even after having reached majority and when this is proved to be in their best interests. The Committee is further concerned that children born out of wedlock legally do not have a mother or a father unless they are recognized by their mothers and/or fathers.

169. In the light of article 7 of the Convention, the Committee recommends that the State party:

(a) Ensure, as far as possible, respect for the child's right to know his or her parents' identity should he/she be an adopted child or a child born out of wedlock who has not been recognized by either of his or her parents;

(b) **Urgently review and amend legislation in order to ensure that children born out of wedlock legally have from birth a mother (in accordance with the European Court on Human Rights decision *Marckx v. Belgium* and the rule *mater semper certa est*) and encourage recognition of these children by their fathers (as a way to prevent “easy” abandonment of children);**

(c) **Ratify the European Convention on the Legal Status of Children Born out of Wedlock.**

Freedom of thought

170. The Committee is concerned that, as mentioned in the State party’s report (para. 147), children, especially in elementary schools, may suffer from marginalization if they abstain from religious instruction, which mainly covers the Catholic religion. In addition, the Committee is concerned that parents, notably those of foreign origin, are not always aware that religious instruction is not compulsory.

171. **In the light of articles 2, 14 and 29 of the Convention, the Committee recommends that the State party make sure that parents, in particular of foreign origin, when they are filling out the relevant forms are aware that Catholic religious instruction is not compulsory.**

Torture and ill-treatment

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

173. **In line with its previous recommendations (ibid., para. 20), the Committee recommends that the State party:**

(a) **Incorporate the crime of torture or other cruel, inhuman or degrading treatment or punishment into criminal law;**

(b) **Set up child-sensitive mechanisms for receiving complaints against law enforcement officials regarding ill-treatment during arrest, questioning and police custody and within detention centres;**

(c) **Systematically train the police and carabinieri forces, as well as professionals at detention centres, on the human rights of children.**

4. Family environment and alternative care

Children deprived of a family environment

174. The Committee notes with concern that Law 184/83 (as amended by Law 149/2001) regarding adoption and foster care has not been widely implemented throughout the State party and that there are still more children placed in institutions than in foster care. The Committee also expresses its concern at the high number of children who are placed in institutions for social

protection purposes and sometimes together with juvenile offenders. In addition, the Committee is concerned that, according to a 1998 study of the National Documentation and Analysis Centre for Children and Adolescents, the period of stay in institutions can be very long, contact with the family is not always guaranteed and that 19.5 per cent of these institutions do not have proper authorizations.

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

- (a) Take all necessary measures to ensure the implementation of Law 184/83;**
- (b) As a preventive measure, improve social assistance and support to families to help them with their child-rearing responsibilities, including through education and counselling of parents and community-based programmes;**
- (c) Take effective measures to develop alternative forms to institutionalization, such as foster care, family-type foster homes and other family-based alternative care, and place children in institutions only as a measure of last resort;**
- (d) Ensure regular inspections of institutions by independent bodies;**
- (e) Establish effective mechanisms for receiving and addressing complaints from children in care, monitor standards of care and, in the light of article 25 of the Convention, establish regular periodic review of placement.**

Adoption

176. The Committee welcomes the State party's ratification of the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption, but remains concerned at the different proceedings and costs of domestic adoption, depending on the authorized agency involved.

177. In the light of article 21 of the Convention, the Committee recommends that the State party take the necessary measures:

- (a) To harmonize proceedings and costs of domestic adoption among authorized agencies throughout the State party;**
- (b) To conclude bilateral agreements with (sending) countries that have not ratified the aforementioned Hague Convention.**

Violence, abuse and neglect

178. The Committee welcomes the establishment of a national commission for the coordination of action regarding maltreatment, abuse and sexual exploitation of children and the adoption of a global strategy. In addition, the Committee welcomes the enactment of Act 66/96 on sexual violence and Act 154/2001 on domestic violence, but remains concerned at the lack of

comprehensive data and information on child abuse and/or neglect. Moreover, the Committee is concerned at the age-limit set in the legislation regarding violence against children, as children above 14 or 16 years (depending on the relations with the perpetrator) do not enjoy the same protection.

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

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

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

(c) Amend its legislation regarding the existing age-limit set for special protection against all forms of violence against children;

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

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

5. Basic health and welfare

Basic health

180. The Committee welcomes the adoption of the Charter of the Rights of the Child in Hospital and takes note of the dramatic decrease in the number of deaths of children resulting from road traffic accidents and in the number of children infected by HIV/AIDS. However, the Committee is concerned at the reluctance of children belonging to vulnerable groups to use health services.

181. The Committee recommends that the State party take proactive measures to facilitate access to health services to all children and to encourage parents to seek health services that are available for all children.

Adolescent health

182. The Committee is concerned at the high prevalence of psychological disorders among adolescents (especially eating disorders) and the relatively high incidence of abortions among adolescents, notably those of foreign origin.

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

(a) **Take all necessary measures to strengthen its mental health and counselling services, ensuring that they are accessible and sensitive to adolescents, and undertake studies on the causes and backgrounds of psychological disorders among adolescents;**

(b) **Take further necessary measures to reduce the rate of teenage pregnancies through, inter alia, making health education, including sex education, part of the school curricula and strengthening the campaign of information on the use of contraceptives.**

6. Education

184. The Committee welcomes the adoption of Act 9/99, which extends the duration of compulsory education from 8 to 10 years, and the various programmes to improve teacher training, but remains concerned at the high rate of drop-out in upper secondary education, the variations in educational outcomes for children according to their cultural and socio-economic background and to other factors such as gender (more girls than boys obtain a secondary education diploma), disability and ethnic origin. In addition, the Committee is concerned at the prevalence of bullying in schools and at the lack of consideration of the views of children within education.

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

(a) **Strengthen its efforts to curb the drop-out rate in upper secondary education;**

(b) **Take all necessary measures to eliminate the inequalities in educational achievement between girls and boys and among children from different social, economic or cultural groups and to guarantee quality education to all children;**

(c) **Take measures to set up adequate mechanisms and structures with the participation of children to prevent bullying and other forms of violence in schools and include children in the development and implementation of these strategies;**

(d) **Ensure that legislation throughout the State party reflects article 12 of the Convention and respects children's rights to express their views and have them given due weight in all matters concerning their education, including school discipline.**

7. Special protection measures

Unaccompanied minors

186. The Committee welcomes the establishment of the Committee for the Protection of Foreign Children and the specific reference made to the Convention in Law 40/98 on immigration regarding access to health. However, the Committee remains concerned at the lack of adequate structures to receive unaccompanied minors; the lack of harmonization of the

procedure dealing with unaccompanied minors in the various regions; the new provision under Act 189/2002 which permits the detention of undocumented immigrants; the implementation of Decree 113/99 which leads to an increase in repatriations without adequate follow-up; and the change which occurred in 2000 regarding residence permits for minors.

187. In accordance with the principles and provisions of the Convention, especially articles 2, 3, 22 and 37, and with respect to children, whether seeking asylum or not, the Committee recommends that the State party:

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

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

(c) Adopt, as soon as possible, a harmonized procedure in the best interests of the child to deal with unaccompanied minors throughout the State party;

(d) Ensure that assisted repatriation is envisaged when it is in the best interests of the child and that a follow-up is guaranteed for those children.

Economic exploitation

188. The Committee notes the recent report of the National Statistics Institute regarding child labour in the State party and expresses its concern at the high prevalence of this phenomenon in the State party.

189. The Committee recommends that the State party develop, on the basis of the recent study, a comprehensive strategy containing specific and well-targeted goals aimed at preventing and eliminating child labour through, inter alia, awareness-raising activities and detection of the factors involved.

Sexual exploitation and trafficking

190. The Committee welcomes the adoption of Act 269/98 against the exploitation of prostitution, pornography, and sexual tourism targeting children and the establishment of an Inter-Ministerial Committee for the Coordination of the Government Action Against Child Abuse and Trafficking in Minors and Women for Sexual Purposes. Nevertheless, the Committee remains concerned at the numbers of children who are trafficked for sexual purposes in the State party.

191. The Committee recommends that the State party:

(a) Strengthen its efforts to prevent and combat trafficking in children for sexual purposes, 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;

(b) Monitor the implementation of Act 269/68, especially as it addresses the issue of the “demand side” of sexual exploitation;

(c) Ensure that adequate resources, both human and financial, are allocated to policies and programmes in this area.

Administration of juvenile justice

192. The Committee notes that a reform of the juvenile justice system is pending. It is concerned at the existing discrimination against children of foreign origin and Roma children within the juvenile justice system; the lack of independent structures to monitor the conditions of detention of children; and at the inadequate training of the personnel involved in the juvenile justice system.

193. **The Committee recommends that the State party, within its reform of the juvenile justice system, fully integrate the provisions and principles of the Convention, in particular articles 37, 40, and 39, and other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System.**

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

(a) Take all necessary measures, including through awareness-raising campaigns and adequate training of the personnel involved, to prevent and eliminate discrimination against children of foreign origin and Roma children;

(b) Allow periodic visits to the reception centres and penal institutes for minors by impartial and independent bodies and ensure that every child deprived of his or her liberty has access to an independent, child-sensitive and accessible complaint procedure;

(c) Provide training on children’s rights to those responsible for administering juvenile justice.

Children belonging to minority groups

195. While noting the efforts undertaken by the State party to improve the situation of Roma children, the Committee remains concerned at their difficult social situation and their insufficient access to education and health services. In addition, the Committee is deeply concerned at instances of discrimination against this group of children, sometimes from the personnel of the State party themselves.

196. **The Committee recommends that the State party develop, in cooperation with Roma NGOs, comprehensive proactive policies and programmes to prevent social exclusion and discrimination and to allow Roma children to enjoy fully their rights, including access to education and health care.**

8. Dissemination of the report

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

9. Next report

198. In the light of the recommendation on reporting periodicity adopted by the Committee at its twenty-ninth session (see 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 has regular opportunities to examine the progress made in the implementation of the Convention. In this regard, regular and timely reporting by States parties is crucial. As an exceptional measure, in order to help the State party catch up with its reporting obligations so as to be in full compliance with the Convention, the Committee invites the State party to submit its third and fourth periodic reports in one consolidated report by 4 October 2008, the date on which the fourth periodic report is due. The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.

Concluding observations: Romania

199. The Committee considered the second periodic report of Romania (CRC/C/65/Add.19) at its 844th and 845th meetings (CRC/C/SR.844 and 845), held on 20 January 2003, and at its 862nd meeting (CRC/C/SR.862), held on 31 January 2003, adopted the following concluding observations.

A. Introduction

200. The Committee welcomes the submission of the State party's second periodic report, which followed the reporting guidelines of the Committee. It also welcomes the timely submission of the written replies to the list of issues (CRC/C/Q/ROM/2), which were detailed, informative and provided a clearer understanding of the situation of children in Romania. The Committee appreciates the presence of a high-level and cross-sectoral delegation, which contributed to a frank and open dialogue.

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

201. The Committee welcomes:

(a) The enactment of new legislation and the adoption of various national strategies and programmes, such as: Decision No. 347/2002 on national interest programmes in the field of child protection, concerning street children and institutionalized children; Law No. 678/2001

concerning trafficking of persons; Law No. 197/2000 on domestic violence and child abuse; the national health programme for the child and the family; the national strategy for combating HIV/AIDS; and various programmes for minorities, particularly the Roma population;

(b) The ratification of 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;

(c) The ratification of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

(d) The ratification of the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption.

C. Factors and difficulties impeding the implementation of the Convention

202. The Committee notes that the State party continues to experience difficulties related to the transition to a market-oriented economy, including high unemployment, growing poverty, coupled with a deterioration in primary health care and other services, which negatively affect families with children.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Previous concluding observations

203. The Committee regrets that many of the concerns expressed and recommendations (CRC/C/15/Add.16) it made upon consideration of the State party's initial report (CRC/C/3/Add.16) have been insufficiently addressed. The Committee notes that many of those concerns and recommendations are reiterated in the present document, such as discrimination between girls and boys in relation to the minimum age of marriage, that the 1954 Family Code and the legislation on adoption have yet to be revised, and discrimination against children belonging to the Roma community.

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

Legislation

205. The Committee is encouraged by the new bills in preparation and enacted legislation which are listed in the written replies. However, it is concerned that insufficient effort has been made to ensure their effective implementation, including by the provision of adequate resources.

206. The Committee recommends that the State party strengthen the mechanisms for the implementation of all legislation relevant to the Convention, taking into account training needs, monitoring mechanisms and the provision of adequate resources.

National plan of action and coordination

207. Despite the adoption of various national plans and strategies concerning children's rights, the Committee is concerned that the implementation of the Convention has been ineffective. This is due in large part to insufficient allocation of resources, a lack of a comprehensive, human rights-based national plan and poor coordination.

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

(a) **Elaborate a comprehensive, human rights-based national plan of action that covers all the principles and provisions of the Convention, and is accorded adequate human and financial resources;**

(b) **Strengthen the National Authority for Child Protection and Adoptions, providing it with the necessary human and financial resources and a strong mandate to ensure effective coordination of national and international activities for the implementation of the Convention.**

Independent monitoring structures

209. The Committee notes the establishment of the Office of the Ombudsman in 1997 and the fact that he has dealt with cases of violations of children's rights. It also notes that, according to the statement of President Iliescu at the special session of the General Assembly on children, held in 2002, the draft law on children's rights includes the establishment of an ombudsperson for children.

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

(a) **Continue and complete, as soon as possible, its plans to establish an ombudsperson for children, taking into account the Committee's general comment No. 2 on the role of national human rights institutions in the implementation of the Convention;**

(b) **Provide this body with adequate human and other resources for the performance of its independent monitoring role;**

(c) **Ensure appropriate coordination of the activities of this institution with the Ombudsman.**

Resource allocations

211. The Committee is concerned that budget allocations for health and education remain low and that children living in rural areas may be disproportionately affected. In particular, it notes that some counties and communities are economically disadvantaged vis-à-vis others and are therefore unable to provide their children with an adequate level of services.

212. **In the light of article 4 of the Convention, the Committee recommends that the State party:**

(a) **Increase the budget for the implementation of children's rights, prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular those from socially marginalized groups, to the maximum extent of its available resources;**

(b) **In view of the decentralization in the provision of social services and taking into account article 2 of the Convention, ensure sufficient resource allocation (human and financial) for the full implementation of the Convention throughout the State party, especially for disadvantaged counties and communities.**

Data collection

213. The Committee welcomes the recent initiatives related to a coordinated data collection system such as the Child Monitoring and Tracking Information System (CMTIS) for the planning and delivery of child welfare services. However, it expresses concern at the lack of an efficient, systematic and comprehensive compilation of data on all areas covered by the Convention for all persons under 18.

214. **The Committee recommends that the State party strengthen CMTIS to ensure that disaggregated data are systematically collected for all areas covered by the Convention and cover all persons under 18, with specific emphasis on those who are in need of special protection. Such data should be used to monitor and evaluate progress achieved in the implementation of the Convention. The Committee recommends that the State party seek technical assistance from UNICEF in this regard.**

Training/dissemination of the Convention

215. The Committee notes the efforts undertaken by the State party to disseminate the Convention and to train professionals working with and for children, in line with its previous recommendation (CRC/C/15/Add.16, para. 22). However, it is of the opinion that measures to create widespread awareness and understanding of the principles and provisions of the Convention need to be further strengthened and implemented on an ongoing, systematic basis.

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

(a) **Continue and strengthen its efforts to provide adequate and systematic training and sensitization regarding children's rights for persons working with and for children (e.g. parliamentarians, judges, lawyers, law enforcement officials, health personnel, teachers, school and institution administrators and staff, social workers);**

(b) **Continue to develop methods to promote the Convention, in particular at the local level, and to support the activities carried out by NGOs in this regard.**

Cooperation with NGOs

217. The Committee notes the good relations established between the Government and civil society, aimed at cooperating in the implementation of the Convention.

218. **Noting the important role civil society plays as a partner in implementing the provisions of the Convention, particularly at the local level, the Committee recommends that the State party undertake greater efforts to facilitate closer cooperation with NGOs, including through the simplification of administrative procedures required for them to operate. In this regard, in relation to the accreditation of NGOs the Committee encourages the State party to consider its recommendations made at its day of general discussion on the theme “The private sector as service provider and its role in implementing child rights” (CRC/C/121, paras. 630-653).**

2. Definition of the child

219. The Committee is concerned that, despite its previous recommendation (CRC/C/15/Add.16, para. 8), and the concerns expressed by the Committee on the Elimination of Discrimination against Women (CEDAW) (A/55/38, para. 318), the disparity in the minimum age of marriage for boys (18 years) and girls (16 years, and exceptionally 15) is discriminatory.

220. **The Committee reiterates its previous recommendation to the State party to raise the minimum age of marriage for girls to that of boys. It also recommends that data, disaggregated by age, on instances of marriage of girls under 18 be collected.**

3. General principles

221. The Committee is concerned that the general principles contained in the Convention, namely the right to non-discrimination (art. 2), the best interests of the child as a primary consideration (art. 3), the right to life, survival and development of the child (art. 6) and respect for the views of the child according to age and maturity (art. 12), are not fully reflected in the State party's legislation, policies and programmes at the national and local levels.

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

- (a) Appropriately integrate the general principles of the Convention, namely articles 2, 3, 6 and 12, into all relevant legislation concerning children;**
- (b) Apply those principles in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on all children;**
- (c) Apply those principles in planning and policy-making at every level, as well as in actions taken by social and health welfare and educational institutions, courts of law and administrative authorities.**

The right to non-discrimination

223. While welcoming the adoption of the new legislation (Law No. 48/2002) and other efforts to counter discrimination and address the concerns expressed by the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.85, paras. 9-16), the Committee is concerned that the principle of non-discrimination is not fully implemented for all children in all parts of the State party, and that unequal enjoyment of economic, social, cultural, civil and political rights persists (e.g. for children with disabilities, children living with HIV/AIDS, children in care institutions, children in detention, asylum-seeker and refugee children, foreign children, children between 16 and 18 years, children from poor households, and children belonging to Roma and other minority groups).

224. **The Committee reiterates its previous recommendations (CRC/C/15/Add.16, paras. 10, 19 and 21) that measures be taken to address effectively discriminatory attitudes or prejudices, in particular towards children belonging to the above-mentioned vulnerable groups. It also recommends that the State party implement fully and effectively already adopted legal measures to prevent discrimination and to ensure that the Constitution is in full conformity with article 2 of the Convention.**

225. **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 Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in 2001, taking account of the Committee's general comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).**

Best interests of the child

226. The Committee notes the information provided by the State party that the principle of the "best interests of the child" lies at the foundation of its strategy in the field of child protection. However, it remains concerned that this is not fully incorporated into legislation.

227. **The Committee, in line with its previous recommendations (ibid., para. 14), recommends that the State party ensure that the best interests of the child shall be a paramount consideration in all legislation and policies affecting children, and take proactive measures to promote the full understanding and practical implementation of this principle.**

Child participation and respect for the views of the child

228. The Committee notes the State party's efforts to ensure that administrative and judicial proceedings take into account the views of the child, but remains concerned that traditional attitudes towards children in society still limit the respect for their views within the family, at schools, in institutions and at the community government level.

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

(a) **Promote within the family, schools, institutions, as well as in judicial and administrative procedures, respect for the views of children and facilitate their participation in all matters affecting them, in accordance with article 12 of the Convention;**

(b) **Provide educational information to parents, teachers, government administrative officials, the judiciary, children themselves and society at large on the right of children to have their views taken into account and to participate in all matters affecting them;**

(c) **Regularly review the extent to which children's views are taken into consideration, including their impact on relevant policies and programmes.**

4. Civil rights and freedoms

Name and nationality

230. The Committee notes that Law No. 119/1996 includes special provisions for the issuance of birth certificates to abandoned children found in hospitals. However, the Committee remains concerned at the lack of measures to prevent non-registration of children and at the high number of stateless persons, in particular among the Roma.

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

(a) **Strengthen efforts to ensure birth registration of all children, paying particular attention to occurrences of non-registration of Roma children;**

(b) **Take further measures, in accordance with article 7 of the Convention, to facilitate applications for citizenship and resolve the situation of stateless children;**

(c) **Ratify the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.**

Torture and other cruel, inhuman or degrading treatment or punishment

232. The Committee is concerned at the high number of allegations of children being ill-treated and tortured by law enforcement officials received by the Special Rapporteur on the question of torture. The Committee regrets that the majority of these allegations have not been responded to and is concerned that they may not have been effectively investigated by an independent authority. Furthermore, the Committee is concerned that cooperation with the Special Rapporteur in this respect has been insufficient.

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

(a) **Investigate all allegations of torture and other cruel, inhuman or degrading treatment or punishment of children and make all efforts to cooperate fully with the Special Rapporteur on the question of torture;**

- (b) Ensure the inadmissibility of evidence obtained through the use of torture;**
- (c) Bearing in mind the previous recommendation of the Committee (ibid., para. 20), undertake measures to follow up on the recommendations made by the Human Rights Committee (CCPR/C/79/Add.111, para. 12);**
- (d) Take immediate measures to stop police violence against all children and challenge the prevailing culture of impunity for such acts;**
- (e) Take legislative or other measures to prohibit all forms of torture and other cruel, inhuman or degrading treatment or punishment;**
- (f) Provide care, recovery, reintegration and compensation for victims of torture.**

5. Family environment and alternative care

Family environment

234. The Committee notes the information provided by the State party, including the adoption of a government strategy for 2001-2004 focusing on providing support to families, the National Anti-Poverty Plan for Strengthening Social Inclusion, and the disbursement of numerous financial benefits for children and families. However, widespread poverty continues to be a major challenge for the State party, affecting all sectors of society, in particular urban households with many children. The Committee notes with concern that poverty is a contributing factor to family breakdowns, the growing number of single-parent families, parental abuse and neglect, and the phenomenon of children being placed in institutional care or abandoned by parents with no adequate means to raise them.

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

- (a) Develop a comprehensive child-centred family policy;**
- (b) Strengthen its efforts to comprehensively protect children's right to a secure family environment and ensure, through a comprehensive new children's act, effective protection of children and access by all children and parents to financial assistance, having due regard to article 18, paragraph 2, of the Convention;**
- (c) Improve social assistance and support to families through advice and education to promote positive child-parent relationships;**
- (d) Take effective measures, including the development of strategies and awareness-raising activities, to prevent and reduce the abandonment of children;**
- (e) Strengthen preventive measures, such as supporting the role of families and communities, in order to help eliminate the social conditions leading to such problems as delinquency, crime and substance abuse;**
- (f) Provide support to families and young pregnant girls;**

(g) Undertake campaigns to reinforce the responsibilities of fathers for their children.

Alternative care

236. The Committee notes the introduction of the government programme of deinstitutionalization of children initiated in 2001 and welcomes the information that over the past two years many institutions have been closed down. Nevertheless, it remains concerned:

(a) At the very low quality of care and the harsh conditions in some of these institutions;

(b) That children may be removed from their families because of their health status, or the difficult economic situation faced by their parents;

(c) That alternative care, such as foster care, or other forms of family-based alternative care, are not sufficiently developed and available;

(d) That children lack effective mechanisms to which they can communicate concerns and complaints about their placement;

(e) That children who are cared for in institutions for many years, until the age of 18, are not provided with the educational and vocational skills necessary for them to make an independent living once they leave the institution.

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

(a) Take effective measures to increase and strengthen foster care, family-type foster homes and other family-based alternative care, by providing greater financial assistance and increasing the counselling and support mechanisms for foster families;

(b) Place children in institutions only as a measure of last resort and as a temporary measure;

(c) Take all necessary measures to improve conditions in institutions;

(d) Increase the effective participation of children living in institutions;

(e) Guarantee the right to periodic review under article 25 of the Convention;

(f) Provide adequate follow-up and reintegration support and services for children who leave institutional care;

(g) Establish procedures to ensure that children currently residing in institutions that are being closed down are fully informed and able to participate in deciding their future placement, and that these children retain their rights to social protection;

(h) Improve the training of social workers to enhance their ability to intervene and assist children.

Adoption

238. The Committee welcomes the initiatives undertaken to follow up on the previous recommendations of the Committee (CRC/C/15/Add.16, para. 18) and notes that adoption legislation is being revised. The Committee further notes that intercountry adoptions were suspended in October 2001, but that this suspension was not absolute since more than 1,500 intercountry adoptions took place in 2002 and 600 such cases are currently under consideration.

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

(a) **Expedite the adoption of the revised law on adoption and ensure that this new legislation is in full conformity with the Convention and other international standards, in particular the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption;**

(b) **Ensure that sufficient human and other resources are made available for the effective implementation and monitoring of the new adoption legislation;**

(c) **Ensure that the cases of intercountry adoption still under consideration are dealt with in full accordance with the principles and provisions of the Convention, in particular article 21, and the Hague Convention of 1993;**

(d) **Explore ways to encourage national adoptions so that recourse to intercountry adoption becomes a measure of last resort.**

Abuse/neglect/maltreatment

240. The Committee notes the recent efforts of NGOs related to prevention of child abuse and neglect, as well as the statement made by the Head of State to the special session of the General Assembly on children referring to envisaged special measures to prevent child abuse. Nevertheless, the Committee reiterates its previous concern (ibid.) at the apparent limited effectiveness of measures to raise awareness about the harmful consequences of neglect and abuse, including sexual abuse, in the family, schools and institutions, as well as to tackle these problems. The Committee concurs with the concerns of CEDAW related to the increase in violence against women and that domestic violence against women may lead to child abuse in the family. It is also concerned that corporal punishment and other forms of abuse and neglect continue to exist in the family.

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

(a) **Expressly prohibit corporal punishment in the home, school and institutions;**

(b) **Promote alternative methods of discipline;**

(c) **Establish effective procedures and mechanisms for receiving, monitoring and investigating cases of abuse, ill-treatment and neglect and for prosecuting offenders, ensuring that the abused child is not victimized in legal proceedings and that his or her privacy is protected;**

- (d) Strengthen the reporting system, through the training of teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and handling of cases of ill-treatment;**
- (e) Ensure the provision of support services to child victims in legal proceedings;**
- (f) Ensure the physical and psychological recovery and social reintegration of child victims, in accordance with article 39 of the Convention;**
- (g) Reinforce its efforts to prevent and combat domestic violence and abuse, including through awareness-raising campaigns designed to change public attitudes.**

6. Basic health and welfare

Health care

242. The Committee is encouraged by the adoption of a national strategy for the health sector by the Ministry of Health and Family in December 2001 and by its aims and goals as noted in the written replies to the list of issues. It further welcomes the cooperation of the State party with international organizations in the domain of health care. Nevertheless, the Committee is deeply concerned:

- (a) At the poor quality and accessibility of primary health-care services, especially in rural areas, and for poor households;**
- (b) At the high infant mortality rate, particularly in rural areas;**
- (c) That a high proportion of under-5 deaths are due to preventable causes;**
- (d) At the high rate of child morbidity as a result of accidents, including traffic accidents.**

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

- (a) Strengthen its efforts to implement the national strategy for the health sector through adequate and sustainable allocation of resources (human and financial), including training of sufficient numbers of health-care professionals, provision of adequate salaries for health-care workers and investments in health-care infrastructure, especially in the most disadvantaged areas;**
- (b) Improve the effectiveness of antenatal care, maternal health education and immunization programmes;**
- (c) Strengthen efforts to raise awareness through public information campaigns about accident prevention;**
- (d) Strengthen coordination between governmental and non-governmental actors, and continue to work closely with United Nations agencies in this respect.**

Adolescent health

244. The Committee is concerned at:

- (a) The limited availability of programmes and services in the area of adolescent physical and mental health;
- (b) The number of suicides;
- (c) The high number of young mothers and of abortions among teenage girls;
- (d) The high rate of sexually transmitted diseases;
- (e) The alarming increase in the number of children addicted to drugs, the high rate of smoking and alcohol consumption and the lack of awareness of the problems caused by these negative behaviours.

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

- (a) Provide for adolescents' access to medical counselling and advice without parental consent, taking into consideration the evolving capacities of the child;**
- (b) Establish comprehensive family planning programmes, as well as undertake measures to ensure that abortion is neither perceived nor practised as a method of contraception, such as through campaigns to raise awareness of the importance of contraceptive use to reduce the number of unwanted pregnancies;**
- (c) Ensure availability of mental health assistance to children, taking into consideration their developmental needs;**
- (d) Undertake all the necessary measures to address the rise in alcohol abuse and smoking, including through media campaigns.**

Children with disabilities

246. The Committee is concerned that disabled children in Romania remain disadvantaged in the enjoyment of their rights guaranteed by the Convention. The Committee is concerned, among other things, that:

- (a) Children with disabilities often have serious difficulty in obtaining transportation and in gaining access to public buildings, including hospitals and schools;
- (b) Despite the efforts of the State party to promote inclusion, disabled children in practice have limited access to formal education;
- (c) The process of certification of disability is reportedly degrading;
- (d) Other than medical doctors, there is a lack of professionally qualified experts caring for children with disabilities.

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

- (a) Review existing policies and practice in relation to children with disabilities, taking due account of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and of the Committee's recommendations adopted at its day of general discussion on the theme "The rights of children with disabilities" (CRC/C/69, paras. 310-339);**
- (b) Undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level;**
- (c) Undertake greater efforts for inclusive education of children with all forms of disability and seek greater involvement of local communities in the process;**
- (d) Improve the physical accessibility of schools and other public buildings;**
- (e) Undertake greater efforts to promote and expand community-based rehabilitation programmes, including parent support groups;**
- (f) Strengthen public awareness campaigns to change negative public attitudes;**
- (g) Seek assistance from, among others, UNICEF and the World Health Organization (WHO).**

HIV/AIDS

248. The Committee welcomes the efforts of the State party, undertaken in cooperation with United Nations partners, to combat HIV/AIDS, but remains concerned at:

- (a) The incidence of HIV/AIDS among young children and the high rate of new infections affecting young people, particularly among minorities;**
- (b) The fact that treatment, although free, is provided only to a limited number of children and may lack continuity due to funding limitations.**

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

- (a) Actively pursue its ongoing activities supported by the Joint United Nations Programme on HIV/AIDS (UNAIDS) and UNICEF to counter HIV/AIDS;**
- (b) Ensure that medicine is available without delays in or interruptions of treatment, and that the salaries of caregivers are paid fully and without delay;**
- (c) Take due account of the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37, annex I).**

7. Education, leisure and cultural activities

250. The Committee notes the initiatives to launch special programmes and provide free textbooks and school materials, as well as meals, to encourage school enrolment and attendance. However, the Committee is concerned that:

- (a) The number of children from rural areas and the percentage of girls dropping out of school are disproportionately high;
- (b) The curricula and teaching methodology, including in pre-school education, do not sufficiently reflect the aims of education contained in article 29, paragraph 1, of the Convention;
- (c) School bullying and violence against and by children persist;
- (d) Children belonging to certain categories do not benefit from equal opportunities as concerns education (e.g. children from disadvantaged families, children with disabilities, children affected by HIV/AIDS, children living in the streets, and Roma and refugee children).

251. The Committee recommends that the State party, taking into account the Committee's general comment No. 1 on the aims of education:

- (a) Make every effort to increase the length of compulsory education;**
- (b) Make every effort to ensure that compulsory education, and possibly secondary education, is free for all children;**
- (c) Increase the education budget to the maximum extent of its available resources, including through additional international cooperation;**
- (d) Strengthen the institutional capacity of State education, including with regard to administration, management, educational planning and the training of teachers and other staff;**
- (e) Take steps to strengthen education infrastructure and resources, including with a view to reducing disparities between urban and rural areas;**
- (f) Promote violence-free schools;**
- (g) Ensure that education, including early childhood education, is directed towards the development of the child's personality, talents and mental and physical abilities to their fullest potential;**
- (h) Ensure that the school curricula and teaching methodology are child-centred and that they stress the importance of critical thinking and problem-solving skills development;**
- (i) Take steps to significantly increase the number of children completing secondary education.**

8. Special protection measures

Refugee and internally displaced children

252. The Committee notes:

(a) That the legislation (Law 48/2002) provides special protection for vulnerable persons, but remains concerned that de facto discrimination persists regarding access to education, health care and social benefits;

(b) That there have been reports of cases of arbitrary detention and threatened expulsion.

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

(a) **Ensure the availability of Romanian language courses, as stipulated by law, to facilitate the integration of asylum-seeker and refugee children in the education system;**

(b) **Consider preferential treatment for refugees, including exemptions from or reductions in tuition fees for upper secondary and university education;**

(c) **Fully uphold their international obligations concerning lawful detention as well as the principle of non-refoulement;**

(d) **Continue cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) in this respect.**

Economic exploitation

254. The Committee is encouraged by the ongoing efforts of the State party, in cooperation with ILO and others, aimed at addressing the problem of child labour in Romania. However, the Committee is concerned that the number of children working in the city streets, in rural areas and in households is still high, and that:

(a) As a means of overcoming poverty many children as young as 6 years are engaged in regular work;

(b) Some children entitled to work do so in very poor conditions, including without insurance or social security benefits, for very low wages, for long hours, and in dangerous and/or abusive conditions.

255. **The Committee recommends that the State party, in accordance with article 32 of the Convention and ILO Conventions Nos. 138 concerning the Minimum Age for Admission to Employment and 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which the State party has ratified:**

(a) Take immediate and effective steps to ensure the implementation of article 32 of the Convention and ILO Conventions Nos. 138 and 182, taking due account of the ILO Minimum Age Recommendation, 1973 (No. 146) and the Worst Forms of Child Labour Recommendation, 1999 (No. 190);

(b) Continue its cooperation with IPEC, as well as strengthen its cooperation with and support for NGOs working in this area.

Sexual exploitation and trafficking

256. The Committee notes the establishment in 2001 of a national Task Force on Trafficking, the adoption of a national plan of action on trafficking, as well as the increased efforts of the State party to cooperate in regional programmes to prevent trafficking and assist victims. Nevertheless, the Committee is concerned that Romania continues to be a country of origin, of transit and, to a lesser extent, of destination for trafficked children, as also noted by CEDAW in June 2000 (A/55/38, paras. 308-309).

257. The Committee recommends that the State party:

(a) Accelerate and ensure sufficient resources and qualified staff for the effective implementation of the National Action Plan for Combating Sexual Exploitation of Children for Commercial Reasons, taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;

(b) Ensure that all persons under 18 years involved in prostitution and the production of pornographic materials are not criminalized and enjoy full protection;

(c) Train law enforcement officials, social workers and prosecutors in how to receive, monitor, investigate and prosecute complaints in a child-sensitive manner;

(d) Ensure that all victims of trafficking and forced prostitution have access to appropriate recovery and reintegration programmes and services.

Street children

258. The Committee is encouraged by the ongoing initiatives to decrease the number of street children, including the “Home Again” campaign. However it is concerned that there remain large numbers of children living on the street in urban areas, and in particular that:

(a) They are vulnerable to, among other things, sexual abuse, violence, including from the police, lack of access to education, substance abuse, sexually transmitted diseases, HIV/AIDS and malnutrition;

(b) Institutionalization is frequently resorted to;

(c) There is a lack of services, including recovery and reintegration services, specialized personnel and shelters.

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

- (a) **Strengthen its efforts to prevent and reduce this phenomenon;**
- (b) **Make additional efforts to provide protection to street children and to ensure their access to education and health services;**
- (c) **Strengthen efforts to assist children in leaving the street, placing greater emphasis on alternatives to institutionalization, family reunification and recovery and reintegration services, under the leadership of the Ministry of Labour and Social Welfare;**
- (d) **Continue to collaborate with NGOs working in this area.**

Juvenile justice

260. Although encouraged by information from the delegation that the State party is undertaking reforms in the area of juvenile justice, the Committee remains concerned that:

- (a) There are no judges specially trained and appointed for cases involving minors, nor are there prosecutors specializing in investigating juvenile delinquents;
- (b) A high number of children are in pre-trial detention;
- (c) The prosecutor has discretionary powers to deny a detainee access to a lawyer for up to five days in the interest of an investigation;
- (d) Very few children are dealt with by diversionary or alternative measures;
- (e) There is a serious lack of capacity within the judicial system to provide rapid intervention or trial, as needed, for juvenile offenders.

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

- (a) **Ensure that the ongoing reforms establish a juvenile justice system that has adequate human and financial resources and fully integrates international juvenile justice standards, in particular articles 37, 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the Guidelines for Action on Children in the Criminal Justice System;**
- (b) **Ensure that the system of juvenile justice is adequately resourced;**
- (c) **Ensure that no children are detained illegally and that when detention is necessary, as a measure of last resort, children are detained separately from adults;**
- (d) **Promote alternative measures for dealing with children without resorting to judicial proceedings, provided human rights safeguards are respected;**

- (e) Strengthen the capacity of the juvenile justice system to provide a timely response;**
- (f) Guarantee that children in pre-trial detention will not be denied access to a lawyer.**

Roma children

262. The Committee welcomes the implementation of strategies aimed at improving Roma children's rights to health-care services and inclusion in education (e.g. through the use of health and education mediators and supportive tuition in the Roma language). The Committee also welcomes Roma NGO participation in improving the rights of their children. However, it remains concerned at the negative attitudes and prejudices of the general public, in the political discourse and in media representations as well as at incidents of police brutality and discriminatory behaviour on the part of some teachers and doctors.

263. In accordance with articles 2 and 30 of the Convention, the Committee recommends that the State party:

- (a) Initiate campaigns, at all levels and in all regions, aimed at addressing the negative attitudes towards the Roma in society at large, in particular among authorities such as the police and professionals providing health care, education and other social services;**
- (b) Based on the evaluation of previous strategies, develop and implement a comprehensive strategy for improving access to primary health care, education and social welfare services, in cooperation with Roma NGO partners and targeting the whole Roma child population;**
- (c) Develop curriculum resources for all schools, including in relation to Roma history and culture, in order to promote understanding, tolerance and respect for the Roma in Romanian society.**

9. Dissemination of the report, written answers and concluding observations

264. In the light of article 44, paragraph 6, of the Convention, the Committee recommends that the second report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within all levels of administration of the State party and the general public, including concerned NGOs.

10. Next report

265. 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' responsibilities to children under the Convention includes ensuring that the

Committee has regular opportunities to examine the progress made in the implementation of the Convention. In this regard, regular and timely reporting by States parties is crucial. The Committee recognizes that some States parties experience difficulties in reporting in a timely and regular manner. As an exceptional measure, in order to help the State party catch up with its reporting obligations so as to be in full compliance with the Convention, the Committee invites the State party to submit its third and fourth periodic reports in one consolidated report by 27 October 2007, date on which the fourth periodic report is due. The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.

Concluding observations: Viet Nam

266. The Committee considered the second periodic report of Viet Nam (CRC/C/65/Add.20), submitted on 10 May 2000, at its 848th and 849th meetings (see CRC/C/SR.848 and 849), held on 22 January 2003, and at its 862nd meeting (CRC/C/SR.862), held on 31 January 2003, adopted the following concluding observations.

A. Introduction

267. The Committee welcomes the submission of the State party's second periodic report, which followed the reporting guidelines of the Committee. It further welcomes the timely submission of the written replies to the list of issues (CRC/C/Q/VIE/2) and the updated State party reports, which were detailed, informative and provided a clearer understanding of the situation of children in Viet Nam. The Committee notes with appreciation the presence of a high-level and cross-sectoral delegation, which contributed to the constructive dialogue held with the State party's delegation.

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

268. The Committee welcomes the State party's efforts to support and facilitate children's participation and improve the coordination and implementation of its child rights policy. In particular, the Committee notes the enactment of the 1994 Government Decree No. 118/CP to establish the Viet Nam Committee for Protection and Care of Children (CPCC), which was subsequently merged with the National Committee on Population, Family and Children on 5 August 2002, as the central mechanism to monitor and coordinate activities related to the protection, care and education of children. The Committee also welcomes the development of specific child rights indicators by CPCC and the General Statistics Office, the formulation of a second National Programme of Action for Children for 2001-2010, and the development of various other special programmes, such as the National Target Programme on Hunger Eradication, Poverty Reduction and Jobs for 2001-2005 and the Programme on the Prevention of Prostitution in the period 2001-2005.

269. The Committee welcomes the State party's ratification, in September 2001, of 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, as well as its ratification, in December 2000, of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

C. Factors and difficulties impeding the implementation of the Convention

270. The Committee acknowledges that, while the transition to a market economy has increased economic growth, it has also had a negative impact on the implementation of the economic, social and cultural rights of children, for instance by increasing the financial burden on households for health and education services.

D. Principal areas of concern and recommendation

1. General measures of implementation

Committee's previous recommendations

271. The Committee regrets that some of the concerns and recommendations (CRC/C/15/Add.3) it made upon consideration of the State party's initial report (CRC/C/3/Add.4) have been insufficiently addressed, particularly those regarding mitigation of the negative impact of economic reforms on vulnerable groups (para. 7), reform of the juvenile justice system (para. 8) and dissemination of the Convention amongst ethnic minorities (para. 9).

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

Legislation

273. The Committee, while taking note of the many amendments to domestic legislation, regulations and decrees, nevertheless remains concerned that domestic laws do not yet fully comply with the provisions and principles of the Convention.

274. The Committee encourages the State party to continue to strengthen its efforts to ensure that its domestic legislation is in full conformity with the principles and provisions of the Convention, in particular in the area of juvenile justice.

Coordination and national plans of action

275. The Committee notes with appreciation the existence of the National Committee on Population, Family and Children, with its 140 local associations, which has a clear mandate to coordinate the various cross-sectoral activities concerning the implementation of the Convention. However, the Committee is concerned at the possible overlap between these bodies and between the various plans of action and programmes related to children's issues. The Committee also notes with concern the insufficient level of human resources allocated to the National Committee on Population, Family and Children.

276. The Committee recommends that the State party allocate sufficient resources to the National Committee on Population, Family and Children in order for it to effectively

coordinate and monitor all bodies working to implement the Convention, the National Plan of Action for Children (2001-2010) and all other national plans and programmes related to children. The Committee also recommends that the State party harmonize coordination activities, where possible, and make the system of coordination as transparent as possible.

Independent monitoring

277. The Committee notes the existence of a system of inspection as part of the National Committee on Population, Family and Children that can receive complaints and make non-scheduled visits to institutions. Although this type of monitoring system is important, it does not seem to be the independent monitoring body for the promotion and protection of children's rights, as outlined in the Committee's general comment No. 2 on the role of independent human rights institutions (CRC/GC/2002/2).

278. Taking into account the recommendations made by the Committee in its general comment No. 2 on the role of independent human rights institutions, the Committee encourages the State party to establish an independent and effective mechanism to monitor the promotion and protection of children's rights, that is provided with adequate human and financial resources and is easily accessible to children. The Committee recommends that the State party consider initiating a pilot project establishing an Ombudsman for Children.

Allocation of resources

279. The Committee notes with concern that budgetary allocations for children are insufficient to respond to national and local priorities for the protection and promotion of children's rights. In particular, insufficient resources have been allocated to the development of health infrastructure and education in remote and mountainous areas.

280. The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups and living in rural or mountainous areas, "to the maximum extent of ... available resources and, where needed, within the framework of international cooperation". In particular, the State party should increase resources allocated to the training of skilled human resources in the areas of social work, child protection and counselling.

Data collection

281. The Committee, noting the State party's efforts to improve its data collection, is concerned, as noted by the State party in the written replies to the list of issues, that there is no system of data collection on child labour or children with disabilities and that the data available on child abuse are not comprehensive.

282. The Committee recommends that the State party expand its system of data collection to include statistics on the economic exploitation of children and child abuse and, if necessary, seek technical assistance from ILO in this regard. The Committee further

recommends that the State party use all data and indicators for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention.

Cooperation with civil society

283. The Committee, while welcoming the increasing cooperation between the State party and international NGOs in the implementation of the Convention, is concerned that coordination of the activities undertaken by NGOs is not fully effective.

284. **The Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention, and recommends that the State party, in order to utilize such cooperation more effectively, enhance transparency and facilitate the coordination of activities undertaken together with international NGOs in implementing the Convention.**

Dissemination

285. The Committee is concerned that, despite the activities of the State party, children, and the public at large, as well as all groups of professionals working with and for children, are not sufficiently aware of, or do not adequately comprehend, the Convention and the rights-based approach enshrined therein.

286. **While noting the activities of NGOs and international organizations to disseminate information on children's rights, the Committee reminds the State party of its obligations under articles 42 and 44 to make the principles and provisions of the Convention, as well as its own reports on the implementation of the Convention, widely known. It recommends that the State party:**

(a) **Continue its efforts to train all professionals working with and for children in the provisions and principles of the Convention, in particular parliamentarians, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, health personnel, including psychologists, and social workers;**

(b) **Give particular attention to the dissemination of the Convention to members of ethnic minority groups and ensure, wherever possible, that the full text of the Convention is translated into the local language.**

2. General principles

Non-discrimination

287. The Committee notes with concern that domestic legislation does not specifically prohibit discrimination based on all the grounds listed under article 2 of the Convention. In particular, discrimination against children with disabilities is not explicitly prohibited. Moreover, the lower level of development indicators for ethnic minorities appears to indicate the existence of some level of societal and institutional discrimination, specifically with regard to their access to health and education.

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

- (a) Amend domestic legislation to ensure that it corresponds fully with all the provisions of article 2 of the Convention and that, in particular, discrimination against children on the grounds of disability is expressly prohibited by law;**
- (b) Strengthen efforts to eliminate disparities in the accessibility and quality of health care and education between regions and ethnic minorities;**
- (c) Conduct a study in collaboration with ethnic community leaders to determine the extent to which ethnic minority children suffer from discrimination and develop policies and programmes to address the root causes of any such discrimination.**

289. **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 Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in 2001, and that account be taken of general comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).**

Best interests of the child

290. The Committee is concerned that, although acting in the best interests of the child is a priority for the Government, the best interests principle is not expressly included in all legislation concerning children.

291. **The Committee recommends that the State party, in accordance with article 3 of the Convention, review and, where appropriate, amend its legislation in order to ensure that “in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”.**

Right to life

292. The Committee is concerned at the high number of children who are injured, disabled or killed by accidents, such as traffic accidents, or by natural disasters.

293. **While noting the State party’s efforts, in particular the National Programme of Action for Accident Control (2000), the Committee recommends that the State party conduct a study on the scope and causes of accidental deaths and strengthen its efforts to reduce accident-related deaths through, inter alia, awareness-raising campaigns and education programmes aimed at parents, children and the public at large.**

Respect for the views of the child

294. The Committee is concerned that traditional attitudes towards children in society still limit the respect for their views, within the family, schools and society at large. In addition, administrative and judicial proceedings are not always required to take the views of the child into account, for instance in the case of divorce hearings.

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

(a) **Carry out awareness-raising campaigns aimed at, inter alia, parents, teachers, government administrative officials, the judiciary and society at large on children's right to have their views taken into account and to participate in all matters affecting them;**

(b) **Take legislative measures to guarantee that in all court and administrative proceedings affecting them, children have the right to express their views and have those views taken into account regarding children;**

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

3. Civil rights and freedoms

Name and nationality

296. While welcoming the State party's many efforts in this regard, the Committee is concerned that all children are still not registered at birth and that there are, in particular, problems with the birth registration of children living in remote and mountainous regions, where parents are not always aware of birth registration requirements.

297. **The Committee recommends that the State party continue and strengthen its efforts to secure the registration at birth of all children, giving particular attention to children living in rural and mountainous areas.**

Ill-treatment and violence

298. The Committee is concerned that children in the State party are subject to various forms of violence and ill-treatment, including child abuse and neglect, and corporal punishment.

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

(a) **Take all appropriate measures, including legislative reform, to establish a national system for receiving, monitoring and investigating complaints of child abuse and neglect and, when necessary, prosecuting cases in a child-sensitive manner;**

(b) **Provide training for law enforcement officials, social workers and prosecutors on how to address complaints regarding child abuse in a child-sensitive manner;**

(c) **Establish an accessible national system, with appropriate human and financial resources, to provide counselling and assistance to child victims of violence as well as child witnesses to crimes;**

(d) **Establish a mechanism for collecting data on perpetrators and victims of abuse and neglect, disaggregated by gender and age, in order to properly assess the extent of the problem, and design policies and programmes to address it;**

(e) **Explicitly prohibit corporal punishment in the home, schools and all other institutions;**

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

4. Family environment and alternative care

300. The Committee notes with deep concern that, as recognized in the State party's report, family disintegration, including divorce, is on the rise and contributes to the increasing numbers of children in conflict with the law and of those living on the street and abusing drugs. The Committee is further concerned at the growing gap between rich and poor families, and that poverty puts children at greater risk of exploitation and abuse.

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

(a) **Strengthen its efforts to develop a comprehensive family policy;**

(b) **Improve social assistance and support to vulnerable families by establishing a professionalized system of social workers within communities to provide counselling and assistance;**

(c) **Consider increasing financial support for economically disadvantaged families, particularly within development and poverty reduction plans for rural and remote areas.**

Adoption

302. The Committee is concerned about the high number of intercountry adoptions, suggesting that this form of adoption is not necessarily a measure of last resort. It also notes with concern reports that some intercountry adoptions do not adhere to international standards.

303. **The Committee recommends that the State party continue and strengthen its efforts to enforce domestic laws and regulations on adoption, and ratify the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption.**

5. Basic health and welfare

304. The Committee notes with appreciation the extremely high rate of immunization coverage in the State party. While the maternal mortality rate is declining, the Committee is nevertheless concerned at the persistently high rates of maternal mortality, infant mortality and

under-5 mortality, as well as the high rates of malnutrition among children, the frequency of anaemia amongst pregnant women, and the low proportion of women who breastfeed their children exclusively for the first six months. In general, it appears that antenatal care is inadequate, primarily because of a lack of access to such services and clinics. In addition, the Committee notes with concern the re-emergence of typhoid and cholera in the State party.

305. The Committee recommends that the State party:

(a) Strengthen the implementation of the National Nutrition Strategy, particularly in rural areas;

(b) Take steps to encourage and educate mothers, as well as village health workers and traditional birth attendants, on the benefits of exclusive breastfeeding of infants for the first six months and take measures to limit the distribution of infant formulas, for instance through the formulation of a national marketing code;

(c) Increase the resources available to district health centres and commune health stations and ensure that they have adequate human and material resources, in particular for maternal health and care of newborns;

(d) Take all appropriate measures to prevent the spread of communicable diseases, specifically typhoid and cholera.

Environmental health

306. The Committee is concerned at the poor environmental health conditions, in particular the low percentage of the population with access to safe drinking water and sanitation facilities, in particular in rural and mountainous areas, as well as the after-effects of Agent Orange and other chemical defoliants.

307. The Committee recommends that the State party prioritize the construction and expansion of water and sanitation infrastructure in rural and mountainous regions and ensure that all vulnerable groups have equal access to safe drinking water and sanitation. It also recommends that the State party continue its efforts to prevent and combat the damaging effects of environmental pollution, such as chemical defoliants, on children, including through international cooperation.

Children with disabilities

308. The Committee is very concerned at the high proportion of children with disabilities who do not attend school, do not have access to vocational training or preparation for employment and have limited access to rehabilitation services, particularly in rural areas.

309. The Committee recommends that the State party, in accordance with the recommendations arising from the Committee's 1997 day of general discussion on children with disabilities (CRC/C/69, para. 338) and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex):

- (a) Undertake a comprehensive survey of the number of children with disabilities, including those currently not attending school, in order to assess their educational and vocational training needs, and their access to rehabilitation and other social services;**
- (b) Provide financial assistance to economically disadvantaged children with disabilities in order ensure their access to rehabilitation services and devices;**
- (c) Expand existing programmes aimed at improving the physical access of children with disabilities to public buildings and areas, including schools and recreational facilities, and increase the number of integrated education programmes at pre-primary, primary, secondary and tertiary levels.**

HIV/AIDS

310. The Committee is concerned that HIV/AIDS is spreading and increasingly affects children, either because they have been infected or because they may have lost parents to the disease.

311. **The Committee recommends that the State party take into account the Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37, annex I), and:**

- (a) Integrate respect for the rights of the child into the development and implementation of its HIV/AIDS policies and strategies, with a particular emphasis on the Convention's four general principles of non-discrimination (art. 2), best interests of the child (art. 3), right to life (art. 6) and respect for the views of the child (art. 12);**
- (b) Take all effective measures to avoid institutionalization of children infected and affected by HIV/AIDS;**
- (c) Take effective measures to prevent stigmatization and discrimination against children living with HIV/AIDS, in particular through public education campaigns.**

6. Education

312. While noting the State party's efforts to achieve universal enrolment at primary school level, the Committee is concerned that there are significant gaps in access to and quality of education between urban and rural or mountainous regions, and that the school system still suffers from a shortage of well-trained teachers and educational materials. In addition, the Committee is concerned at the low enrolment rates in pre-primary education, the high number of repeaters of the first grade and the significant disparity in enrolment in nursery schools between boys and girls.

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

- (a) Take all appropriate measures to increase enrolment in pre-primary education, in particular for girls and in rural areas, and ensure the right to quality, free primary education for all children;**

- (b) Increase the financial assistance provided to students from economically disadvantaged families at all levels, including pre-primary, particularly in rural areas;**
- (c) Recruit and train a greater number of teachers from all ethnic minority groups and continue to provide incentives to teachers working in remote and mountainous regions;**
- (d) Prioritize rural areas and remote and mountainous regions in existing programmes to improve the quality of teaching and the curriculum, and in the construction and development of school infrastructure.**

7. Special protection measures

Sexual exploitation and trafficking

314. The Committee notes with concern that a significant proportion of sex workers are under the age of 18. Furthermore, it is concerned that, although the State party recognizes trafficking in children to be a significant problem, the number of officially reported cases is very low.

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

- (a) Continue to strengthen national and subregional strategies and programmes on the prevention of sexual exploitation and trafficking and ensure that they take into account the commitments made at the first and second World Congresses against Commercial Sexual Exploitation of Children, held in 1996 and 2001, respectively;**
- (b) Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints effectively, in a child-sensitive manner;**
- (c) Ensure that all victims of trafficking, sexual abuse and exploitation have access to appropriate recovery and reintegration programmes and services that do not stigmatize them;**
- (d) Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.**

Economic exploitation

316. The Committee welcomes the State party's ratification of ILO Convention No. 182, concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. However, it remains concerned that the incidence of the economic exploitation of children remains widespread in the agricultural sector as well as in gold mines, timber operations, the service sector and other private sector enterprises. The Committee is also concerned at the high number of children living and working on the street.

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

(a) **Ratify and implement ILO Convention No. 138 concerning Minimum Age for Admission to Employment;**

(b) **Develop and implement a comprehensive child labour monitoring system for both rural and urban areas in collaboration with NGOs, community-based organizations, law enforcement personnel, labour inspectors and the ILO International Programme on the Elimination of Child Labour (ILO/IPEC);**

(c) **Continue to strengthen the National Plan of Action for Children in Difficult Circumstances (1999-2002) and, as previously recommended, undertake a study on why children are living and working on the street, in order to develop strategies to effectively address the root causes of this phenomenon.**

Juvenile justice

318. The Committee notes the amendments made in 1999 to the Criminal Code in the area of juvenile justice. However, it is concerned that the juvenile justice system is unable to cope effectively with increasing youth crime and that rehabilitation and reintegration services for young offenders are insufficient.

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

(a) **Ensure the full implementation of juvenile justice standards, in particular articles 37, 40 and 39 of the Convention, as well the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), in the light of the Committee's 1995 day of general discussion on the administration of juvenile justice;**

(b) **Consider adopting a separate legal code for juvenile justice and establishing a system of juvenile courts;**

(c) **Improve conditions in juvenile detention centres and ensure that deprivation of liberty is used only as a last resort;**

(d) **Expedite the development of a system for the provision of appropriate rehabilitation and reintegration services and increase the number of professional social workers providing such services to young offenders;**

(e) **Ensure that all children accused of having violated the law have legal counsel or other appropriate assistance;**

(f) **Request technical assistance in this regard from, inter alia, the OHCHR and other members of the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.**

8. Dissemination of documents

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

9. Next report

321. In the light of the recommendation on reporting periodicity adopted by the Committee at its twenty-ninth session (see 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 has regular opportunities to examine the progress made in the implementation of the Convention. In this regard, regular and timely reporting by States parties is crucial. As an exceptional measure, in order to help the State party catch up with its reporting obligations so as to be in full compliance with the Convention, the Committee invites the State party to submit its third and fourth periodic reports in one consolidated report by 1 September 2007, the date on which the fourth report is due. The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.

Concluding observations: Czech Republic

322. The Committee considered the second periodic report of the Czech Republic (CRC/C/83/Add.4) at its 852nd and 853rd meetings (CRC/C/SR.852 and 853), held on 24 January 2003, and at its 862nd meeting (CRC/C/SR.862), held on 31 January 2003, adopted the following concluding observations.

A. Introduction

323. The Committee welcomes the timely submission of the State party's second periodic report, which was at times self-critical, as well as the written replies to the list of issues (CRC/C/Q/CZE/2) providing updated information complementing the State party's report. It further notes with appreciation the high-level delegation sent by the State party and welcomes the frank dialogue and the positive reactions to the suggestions and recommendations made during the discussion.

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

324. The Committee welcomes amendments to existing legislation and the enactment of new legislation, as indicated in the written replies to the list of issues, inter alia regarding strengthening the protection against trafficking and commercial sexual exploitation of children and the integration of children with special needs in regular schools. The Committee notes the

very good maternal protection, including satisfactory maternity leave, and the excellent health indicators, including infant mortality, under-5 mortality and vaccination coverage. Furthermore, the Committee welcomes the ratification of the Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption and ILO Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

C. Factors and difficulties impeding the implementation of the Convention

325. The Committee notes that the State party continues to deal with socio-economic problems related to the transition to a market economy, including the deterioration of living standards and unemployment. Furthermore, the Committee is aware that persisting traditional societal attitudes further hamper the enactment of new legislation and affect implementation of the Convention that has already been provided for in legislation and practices.

326. The Committee notes, in addition, the occurrence of natural disasters, including, in particular, the 2002 severe flooding, which has had a serious social, economic and environmental impact on vulnerable children.

D. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation

Committee's previous recommendations

327. The Committee regrets that some of its recommendations in the previous concluding observations (CRC/C/15/Add.81) have been insufficiently addressed, inter alia the reservation to article 7, paragraph 1, of the Convention (ibid., para. 26); development of a comprehensive policy on children (ibid., para. 27); development of awareness-raising campaigns aimed at reducing discriminatory practices against the Roma population (ibid., para. 32); comprehensive reform of the system of juvenile justice (ibid., para. 41). The Committee notes that those recommendations are reiterated in the present document.

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

Reservations and declarations

329. The Committee regrets that the State party has not withdrawn its reservation to article 7, paragraph 1, of the Convention. Based on the dialogue, it is the Committee's understanding that the civil registration of irreversible adoption does not necessarily mean that the adopted child has no possibility of knowing his or her (biological) parents.

330. The Committee therefore recommends that the State party reconsider its position and withdraw its reservation.

Legislation and implementation

331. The Committee notes that many positive steps have been taken to bring legislation into conformity with the Convention, but remains concerned at the lengthy process of legislative reform necessary to make the laws fully compatible with the Convention. The Committee is also concerned at the lack of financing for the implementation of legislation.

332. **The Committee recommends that the State party expedite and complete effectively the process of legislative review and strengthen implementation and enforcement of new legislation by providing resources and training for the implementation of all legislation relevant to the Convention.**

Coordination

333. The Committee notes that a Committee on the Rights of the Child has been set up within the Council for Human Rights of the Government of the Czech Republic established in 1999, but nevertheless remains concerned at the lack of a central adequately mandated and resourced coordination mechanism for all issues relating to the implementation of the Convention.

334. **The Committee recommends that the State party establish or appoint a single permanent body, which is adequately mandated and resourced, to coordinate implementation of the Convention at the national level, including by effectively coordinating activities between central and local authorities and cooperating with NGOs and other sectors of civil society.**

National plan of action

335. The Committee welcomes the approval of the principles of the State policy for the young generation until 2002, and notes that relevant ministries are responsible for specific areas of evaluation, promotion and protection of the rights of the child. The Committee regrets that a comprehensive rights-based national plan of action addressing all principles and provisions of the Convention has not yet been elaborated.

336. **The Committee encourages the State party to develop a coherent and comprehensive rights-based national plan of action with shared responsibilities, clear priorities, a timetable and preliminary estimates of the resources required to implement the Convention at the central, regional and local levels, in cooperation with civil society.**

Independent monitoring structures

337. The Committee welcomes the nomination of the Public Defender in 2000 and his report to the Committee. Furthermore, the Committee notes that the mandate of the Public Defender is limited to action or inaction on the part of the public sector and thus does not fully cover all implementation aspects of the Convention.

338. **The Committee recommends that the State party take full account of the Committee's general comment No. 2 on the role of national human rights institutions and establish an independent body to monitor the implementation of the Convention, including the investigation of individual complaints by children in a child-sensitive manner. This**

may be done by broadening the mandate of the Public Defender and providing him with the necessary human and other resources, or by establishing a separate independent children's commissioner or ombudsperson.

Resource allocation

339. The Committee regrets the lack of adequate information on the State, regional and local budget allocations for technical and human resources for the implementation of the rights of children.

340. **The Committee recommends that the State party implement article 4 of the Convention in the light of articles 3 and 6 in such a way that the proportions of the State budget that are allocated for the implementation of all rights, and to the maximum extent of all resources available for the economic, social and cultural rights of children, are easily identifiable and presented in a transparent way. The Committee further encourages the State party to clearly state on a yearly basis its priorities with respect to child rights issues and to identify the amount and proportion of the budget spent on children, and especially on marginalized groups, at the national and local levels, in order to make possible an evaluation of the impact of expenditures on children and their effective utilization.**

Data

341. The Committee expresses its concern that data collected by the various ministries is not sufficiently developed and disaggregated for all areas covered by the Convention (e.g. vulnerable and disadvantaged groups). It further notes that data on children are not used in an adequate manner to assess progress as a basis for policy-making in the field of children's rights.

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

(a) **To strengthen and centralize its mechanism for integrating and analysing systematically disaggregated data on all children under 18 for all areas covered by the Convention, with special emphasis on the most vulnerable groups, including children belonging to minority groups; children of economically disadvantaged households; children living in rural areas; children in institutions; children with disabilities and children in need of special protection, e.g. street children; working children; children used for prostitution and trafficked children;**

(b) **To use these indicators and data effectively in formulating and evaluating legislation, policies and programmes for the implementation of, resource allocation for and monitoring of the Convention.**

Dissemination/training

343. While noting the initiatives of the State party to promote awareness of the rights set forth in the principles and provisions of the Convention, the Committee is concerned that politicians and all groups of professionals working with and for children, as well as children, parents and the public at large, are still not sufficiently aware of the Convention and the rights-based approach enshrined therein.

344. **The Committee recommends that the State party strengthen its awareness-raising efforts and encourages the State party to provide systematic training and education in the rights and the principles and provisions of the Convention to, among others, professionals working with and for children and vocational schools.**

Cooperation with NGOs

345. The Committee welcomes the transfer to regional offices of all decision-making related to the issuance of authorizations to NGOs as service providers aimed at offering greater support to this sector, and encourages further strengthening of relations and cooperation between the Government and civil society. The Committee remains concerned that insufficient efforts have been made to involve civil society in the implementation of the Convention following a rights-based approach.

346. **The Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention, including with respect to civil rights and freedoms, and welcomes closer cooperation with NGOs. The Committee, in particular, urges the State party to involve more systematically and to support NGOs, especially rights-based ones, and other sectors of civil society working with and for children, at all stages of the implementation of the Convention.**

2. Definition of the child

347. The Committee welcomes the amendment to section 216b of the Criminal Code concerning the deletion from the text of the words “unless such person has attained majority earlier” in the definition of the child as a person younger than 18 years of age. However, the Committee is concerned at the information received on the ongoing debate on the juvenile justice reform in the State party intended to lower the age of criminal responsibility.

348. **In the spirit of the Convention, especially with reference to articles 3 (best interests of the child) and 12 (right to life, survival and development), the Committee urges the State party to retain the present age of criminal responsibility of 15 years.**

3. General principles

Non-discrimination

349. The Committee welcomes the Method Instruction of the Ministry of Education, Youth and Sports on education against expressions of racism, xenophobia and intolerance. The Committee also notes the numerous initiatives of the State party to counter discrimination in education, in particular against children belonging to the Roma minority, including the adoption of legislation to counter discrimination in employment (Act No. 167/1999 Coll.). However, the Committee is concerned that the provisions of article 2 are not yet integrated into all relevant legislation and thus not sufficiently implemented. The Committee reiterates also the concerns expressed by the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.76, paras. 12 and 23) and the Human Rights Committee (CCPR/CO/72/CZE, paras. 8-11) and remains concerned at the persistence of de facto discrimination against minorities, in particular the Roma and other vulnerable groups.

350. **The Committee recommends that the State party continue and strengthen its legislative efforts to fully integrate the right to non-discrimination (article 2 of the Convention) into all relevant legislation concerning children and to ensure that this right is effectively applied in all political, judicial and administrative decisions and in projects, programmes and services which have an impact on all children, including non-citizen children and children belonging to minority groups, such as the Roma. The Committee further recommends that the State party continue to carry out comprehensive public education campaigns and undertake all necessary proactive measures to prevent and combat negative societal attitudes.**

351. **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 Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in 2001, taking account of the Committee's general comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).**

Best interests of the child

352. While noting that the principle of the “interest and welfare” of the child is contained in the Act on the Family and in the Law on Social and Legal Protection of Children, the Committee is concerned that the principle of primary consideration for the best interests of the child is still not adequately defined and reflected in all legislation, court decisions and policies affecting children. Furthermore, the Committee is concerned that there are insufficient research and training for professionals in this respect.

353. **The Committee, in line with its previous recommendations (CRC/C/15/Add.81, para. 30), recommends that the principle of the best interests of the child in article 3 be appropriately analysed with regard to various situations (such as separation from parents, review of placement) involving the child or groups of children (e.g. minorities) and integrated into all revisions to legislation concerning children and legal procedures in courts, as well as into judicial and administrative decisions and into projects, programmes and services which have an impact on children. The Committee encourages the State party to ensure that research and educational programmes for professionals dealing with children are reinforced and that article 3 of the Convention is fully understood and that this principle is effectively implemented.**

The right to life, survival and development

354. The Committee is encouraged by the decline in infant mortality rates in the State party, but remains concerned at the high rate of accidents, including injuries, poisoning and traffic accidents. Furthermore, it is concerned that the suicide rate is relatively high despite the declining trend.

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

(a) **Strengthen efforts to raise awareness about, and undertake public information campaigns in relation to, accident prevention;**

(b) Study the possible causes of suicide among youths and the characteristics of those who appear to be most at risk, and take steps to put into place additional support and interventional programmes which would reduce this tragic phenomenon.

Respect for the views of the child

356. The Committee welcomes the amendment to the Civil Procedure Code, including the information by the State party referring to the regulation of the respect for the child's views in the Act on Social and Legal Protection of Children and by amendment to the Act on the Family. The Committee is concerned that children's participation in other areas, such as school and institutions, is not regulated by legislation or sufficiently observed in practice. Furthermore, the Committee is concerned that awareness of these provisions is quite low, thus contributing to weak observance.

357. The Committee recommends that the State party introduce a comprehensive legal provision establishing the right of the child to participate that would be applicable to courts, administrative bodies, institutions, schools, childcare institutions and families in matters affecting children, and guarantee the right to appeal the decisions, in accordance with article 12 of the Convention. Awareness-raising and educational programmes on the implementation of these principles should be reinforced in order to change traditional perceptions of children as objects rather than subjects of rights.

4. Civil rights and freedoms

Name and nationality

358. The Committee welcomes the amendment to the Citizenship Law, adopted in September 1999, which was aimed at resolving the problems of statelessness that had disproportionately affected the Roma population, including children.

359. The Committee recommends that the State party:

(a) Expedite the procedure of acquiring citizenship and ensure its effective implementation at the local level;

(b) Accede to the Convention relating to the Status of Stateless Persons of 1954.

Violence/abuse/maltreatment

360. The Committee notes the efforts of the State party aimed at increasing the protection of children from various forms of abuse and neglect, including sexual abuse, such as the amendment to the Act on Misdemeanours (Law No. 360/1999 Coll.), and welcomes the significant efforts by NGOs in this respect. However, the Committee is concerned at the ill-treatment and abuse committed against children in the family, the school and other institutions as well as by public officials in the streets and in places of detention, particularly in the context of a form of popular justice for an alleged crime such as theft. The Committee is further concerned that certain groups of children, such as Roma, are specifically targeted, and that a very

small portion of reported cases of suspicion of abuse and neglect are investigated. It is also concerned at the lack of an integrated system of services and that problems of child abuse and neglect are often solely addressed in an ad hoc manner by NGOs. Furthermore, as noted by the Committee on the Elimination of Discrimination against Women (CEDAW), domestic violence is prevalent and is not specifically addressed in legislation, awareness among professionals and the public is low and support for victims is insufficient.

361. The Committee is concerned that there is no legislation explicitly prohibiting corporal punishment, and that it is practised in the family, in schools and in other public institutions, including alternative care contexts.

362. **The Committee recommends that the State party take action to address ill-treatment and abuse committed against children in the family, in schools, in the streets, in institutions and in places of detention through, inter alia:**

- (a) Enacting legislation to adequately protect minorities from racially motivated attacks;**
- (b) Ensuring that allegations of ill-treatment by the police and police misconduct are promptly, thoroughly and impartially investigated by an independent authority and that those responsible are identified and brought before a competent tribunal that will apply sanctions provided for by the law;**
- (c) Developing an effective system for the reporting and investigation of cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, within a child-sensitive inquiry and judicial procedure, avoiding repeatedly interviewing child victims of abuse, in order to ensure better protection of child victims, including the protection of their right to privacy;**
- (d) Adopting and implementing effectively adequate multidisciplinary measures and policies, including public campaigns, to prevent and address cases of child abuse and neglect and contribute to changing attitudes;**
- (e) Implementing training programmes to promote respect for children belonging to minority groups, in particular Roma children, and monitoring the treatment of children in both basic and special schools in order to ensure the protection of the physical and psychological integrity of all children while in the care of school officials;**
- (f) Taking all the necessary steps to enact legislation prohibiting the use of corporal punishment in schools, institutions, in the family and in any other context;**
- (g) Making use of legislative and administrative measures, as well as public education initiatives, to end the use of corporal punishment and ensure that this is adhered to;**
- (h) Taking measures for the physical and psychological recovery and social reintegration of victims of rape, abuse, neglect, ill-treatment and violence, including by providing counselling, care, recovery and reintegration programmes for victims as well as perpetrators, in accordance with article 39 of the Convention;**

(i) **Taking into account the Committee's recommendations adopted at its day of general discussion on "Violence against children within the family and in schools" (CRC/C/111).**

5. Family environment and alternative care

Family environment

363. The Committee welcomes the information on the Policy Statement on measures to be taken relating to child and family welfare and on the preparation of a national programme of support to families with children. The Committee is concerned at the insufficient assistance and guidance given to parents in their child-rearing responsibilities for the upbringing and development of the child (art. 18), resulting in numerous cases of custody procedures or in alternative care in institutions. The Committee is further concerned that preventive efforts and family counselling are inadequate and that placement in an institution may be a solution to social problems and crisis situations in the family.

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

(a) **Urgently improve professional support and counselling for families by ensuring the availability of qualified staff and resources and that children are able to maintain contact with both parents, in accordance with articles 3, 6 and 12 of the Convention;**

(b) **Undertake a comprehensive review of all legislation, policies and administrative decisions related to children within the family in order to assess their impact on the family as a whole with a view to the adoption of a family policy. The Committee further encourages the State party to adopt a family policy including a minimum of social security for the child and the family, housing and social services, provision for managing both parents' work and their childcare responsibilities, women's and single parents' status, child maintenance, maternity and paternity leave and other family-related issues;**

(c) **Adopt and implement international and domestic legislation to address these concerns, including the 1973 Hague Convention on the Law Applicable to Maintenance Obligations.**

Alternative care

365. The Committee notes the adoption of the Act of Residential Care in 2002, but is concerned that it has not addressed the full range of rights covered by the Convention. The Committee also notes that children may be placed in institutions under the jurisdiction of three different ministries and that a court may order reformative (preventive) upbringing of a child below the age of 15, which means in practice that such a child will be placed in the same institution as juvenile delinquents. The Committee welcomes the policy of deinstitutionalization,

but remains deeply concerned at the increasing number of children placed in institutions by preliminary injunction and at the frequent use of this special measure, which can be revoked only after a lengthy and complex procedure. Furthermore, the Committee is concerned that the general principles of the Convention are not always observed in such situations and that:

(a) Institutional responses to providing assistance to children in difficulty are predominantly used and a disproportionately large number of children are placed in a residential institutional care environment;

(b) Temporary measures may be extended for lengthy periods and that there are no regulations for review of placement;

(c) Children are often placed at significant distances from parents, who, in turn, may not be aware of their visiting rights; punitive measures such as limitation of phone calls or meetings with parents may also be used;

(d) Contacts with parents are sometimes made conditional upon the behaviour of children in care;

(e) The conditions and treatment of children in some institutions may not be provided in a manner consistent with the evolving capacities of the child and the obligation to ensure his or her survival and development to the maximum extent possible;

(f) Institutions are large and an individual approach to each child is lacking, child participation is minimal, and treatment in some institutions (such as diagnostic institutions) may have undesirable effects.

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

(a) **Establish or strengthen, at the local level, the mechanism for alternative care within the system of social welfare and take effective measures to facilitate, increase and strengthen foster care, family-type foster homes and other family-based alternative care and correspondingly decrease institutional care as a form of alternative care;**

(b) **Take effective measures to strengthen preventive efforts aimed at reducing the number of children deprived of a family environment due to social problems or in other crisis situations, and ensure that placement in an institution is for the shortest time possible, subject to regular review in accordance with article 25;**

(c) **Ensure that issuance of preliminary orders by courts is used as a temporary measure and that the best interests of the child remain a primary consideration;**

(d) **Ensure that children under 15 years of age are not placed in the same institutions as juvenile delinquents, in conformity with the principles and provisions of the Convention;**

(e) **Take all necessary measures to improve conditions in institutions, in accordance with article 3 of the Convention, and increase the participation of children;**

(f) Provide support and training for personnel in institutions, including social workers;

(g) Provide adequate follow-up and reintegration support and services for children leaving institutional care.

6. Basic health and welfare

367. The Committee is encouraged by the decline in the infant mortality rate. However, the Committee is deeply concerned that the present economic situation in the health sector does not allow for compulsory preventive medical check-ups of children from birth to the age of 3 to be covered by public health insurance. Furthermore, the Committee regrets the insufficient information provided following the Committee's previous recommendation (CRC/C/15/Add.81, para. 38) to undertake research on the possible effects of environmental pollution on the health of children.

368. The Committee recommends that the State party urgently:

(a) Define sustainable financing mechanisms for the primary health-care system and an effective utilization of resources, including adequate salaries for child health-care professionals, in order to ensure that all children, in particular children from the most marginalized vulnerable groups, have access to free basic health care of good quality;

(b) Undertake comprehensive research on the possible effects of environmental pollution on the health of children with a view to effectively addressing this problem.

Children with disabilities

369. The Committee welcomes information on the national plan to equalize opportunities for citizens with medical disabilities and is encouraged by the growing number of children with disabilities who are integrated into mainstream education; however, the Committee is concerned that:

(a) The previous recommendation of the Committee (ibid., para. 37) has been insufficiently addressed and that institutionalization of children with disabilities remains high. The Committee notes the concern expressed by the Committee on Economic, Social and Cultural Rights at the inadequacy of measures to ensure a decent life for persons with disabilities, including the mentally ill (E/C.12/1/Add.76, para. 20);

(b) Most public assistance activities are carried out by NGOs without significant support from the State party.

370. The Committee recommends that the State party:

(a) Implement measures to provide an alternative to the institutionalization of disabled children;

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

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

Adolescent health

371. The Committee reiterates the concerns expressed by the Committee on Economic Social and Cultural Rights (E/C.12/1/Add.76, paras. 21 and 41) at tobacco smoking, drug abuse and alcohol consumption, as well as at the decreasing but still high number of teenage pregnancies and abortions.

372. The Committee recommends that the State party undertake further measures, including through the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular as regards reproductive health and substance abuse, and to develop youth-sensitive and confidential counselling, care and rehabilitation facilities that are accessible without parental consent when this is in the best interests of the child.

Social security and standard of living

373. The Committee notes that new financial benefits were introduced in 1995 under Act No. 117/1995 Coll. regulating contributions and additional social care payments and that the Elimination of Poverty and Social Exclusion Strategy is being implemented. However, the Committee shares the concerns of the Committee on Economic, Social and Cultural Rights (ibid., para. 10) that the inadequacy of the social safety nets during the restructuring and privatization process has negatively affected the enjoyment of economic, social and cultural rights, disproportionately affecting the most disadvantaged and marginalized groups.

374. The Committee recommends that the State party ensure that the provisions of the Convention are taken into account in the privatization process and that all children residing on the territory of the State party equally enjoy social benefits.

7. Education, leisure and cultural activities

375. The Committee welcomes the efforts of the Government aimed at developing post-secondary education, making it more accessible, ensuring education for minority groups and integrating children with disabilities into mainstream education. The Committee welcomes the secondary school for Roma children established on the initiative of the Roma people themselves. However, the Committee is concerned that the implementation of the reform of the education

system remains insufficient and that in-service teacher training in this respect is lacking. The Committee is further concerned that Roma children continue to be over-represented in so-called “special schools” and at the discrimination in access to education of illegal migrants and refugees who are denied asylum.

376. **Noting the State party’s efforts in this domain, the Committee recommends that the State party:**

(a) Ensure the availability and accessibility of free primary education for all children in the State party, giving particular attention to providing children in rural communities, children from Roma and other minorities, as well as children from disadvantaged backgrounds such as refugees and illegal migrants, particularly unaccompanied minors, good quality education, including in their own language;

(b) Continue to strengthen its efforts to professionalize the pre-school assessment of children and avoid, as much as possible, assigning children of Roma origin or other children belonging to disadvantaged groups to special schools;

(c) Implement educational reforms with sufficient preparation and support schools in this regard with extra funding and teacher training, and establish a process for quality evaluation of the new programmes;

(d) Promote quality education in the whole country in order to achieve the goals mentioned in article 29, paragraph 1, of the Convention and the Committee’s general comment No. 1 on the aims of education, and ensure that human rights education, including in children’s rights, are included in the school curricula.

8. Special protection measures

Refugee and internally displaced children

377. The Committee notes that the number of refugees and asylum-seekers is steadily increasing and welcomes the ongoing efforts of the State party to provide for the special needs of these persons and the systematic recording of information on unaccompanied minors since 1998. The Committee welcomes the ratification by the State party of the Convention on the Reduction of Statelessness of 1961 and notes the intention of the Government to ratify the Convention relating to the Status of Stateless Persons of 1954. It also recognizes the cooperation with the Office of the United Nations High Commissioner for Human Rights (UNHCR) in the drafting process of the new Foster Care Law defining modalities of education and accommodation for foreigners who are also unaccompanied minors. However, the Committee remains concerned that:

(a) Special care and protection are not accorded to all asylum-seekers, particularly those in the 15-18 age group and that children aged under 15 may be placed in diagnostic institutions which are not equipped to provide the special care these children require;

(b) Children may be placed in detention facilities for foreigners for prolonged periods;

(c) Compulsory school attendance is not always observed.

378. The Committee recommends that the State party:

(a) **Guarantee special protection and care to all child asylum-seekers with respect to their special needs, including those in the 15-18 age group;**

(b) **Avoid any form of detention of asylum-seekers under 18 years of age;**

(c) **Facilitate access of children to legal and psychological assistance, including by enabling contact with NGOs offering such assistance;**

(d) **Pursue implementation of the new foster care modalities contained in the 2002 legislation.**

Economic exploitation

379. The Committee welcomes the ratification by the State party of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The Committee notes with concern that ILO Convention No. 138 remains unratified, that there are no programmes or activities for the prevention and protection of children against economic exploitation, and that statistical data are lacking. Furthermore, the Committee is concerned that many children, including those under 15 years of age and as young as 7 years, perform regular labour in agriculture, family enterprises and as models.

380. The Committee recommends that the State party:

(a) **Undertake a study on the causes and extent of child labour with the aim of preventing and improving the situation of child labour;**

(b) **Continue efforts to protect all children from economic exploitation through the establishment of an effective mechanism for inspection;**

(c) **Protect all children above 15 years from performing any work that is likely to be hazardous, to interfere with the child's education, or to be harmful to the child's health or physical, mental or social development;**

(d) **Make every effort to ensure that those children above 15 who do work legally continue to have access to education;**

(e) **Ratify ILO Convention No. 138 concerning the Minimum Age for Admission to Employment.**

Sexual exploitation and trafficking

381. The Committee welcomes:

(a) The establishment in the spring of 2002 of a trilateral Czech-German-Polish working group to address, inter alia, trafficking in human beings, in particular the sexual exploitation of children for prostitution occurring in these areas;

(b) The information contained in the State party's report (paras. 334 and 335) on social, preventive and resocialization programmes for victims of sexual exploitation, as well as the adoption in July 2000 of the National Plan to Fight Commercial Sexual Abuse of Children and amendments to the Criminal Code and Code of Criminal Procedure made in 2002;

(c) The significant work done by NGOs in this field.

382. The Committee remains concerned at:

(a) Reports of increased instances of sexual abuse of children and the low rate of reporting such crimes;

(b) The lack of a comprehensive system of protection and assistance by qualified professionals to all child victims of sexual abuse and of commercial sexual exploitation;

(c) The lack of follow-up to the recommendations from the 1997 visit of the Special Rapporteur on the sale of children, child prostitution and child pornography;

(d) The lengthy duration of investigations into child trafficking;

(e) The failure to date to ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

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

(a) **Increase protection provided to victims of sexual exploitation and trafficking, including prevention, social reintegration, access to health care and psychological assistance, in a coordinated manner, including by enhancing cooperation with NGOs;**

(b) **Ensure that a confidential, accessible and child-sensitive mechanism is established to receive and effectively address individual complaints of all children, including those in the 15-18 age group;**

(c) **Implement outstanding recommendations of the Special Rapporteur on the sale of children, child prostitution and child pornography, inter alia those related to the cross-border trafficking problem;**

(d) **Sensitize professionals and the general public to the problems of sexually abused children through education, including media campaigns;**

(e) Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

Street children

384. The Committee is concerned that there is a growing number of children living on the street in urban areas vulnerable to, inter alia, sexual abuse, violence, including from the police, exploitation, lack of access to education, substance abuse, sexually transmitted diseases, HIV/AIDS and malnutrition. Furthermore, the Committee notes that the primary response to the situation of these children, as described by the State party in its report, is institutionalization.

385. The Committee recommends that the State party:

(a) Strengthen its efforts to identify the numbers of street children with the aim of preventing and reducing this phenomenon in the best interest of these children and with their participation;

(b) Make additional efforts to provide protection to children living on the street and to ensure their access to education and health services;

(c) Strengthen efforts to assist children in leaving the street, placing greater emphasis on alternatives to institutionalization;

(d) Continue to support NGOs to assist these children;

(e) Strengthen the support and assistance to families in this respect.

Juvenile justice

386. The Committee notes the information provided in the State party's report (para. 293) related to discussions by the Recodification Commission on the non-existence of a juvenile justice system leading to treatment which may not be in conformity with the provisions and principles of the Convention, and welcomes the information provided by the delegation that a bill for juvenile justice reform will be submitted to parliament soon. At the same time the Committee is concerned at the rise in delinquency and crimes committed by children.

387. The Committee recommends that the State party:

(a) Establish a juvenile justice system, including juvenile courts, to ensure the full implementation of juvenile justice standards, in particular articles 37, 40 and 39 of the Convention, as well the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines);

(b) Clarify the minimum age of criminal responsibility in the light of the legal provisions authorizing protective custody for children under the age of 12;

- (c) Develop child-oriented proceedings for adjudicating cases involving children in conflict with the law, including specialized training for judges as well as all other personnel;**
- (d) Ensure that all acts of violence by the police towards minors are ended, including through the prosecution of police officers guilty of such acts;**
- (e) Ensure that no children are detained illegally and that when detention is necessary as a measure of last resort, that persons under 18 are detained separately from adults;**
- (f) Develop mechanisms and provide adequate resources.**

Children belonging to minority groups

388. The Committee welcomes the implementation of strategies aimed at promoting Roma children's rights to health-care services and inclusion in education. The Committee also welcomes Roma NGO participation in promoting the rights of their children. However, it remains concerned at the negative attitudes and prejudices among the general public, media representations, incidents of police brutality and discriminatory behaviour on the part of some persons working with and for children, including teachers and doctors.

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

- (a) Initiate campaigns, at all levels and in all regions, aimed at addressing the negative attitudes towards Roma in society at large, and in particular among authorities such as the police and professionals providing health care, education and other social services;**
- (b) Based on the evaluation of previous strategies, develop and implement a comprehensive proactive strategy for the improvement of access to primary health care, education and social welfare services, in cooperation with Roma NGO partners, and targeting the whole Roma child population;**
- (c) Develop curriculum resources for all schools, including in relation to Roma history and culture, in order to promote understanding, tolerance and respect for Roma in Czech society.**

9. Ratification of the two Optional Protocols

390. Welcoming the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Committee recommends that the State party ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

10. Dissemination of the report, written answers and concluding observations

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

11. Next report

392. In the light of the recommendation on reporting periodicity adopted by the Committee (see CRC/C/114 and CRC/C/124), 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 has regular opportunities to examine the progress made in the implementation of the Convention. The Committee recommends that the State party submit its next periodic report on 30 June 2008, 18 months before the date established under the Convention for the submission of the fourth periodic report, which is 31 December 2009. This report should combine the third and fourth periodic reports. The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.

Concluding observations: Haiti

393. The Committee considered the initial report of Haiti (CRC/C/51/Add.7), submitted on 3 April 2001, at its 854th and 855th meetings (CRC/C/SR.854 and 855), held on 27 January 2003, and at its 862nd meeting (CRC/C/SR.862), held on 31 January 2003, adopted the following concluding observations.

A. Introduction

394. The Committee notes with appreciation the submission of the State party's initial report. However, the written replies to its list of issues (CRC/C/RESP/18) only partly addressed the Committee's questions. The Committee appreciates the presence of a delegation, but regrets that it did not include anyone directly involved in the implementation of the Convention.

B. Positive aspects

395. The Committee welcomes:

- (a) The adoption of the 2001 Law prohibiting the use of corporal punishment within the family and in schools;
- (b) The establishment of the National Committee for the Education of Girls to enhance the enrolment of girls in education.

C. Factors and difficulties impeding the implementation of the Convention

396. The Committee acknowledges that the external debt, the devaluation of the gourde, the high unemployment rate, the unstable political situation and the limited availability of financial and skilled human resources have had a negative impact on social welfare and on the situation of children and have seriously impeded the full implementation of the Convention. The Committee also notes that the implementation of the Organization of American States resolutions and the return to political stability are essential prerequisites for overseas development assistance, which has been suspended.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Legislation

397. The Committee notes that a draft code on children is being prepared to harmonize existing legislation with the Convention, but remains concerned, nonetheless, that domestic legislation still does not fully reflect the principles and provisions of the Convention.

398. Committee encourages the State party to take all necessary measures to ensure that its domestic legislation conforms fully with the principles and provisions of the Convention. In this respect, the Committee recommends that the State party:

(a) Undertake all necessary steps to finalize the harmonization of existing legislation with the Convention;

(b) Adopt, as a matter of urgency, a comprehensive code on children that will reflect the general principles and provisions of the Convention;

(c) Ensure the implementation of its legislation.

Coordination

399. The Committee notes the establishment of an inter-ministerial commission (*Commission de réflexion*) in charge, inter alia, of coordinating the work of governmental bodies involved in the implementation of the Convention. However, the Committee is concerned that this Commission is not operational. In addition, the Committee notes that the Social Welfare and Research Institute (*Institut du bien-être social et de recherche, IBESR*) is a key institution in the implementation of the Convention, but remains concerned that this body is not fully operational due to limited human and financial resources.

400. The Committee recommends that the State party establish, as a matter of urgency, a body with a clear mandate to coordinate all activities related to the implementation of the Convention, and with the necessary powers and human and other resources to fulfil its mandate in an effective manner at the national, regional and local levels. The Committee further recommends that the State party take all necessary measures to allow the Social Welfare and Research Institute to carry out its functions at the national, regional and local levels.

National plan of action

401. Although the State party is developing some sectoral plans, e.g. in the area of health, the Committee is concerned at the lack of a comprehensive national strategy or plan of action for the implementation of the Convention.

402. **The Committee encourages the State party to develop a comprehensive national plan of action for the implementation of the Convention incorporating the objectives and goals of the outcome document A World Fit for Children of the special session of the General Assembly on children. In this regard, the State party should seek technical assistance from UNICEF and involve civil society in the preparation and implementation of such a national plan of action.**

Independent monitoring structures

403. The Committee notes the establishment of the Ombudsman Office (*Office de la Protection du Citoyen, OPC*), but regrets that this body is not fully operational and that there is no independent monitoring mechanism with a mandate that includes the power to receive and address individual complaints of violations of the rights of the child.

404. **The Committee encourages the State party to consider the establishment of an independent national human rights institution, taking into account the Committee's general comment No. 2 on national human rights institutions, to monitor and evaluate progress in the implementation of the Convention at the national and local levels. In addition, the Committee recommends that the institution be allocated adequate human and financial resources and that its mandate include the power to receive and investigate complaints of violations of child rights in a child-sensitive manner and to address them effectively. The Committee encourages the State party to seek technical assistance from, among others, OHCHR and UNICEF.**

Resources for children

405. The Committee notes the existence of the Economic and Social Programme 2001-2006, but expresses its concern at the limited budget allocations and resource mobilization for the social sector, in particular for those areas addressing the needs of the most vulnerable groups of children. In that regard, the Committee is concerned that insufficient attention has been paid to article 4 of the Convention regarding the implementation "to the maximum extent of ... available resources" of the economic, social and cultural rights of children.

406. **The Committee, while recognizing the difficult economic conditions, nevertheless recommends that the State party make every effort to implement the Economic and Social Programme 2001-2006 and to increase the proportion of the budget allocated to the realization of children's rights, inter alia by taking the necessary steps for a resumption of international aid programmes. In this context, the State party should ensure the provision of appropriate human and financial resources to children, in particular to the most vulnerable among them, and guarantee that the implementation of policies relating to children is given priority.**

Data collection

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

408. **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 urban and rural area. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable. It further encourages the State party to use these indicators and data in the formulation of policies and programmes for the effective implementation of the Convention. The Committee recommends that the State party seek technical assistance from, among others, UNICEF and UNDP.**

Civil society NGOs

409. NGOs play de facto an important role in awareness-raising and service provision in areas like health and education. Nevertheless, the Committee is concerned that the State party has not developed well-structured, systematic cooperation with NGOs and that it does not evaluate the activities of such organizations.

410. **The Committee recommends that the State party establish well-structured, systematic cooperation with NGOs in order to set clear minimum standards for their service-providing activities and make sure that those activities are given the necessary follow-up.**

Training/dissemination of the Convention

411. The Committee is aware of the measures undertaken to promote widespread awareness of the principles and provisions of the Convention. However, the Committee is of the opinion that these measures need to be strengthened. In this respect, the Committee is concerned at the lack of a systematic plan to introduce training and awareness among professional groups working for and with children.

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

(a) **Strengthen its efforts to disseminate the principles and provisions of the Convention as a measure to sensitize society to children's rights through social mobilization;**

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

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

2. Definition of the child

413. The Committee is concerned about the difference in the minimum legal age of marriage of girls (15 years) and boys (18 years).

414. **The Committee recommends that the State party raise the minimum legal age of marriage of girls to that of boys.**

3. General principles

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

416. **The Committee recommends that the State party appropriately integrate the general principles of the Convention, in particular the provisions of articles 2, 3, 6 and 12, in all relevant legislation concerning children and apply them in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on all children. These principles should guide planning and policy-making at every level, as well as actions taken by social and health welfare institutions, courts of law and administrative authorities.**

Non-discrimination

417. The Committee, while noting that discrimination is prohibited under the Constitution (art. 18) and that a Ministry for the Status of Women was established in 1994, remains nonetheless concerned by the persistence of discriminatory legal rules regarding children born out of wedlock. The Committee is further concerned at the de facto discrimination in the State party. In particular, the Committee is concerned at the disparities in the enjoyment of rights experienced by children belonging to the most vulnerable groups, such as girls, *restavek*, children from poor families, street children, children with disabilities and children living in rural areas.

418. **In the light of article 2 and other related articles of the Convention, the Committee recommends that the State party:**

(a) **Adopt, as a matter of priority, effective legal measures to stop discrimination against children born out of wedlock;**

(b) **Ensure through legislation that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination and prioritize and direct social services to children belonging to the most vulnerable groups through proactive and comprehensive policy measures;**

(c) **Ensure effective law enforcement, and launch comprehensive public information campaigns to prevent and combat all forms of discrimination, where needed within the framework of international cooperation.**

419. **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 Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking account of the Committee's general comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).**

Best interests of the child

420. The Committee is concerned that the principle of the best interests of the child is not fully recognized and implemented in the relevant legislation and in decisions relevant to children. The Committee is especially concerned that the existing legislation, as referred to in the State party's report (para. 51), allows parents to send their children to prison for a period of up to six months, without the involvement of a court or similar body, which constitutes a violation of article 37, paragraph (d), of the Convention. However, the Committee welcomes the information that this rule is rarely applied in practice.

421. **The Committee recommends that the State party ensure that the principle of the best interests of the child is reflected in all relevant legislation, policies, programmes and otherwise in the implementation of the Convention. The Committee particularly recommends that the State party abolish the rule of *correction paternelle*, which allows parents to place a child in prison.**

Respect for the views of the child

422. The Committee notes that the Decree of 12 December 1960 provides for the right of children to express themselves in the family; however, it is concerned that children's opinions are not given sufficient consideration and that respect for the views of the child remains limited within the family, at schools, in the courts and before administrative authorities and in the society at large.

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

4. Civil rights and freedoms

Birth registration

424. The Committee welcomes the 1995 decree which allows for late birth registration, but remains concerned at the large number of children whose birth is not being registered. The Committee is further concerned at the fees which parents have to pay for a birth certificate for their children.

425. **In the light of article 7 of the Convention, the Committee urges the State party to strengthen its efforts to ensure that all children are registered at birth, including through awareness-raising campaigns, to consider facilitating birth registration procedures, notably by eliminating fees and decentralizing the system, and to take measures to register those children who were not registered at birth.**

Right to identity

426. The Committee is concerned that children born out of wedlock are denied the right to know the identity of their father (article 306 of the Civil Code).

427. **In the light of article 7 of the Convention, the Committee recommends that the State party take the necessary measures, including the repeal of article 306 of the Civil Code, to ensure, as far as possible, respect for the child's right to know his or her parents' identities.**

Ill-treatment and other forms of violence

428. The Committee welcomes the Act prohibiting corporal punishment (August 2001) within the family and at schools, but remains concerned at the persistent practice of corporal punishment by parents or teachers and the ill-treatment of child domestics (*restaveks*). The Committee is further deeply concerned about instances of ill-treatment of street children by law enforcement officers.

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

(a) **Take all necessary measures for the effective implementation of the law prohibiting corporal punishment, in particular by making use of information and education campaigns to sensitize parents, teachers, other professionals working with children and the public at large to the harm caused by corporal punishment and to the importance of alternative, non-violent forms of discipline, as foreseen in article 28, paragraph 2, of the Convention;**

(b) **Investigate in an effective way reported cases of ill-treatment of children by law enforcement officers and ensure that alleged offenders are transferred from active duty or suspended while they are under investigation, dismissed and punished if convicted;**

(c) **Provide for the care, recovery and reintegration of child victims.**

5. Family environment and alternative care

Separation from parents

430. The Committee is particularly concerned about the high number of children who are separated from their parents. The Committee is further concerned at the fact that the views of the child are not taken into consideration when such a decision is taken and that the Social Welfare and Research Institute does not carry out a periodic review of placement of all children separated from their parents.

431. In the light of articles 9, 12, 20 and 25 of the Convention, the Committee recommends that the State party:

- (a) Ensure that a child shall not be separated from his or her parents against his/her will, unless such separation is in the best interests of the child and if it has been decided by a competent authority, subject to judicial review;**
- (b) Ensure that a child who is temporarily or permanently deprived of his or her family environment is entitled to special protection and assistance;**
- (c) Ensure that the child is given an opportunity to participate in the proceedings and that he or she can make his or her views known;**
- (d) Undertake all necessary efforts to allow the Institute for Social Welfare and Research to carry out a periodic review of placement of all children separated from their parents, whether in institutions or in foster families.**

Adoption

432. The Committee is concerned at the increase in intercountry adoptions without an adequate monitoring mechanism.

433. The Committee recommends that the State party:

- (a) Ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993;**
- (b) Undertake efforts to enhance its capacities to monitor intercountry adoptions so as to ensure full observance of article 21 and other relevant provisions of the Convention.**

Violence, abuse and neglect

434. The Committee is concerned at the high incidence of violence against and abuse of children within the family environment, including sexual abuse and neglect of children, and that insufficient efforts have been made to protect children. The Committee is particularly concerned at the very high rate of sexual abuse of girls (more than one third of women were said to have been sexually abused before the age of 15 years). In addition, the Committee is concerned at the lack of statistical data and a comprehensive plan of action, and the insufficient infrastructures.

435. In the light of articles 19 and 39 of the Convention, the Committee recommends that the State party:

- (a) Assess the scope, nature and causes of violence against children, in particular sexual violence against girls, with a view to adopting a comprehensive strategy and effective measures and policies and to changing attitudes;**

(b) Properly investigate cases of violence, through a child-sensitive judicial procedure, notably by giving appropriate weight to children's views in legal proceedings, and apply sanctions to perpetrators, with due regard given to guaranteeing the right of the child to privacy;

(c) Provide services for the physical and psychological recovery and social reintegration of girl victims of sexual abuses and any other child victims of abuse, neglect, ill-treatment, violence or exploitation, and take appropriate measures to prevent the criminalization and stigmatization of victims;

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

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

6. Basic health and welfare

436. The Committee welcomes the efforts undertaken by the State party in the area of basic health and welfare, such as the expanded programme of immunization, the participation in the Integrated Management of Childhood Illness and the Baby Friendly Hospital Initiative and the promotion of breastfeeding, but remains deeply concerned at the high infant, under-5 and maternal mortality rates and low life expectancy in the State party. The Committee also remains concerned that access to health services in the rural areas is limited, and that the survival and development of children in the State party continue to be threatened by early childhood and infectious diseases, diarrhoea and malnutrition. The Committee is further concerned at the poor state of sanitation and at the insufficient access to safe drinking water, especially in rural areas.

437. The Committee recommends that the State party, by, inter alia, implementing as soon as possible its National Health Plan:

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

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

(c) Continue its immunization campaigns and incorporate them into the Integrated Management of Childhood Illness;

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

(e) Pursue additional avenues for cooperation and assistance for the improvement of child health with, among others, WHO and UNICEF.

Adolescent health

438. The Committee is concerned that insufficient attention has been given to adolescent health issues, including developmental, mental and reproductive health concerns, and substance abuse. The Committee is also concerned at the particularly vulnerable situation of girls, given, for instance, the very high percentage of early pregnancies. In that respect, the Committee is particularly concerned at the high incidence of illegal abortions, with the inevitable attendant risks to health and life.

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

(a) **Undertake all necessary measures to formulate adequate adolescent health policies and programmes, paying particular attention to adolescent girls;**

(b) **Strengthen sexual and reproductive health education, mental health and adolescent-sensitive counselling services and make them accessible to adolescents.**

HIV/AIDS

440. The Committee notes the adoption of the HIV National Strategic Plan, but is extremely concerned at the high incidence and increasing prevalence of HIV/AIDS amongst adults and children, more particularly at the high incidence of children infected at birth and at the number of children orphaned by HIV/AIDS. The Committee is further concerned at the lack of knowledge among adolescents on how to prevent HIV/AIDS in spite of real efforts by the State party to raise awareness on this issue.

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

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

(b) **Urgently take measures to prevent mother-to-child transmission, inter alia by combining it with the activities to reduce maternal mortality, and take adequate measures to address the impact upon children of the HIV/AIDS-related deaths of parents, teachers and others, in terms of children's reduced access to family life, adoption, emotional care and education;**

(c) **Strengthen its efforts to raise awareness about HIV/AIDS among adolescents, particularly among those belonging to vulnerable groups;**

(d) **Seek further technical assistance from, among others, UNAIDS.**

Children with disabilities

442. The Committee notes that a colloquium held in 1999 adopted recommendations regarding children with disabilities to be implemented by the State party, but remains concerned at the absence of a comprehensive strategy for children with disabilities, at the lack of data and at the insufficient measures taken by the State party to ensure effective access of these children to

adequate health services, education and social services, and to facilitate their full inclusion in society. The Committee is also concerned about the small number of well-trained professionals working with and for children with disabilities.

443. The Committee recommends that the State party:

- (a) Develop a comprehensive strategy, including the necessary plans of action, for children with disabilities;**
- (b) Collect data on disabled children in order to review their situation in terms of their access to suitable health care, education services and employment opportunities;**
- (c) Take note of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and of the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339);**
- (d) Allocate adequate resources to strengthen services for children with disabilities, support their families and train professionals in the field;**
- (e) Seek assistance from, among others, UNICEF and WHO.**

7. Education, leisure and cultural activities

444. The Committee notes the adoption of the National Education and Training Plan and the establishment of a pilot committee for its implementation. The Committee further welcomes the increasing budget allocated to education, as well as the establishment of the National Committee for the Education of Girls. However, the Committee is concerned at the still low enrolment ratios, and the disparities in enrolment between girls and boys and between rural and urban areas. The Committee is further concerned at the very limited number of public schools and at the low quality of education reflected in the high repetition and drop-out rates, which are attributable mainly to the lack of appropriate training for teachers (paragraph 192 of the State party's report). The Committee is also concerned that pregnant girls are excluded from schools. Finally, the Committee is concerned that education is principally run by the private sector (*ibid.* para. 184), while supervision by the State through the National Partnership Commission is very limited.

445. In the light of articles 28 and 29 and other relevant provisions of the Convention, the Committee recommends that the State party:

- (a) Expedite effective implementation of the National Education and Training Plan;**
- (b) Continue its efforts to ensure that all children, especially girls, have equal access to educational opportunities, paying special attention to those living in rural and remote areas;**
- (c) Take the necessary measures to guarantee access to adapted and adequate curricula designed for vulnerable children like street children, *restaveks* and over-age children or adolescents;**

- (d) Take the necessary measures to identify the causes of the high repetition and drop-out rates in primary schools and take steps to redress the situation;**
- (e) Better monitor the school curricula and the quality of education in private schools;**
- (f) Introduce, strengthen and systematize human rights education, including the rights of the child, into school curricula, beginning in primary school;**
- (g) Provide teachers with adequate training;**
- (h) Review its policy to ensure leadership in the governance of the education sector, notably by widening the powers of the National Partnership Commission;**
- (i) Seek technical assistance from, among others, UNESCO and UNICEF.**

8. Special protection measures

Economic exploitation

446. The Committee is deeply concerned at the high number of under-age children who work long hours, which has a negative effect on their development and school attendance.

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

- (a) Strengthen the implementation of its labour laws and increase the number of labour inspectors;**
- (b) Ratify ILO Conventions Nos. 138 concerning the Minimum Age for Admission to Employment and 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;**
- (c) Seek technical assistance from, among others, ILO.**

448. The Committee is deeply concerned at the situation of child domestic workers (*restaveks*), in particular at the low age (12 years), contained in article 341 of the Labour Code, at which children can be placed with families, taking into account that, in practice, even younger children are involved. The Committee notes with concern that these children, most of them girls, are forced to work long hours under harsh conditions and without being paid, and are subjected to ill-treatment and abuse, including sexual abuse.

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

- (a) Repeal article 341 of the Labour Code and ensure observance of a minimum age for employment of 15 years;**

(b) **Take all the necessary measures to prevent and end under-age employment through a comprehensive strategy, notably by holding debates and awareness campaigns, providing guidance and support to the most vulnerable families, and addressing the root causes of the phenomenon;**

(c) **Properly investigate cases of violence, through a child-sensitive judicial procedure, and apply sanctions to perpetrators;**

(d) **Ensure that *restaveks* are offered services for their physical and psychological recovery and social reintegration, including access to education.**

Street children

450. The Committee expresses its concern at the increasing number of street children and at the lack of a systematic and comprehensive strategy to address this situation and to provide these children with adequate protection and assistance. In addition, the Committee is concerned that these children are used for the perpetration of offences and that some of them have disappeared.

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

(a) **Ensure that street children are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development;**

(b) **Ensure that these children are provided with recovery and reintegration services for physical, sexual and substance abuse, and services for reconciliation with their families;**

(c) **Investigate the disappearances of street children;**

(d) **Develop a comprehensive strategy to address the increasingly large number of street children, with the aim of preventing and curbing this phenomenon.**

Trafficking of children

452. The Committee is deeply concerned at the high incidence of trafficking of children from Haiti to the Dominican Republic. The Committee is concerned that these children, once they are separated from their families, are forced to work or beg in the Dominican Republic.

453. The Committee recommends that the State party take all necessary measures to prevent the trafficking of Haitian children to the Dominican Republic. In particular, the Committee recommends that the State party conclude an agreement with the Dominican Republic for the repatriation of trafficked children to Haiti and for tightening border controls. The Committee recommends that the State party continue to seek assistance from, among others, UNICEF and the International Organization for Migration.

Children in conflict with the law

454. The Committee notes that the administration of juvenile justice is governed by the Act of 7 September 1961 and the Decree of 20 November 1961, but the Committee remains concerned that a juvenile justice system exists only in Cap Haitien and Port-au-Prince. The Committee is also concerned that children may stay a long time in pre-trial detention, at the failure to separate children from adults in places of detention (with the exception of the Fort National, in Port-au-Prince), about allegations of ill-treatment by law enforcement officers, and about the conditions of detention of minors. The Committee is further concerned at the very limited possibilities for the rehabilitation and reintegration of juveniles following judicial proceedings and at the sporadic training of judges, prosecutors and prison staff.

455. **The Committee recommends that the State party take the necessary steps to reform the legislation concerning the system of juvenile justice, in line with the Convention, in particular articles 37, 40 and 39, and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, and the Guidelines for Action on Children in the Criminal Justice System.**

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

(a) **Undertake all necessary measures to ensure that juvenile courts are established and trained juvenile judges appointed in all regions of the State party;**

(b) **Consider deprivation of liberty as a measure of last resort and for the shortest possible period of time, limit by law the length of pre-trial detention, and ensure that the lawfulness of this detention is reviewed by a judge without delay and regularly thereafter;**

(c) **Provide children with legal and other assistance at an early stage of the procedure;**

(d) **Provide children with basic services (e.g. schooling);**

(e) **Protect the rights of children deprived of their liberty and improve the conditions of detention and imprisonment, notably by establishing special prisons for children with conditions suitable to their age and their needs and by ensuring the availability of social services in all detention centres in the country, and in the meantime by ensuring that children are separated from adults in all prisons and pre-trial detention places throughout the country;**

(f) **Request technical assistance in the area of juvenile justice and police training from, among others, OHCHR and other members of the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.**

9. Optional Protocols

457. The Committee notes that the State party has signed but not ratified the two 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.

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

10. Dissemination of documents

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

11. Next report

460. **In the light of the recommendation on reporting periodicity adopted by the Committee at its twenty-ninth session (see 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 has regular opportunities to examine the progress made in the implementation of the Convention. In this regard, regular and timely reporting by States parties is crucial. As an exceptional measure, in order to help the State party catch up with its reporting obligations so as to be in full compliance with the Convention, the Committee invites the State party to submit its second and third periodic reports in one consolidated report by 7 July 2007, date on which the third report is due. The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.**

Concluding observations: Iceland

461. The Committee considered the second report of Iceland (CRC/C/83/Add.5), submitted on 27 April 2000, at its 856th and 857th meetings (CRC/C/SR.856 and 857), held on 28 January 2003 and at its 862nd (CRC/C/SR.862) meeting, held on 31 January 2003, adopted the following concluding observations.

A. Introduction

462. The Committee notes that the second report followed the Committee's guidelines for reporting, and appreciates the informative written replies which were submitted. The Committee also appreciates the presence of a high-level and cross-sectoral delegation which contributed to an open and frank dialogue on the implementation of the Convention in the State party.

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

463. The Committee notes with appreciation the follow-up measures taken by the State party pursuant to the previous recommendations. It further welcomes:

(a) The ratification of the Optional Protocols to the Convention on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography;

(b) The adoption of the 2002 Child Protection Act;

(c) The establishment of the Centre for Child Health;

(d) The adoption of the National Health Plan, which includes strategies for children aimed at addressing alcohol and tobacco consumption and improving the reach of psychiatric services, as well as reducing accident-related injuries and deaths.

C. Principal subjects of concern and recommendations

1. General measures of implementation

Declarations

464. The Committee notes the information provided by the delegation concerning steps being taken by the State party to comply fully with articles 9 and 37 of the Convention (namely the provisions in the 2002 Child Protection Act and a proposed law expected to be passed soon giving courts the sole power to decide in child protection cases; and the 1998 agreement between the Prison and Probation Administration and the Governmental Agency for Child Protection to allow prisoners under 18, at their request, to be detained in treatment homes under the supervision of the Agency). Nevertheless, the Committee regrets that the State party has not yet withdrawn its declaration on article 9. Moreover, it considers that the 1998 agreement falls short of a legal guarantee of separation from adults, as contained in article 37 (c) of the Convention.

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

(a) **Expedite the promulgation of legislation to ensure full compliance with article 9 of the Convention;**

(b) **Guarantee by law the separation of detained children and adults, in accordance with article 37 (c) of the Convention.**

Legislation

466. The Committee notes the information provided by the State party on the draft Act in Respect of Children, which concerns, among other things, the custody of children.

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

- (a) Continue to ensure that this and other laws concerning children, as well as administrative regulations, are based on human rights and are in conformity with the Convention;**
- (b) Ensure that adequate provision, including budgetary allocation, is made for the effective implementation of those laws and regulations;**
- (c) Consider the systematic use of child rights impact assessments in the formulation of laws, policies and budgets.**

Coordination

468. The Committee welcomes the State party's efforts to formulate a comprehensive, intersectoral national child rights policy. It further welcomes the requirements under the 2002 Child Protection Act for the submission of four-year action plans on child protection by the Ministry of Social Affairs, as well as by each municipal authority.

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

- (a) Consider giving the Committee established under the May 2001 parliamentary resolution a permanent mandate for intersectoral coordination in the implementation of the Convention, or establish another well-mandated and adequately resourced body for such a task;**
- (b) Continue to ensure that the preparation and implementation of the national plan on child rights, as well as those plans required under the 2002 Child Protection Act, are based on human rights and are undertaken through an open, consultative and participatory process;**
- (c) Continue to ensure that adequate resources to implement the plans are provided, especially at the municipal level (i.e. through the municipal equalization funds).**

Data

470. The Committee welcomes the statistical data provided in the written replies, and is encouraged by the State party's admission of the need to collect and analyse data on children in an organized manner.

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

- (a) To continue to collect statistics on all persons under 18 years for all areas covered by the Convention, including immigrant children;**
- (b) To continue to use these data to assess progress and design policies to implement the Convention;**

(c) **To consider compiling a comprehensive annual survey of statistics in this respect.**

Monitoring structures

472. The Committee welcomes the excellent work being undertaken by the Ombudsman for Children. However, it is concerned that the provision of resources by the State party is not commensurate with the Ombudsman's activities, including the increasing caseload of inquiries.

473. **The Committee recommends that the State party ensure that this institution has adequate human and financial resources to enable it to effectively carry out its mandate to monitor the implementation of the Convention.**

Resource allocation

474. The Committee notes the comprehensive and progressive allocation of resources at the central and municipal levels for the economic, social and cultural rights of children. However, it is of the opinion that greater efforts could be made in this regard.

475. **In accordance with article 4 of the Convention, the Committee encourages the State party to increase - to the maximum extent of available resources - the allocation of resources for the implementation of economic, social and cultural rights of children.**

International cooperation

476. The Committee notes with appreciation the State party's contributions and various child rights-related activities in the area of international cooperation. However, it notes that while overseas development assistance is increasing in absolute terms, it is not increasing relative to its gross domestic product (GDP).

477. **The Committee encourages the State party to continue and strengthen its activities in the area of international cooperation by, among other things, striving to achieve the United Nations target of 0.7 per cent of GDP for international development assistance.**

Training/dissemination of the Convention

478. The Committee welcomes the efforts made by the State party to disseminate the Convention (e.g. through "My rights" booklets and handbooks on the Convention for teachers).

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

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

(b) To develop systematic and ongoing training programmes on human rights, including children's rights, for all persons working for and with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, teachers and health personnel).

2. Definition of the child

480. Noting that in Icelandic legislation a child is defined as a person under 18 years (e.g. the 1997 Majority Act), the Committee is concerned that there are inconsistencies in this definition in other laws (e.g. child benefits are payable until age 16).

481. The Committee recommends that the State party review its legislation to ensure that age-limits in all existing legislation are consistent.

3. General principles

The right to non-discrimination

482. Owing to the growing number of people of foreign origin in Iceland, the Committee welcomes efforts by the State party to address their needs (e.g. through the adoption of the 2003 law on foreigners, the appointment of a special representative in the State police, publications on cultural tolerance for health professionals, and the establishment of an intercultural centre in Reykjavik). Nevertheless, it is concerned that further efforts need to be taken to proactively address issues of racism that may arise with the growing numbers of immigrants in Iceland.

483. The Committee recommends that the State party:

(a) Guarantee all children within its jurisdiction all the rights contained in the Convention, in accordance with article 2;

(b) Develop comprehensive and coordinated policies to address the developing phenomenon of immigration, including public information campaigns to promote tolerance, as well as monitor and collect data on racially motivated acts;

(c) Study the situation of immigrant children in the municipalities, especially in the school system, and the effectiveness of measures taken to facilitate their integration;

(d) Include in its next report measures and programmes relevant to the Convention undertaken by the State party to follow up on the Durban Declaration and Programme of Action, adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking account of general comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).

Best interests of the child

484. The Committee welcomes the incorporation of the principle of the best interests of the child into article 4 of the 2002 Child Protection Act.

485. The Committee recommends that the State party continue its efforts to fully incorporate article 3 of the Convention into all legislation and practice relevant to children.

Respect for the views of the child

486. The Committee welcomes the information that several structures have been set up in Iceland through which children can make their views known, including the YouthNet Parliament. Nevertheless, the Committee is concerned that children may not be provided with sufficient opportunities to contribute directly to policies that affect them (e.g. school governance, management of discipline, substance abuse prevention, relevant community planning issues), and that they are not adequately informed about how to contribute effectively, or how their input (e.g. resolutions of the YouthNet Parliament) will be taken into consideration.

487. The Committee recommends that the State party:

(a) Strengthen support for the YouthNet Parliament, including through the adequate provision of resources;

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

(c) Develop skills-training programmes in community settings for parents, teachers, social workers and local officials to teach them how to encourage children to express their informed views and opinions and to take those views into consideration (e.g. using the brochure “They who will inherit the land ... cannot be heard”).

4. Family environment and alternative care

Violence/abuse/neglect/maltreatment

488. The Committee welcomes the adoption of the 2002 Child Protection Act, which contains a comprehensive set of provisions to protect children from neglect and ill-treatment in the home. It also notes the establishment of Children’s House to treat sexually abused children.

489. The Committee recommends that the State party:

(a) Raise awareness among parents, other caretakers and the public at large of the prohibition of corporal punishment - including in the family - under existing legal provisions;

(b) Continue to strengthen and expand the coverage of the Children’s House concept throughout the State party;

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

(d) Allocate sufficient resources for the provision of care, recovery and reintegration of victims;

(e) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment, including with respect to interviewing techniques which are the least harmful to child victims of abuse.

Parental assistance

490. The Committee appreciates the State party's approach to a comprehensive policy in matters concerning support to families with children, as evident from the parliamentary resolution on an official family policy, the establishment of the Family Council, the adoption of the 2000 Equal Status and Equal Rights of Men and Women Act, and the Law on Paternity and Maternity of 2000. However, it is concerned that:

(a) Insufficient importance has been accorded to the formulation of family policies by municipalities because only a few have been formulated to date;

(b) Insufficient support is provided to single-parent families;

(c) Insufficient leave is afforded to parents with sick children;

(d) More generally, efforts in the area of parental assistance, including the impact of the Council's work, will be limited without adequate allocation of human and financial resources.

491. In accordance with the provisions of the Convention, particularly articles 18 and 27, the Committee recommends that the State party:

(a) Make greater efforts to encourage municipalities to formulate public family policies, ensuring that these are based on human rights, and that municipalities are provided with adequate resources to meet their objectives;

(b) Make greater efforts to strengthen support to single-parent families;

(c) Increase the available leave for parents with sick children;

(d) Ensure that the Family Council is provided with adequate resources to carry out its mandate effectively.

5. Basic health and welfare

Children with disabilities

492. The Committee welcomes the State party's policy of inclusion of children with disabilities and notes the recently adopted policy relating to chronically ill children, including provisions for health, social security, education and finance. It further notes the recent opening of a facility to care for children with long-term illnesses and for disabled children.

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

- (a) Increase support for families of disabled children;**
- (b) Continue to collect and analyse data on the enjoyment of rights by children with disabilities;**
- (c) Continue and strengthen its efforts to meet all the needs of children with disabilities.**

Adolescent health

494. The Committee welcomes the information that:

- (a) Some health centres in Iceland offer special services to adolescents, including in relation to substance abuse, sexually transmitted diseases, reproductive health information and mental health counselling;
- (b) The Director-General of Public Health has launched a programme for the prevention of suicides.

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

- (a) To strengthen efforts to expand access to health services, including through the educational system;**
- (b) To continue to study and assess the nature and extent of adolescent health problems and, with the full participation of adolescents, use this as a basis for formulating policies and programmes.**

6. Education

496. The Committee notes with appreciation the adoption of anti-bullying campaigns in many schools, as well as the inclusion of courses in life skills. However, it is concerned:

- (a) That the aims of education outlined in article 29 of the Convention (i.e. development and respect for human rights, tolerance and equality of the sexes and religious and ethnic minorities) are not explicitly part of the curricula throughout the State party;

(b) About the high drop-out rates of immigrant children, particularly at the secondary level.

497. The Committee recommends that the State party, taking into account the Committee's general comment No. 1 on the aims of education:

(a) **Explicitly include human rights education, including children's rights, in the curricula of all primary and secondary schools, particularly with regard to development and respect for human rights, tolerance and equality of the sexes and religious and ethnic minorities;**

(b) **Strengthen measures to address the problem of immigrant child dropouts.**

7. Special measures of protection

Sexual exploitation

498. The Committee welcomes information about a newly adopted law on child pornography (2000). It further welcomes the report of a government study on the extent of child prostitution and pornography, containing various recommendations. However, the Committee is concerned at the rather low age for sexual consent (14 years), which may not provide adequate protection for children older than 14 years against sexual exploitation.

499. The Committee recommends that the State party:

(a) **Take all necessary measures to implement promptly the recommendations contained in the government report referred to above;**

(b) **Take legislative measures to ensure that children older than 14 years are effectively protected from sexual exploitation;**

(c) **Formulate and implement a national plan of action to combat sexual exploitation, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.**

Administration of juvenile justice

500. The Committee notes that, apart from a few special measures (e.g. Regulation No. 395/1997 concerning the legal status of arrested persons and interrogations, and provisions in the amended Criminal Code of Procedure relating to the questioning of child victims of sexual crimes), there is no comprehensive system of juvenile justice in place in the State party.

501. The Committee recommends that the State party:

(a) **Establish a system of juvenile justice, including juvenile courts;**

(b) **Ensure that the criminal justice system fully integrates into its legislation and practice the provisions of the Convention, in particular articles 37, 39 and 40, as well as**

other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Guidelines for Action on Children in the Criminal Justice System.

8. Dissemination of the reports

502. In the light of article 44, paragraph 6, of the Convention, the Committee recommends that the report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations of the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within all levels of administration of the State party and the general public, including concerned NGOs.

9. Next report

503. In the light of the recommendation on reporting periodicity adopted by the Committee (see CRC/C/114 and CRC/C/124), and noting that the State party's third periodic report is due within two years after the consideration of its second report, the Committee invites the State party to submit a consolidated third and fourth periodic report on 26 May 2008 (i.e. 18 months before the date established in the Convention for the submission of the fourth periodic report).

IV. COOPERATION WITH UNITED NATIONS AND OTHER COMPETENT BODIES

504. During the meeting of the pre-sessional working group and the session itself, 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.

505. On 7 October 2002, the Committee met with Ms. Carol Bellamy, Executive Director of UNICEF, and her colleagues in order to discuss ways to enhance cooperation between both bodies. The main areas of cooperation discussed were: the reporting process under the Convention on the Rights of the Child; follow-up of the special session of the General Assembly on children (2002); general comments and days of general discussion.

506. On 9 October 2002, the Committee met with representatives of Catholics For A Free Choice, an NGO, which presented to the Committee a report entitled "The Holy See and the Convention on the Rights of the Child".

507. On 20 January 2003, the Committee met with Save the Children-UK. The NGO presented an internal study on the added values for the organization of the reporting process under the Convention on the Rights of the Child.

V. FUTURE DAY OF GENERAL DISCUSSION

508. At its 835th meeting, held on 13 January 2003, the Committee discussed a draft outline for its day of general discussion on “The rights of indigenous children” to be held on 20 September 2003. At its 860th meeting, on 30 January 2003, the Committee adopted the outline (see annex II).

VI. INFORMAL MEETING WITH STATES PARTIES

509. On 29 January 2003, the Committee held an informal meeting with States parties to the Convention on the Rights of the Child (858th meeting). Representatives of 75 States parties took part in an interactive dialogue with the Committee. The reporting process under the Convention, including under the two Optional Protocols, the implications of the increase of the membership of the Committee (from 10 to 18 experts) and the Secretary-General’s treaty body reform proposals (see A/57/387) were the main issues discussed.

VII. WORKING METHODS

510. At its 851st meeting, held on 23 January 2003, the Committee discussed its working methods in relation to overdue States parties’ reports. It decided to adopt a new recommendation aiming at providing guidance to States parties that would complement the one adopted at its twenty-ninth session (see CRC/C/114). At the same meeting, it also considered a second draft of new reporting guidelines for the submission of periodic reports under the Convention.

VIII. GENERAL COMMENTS

511. At its 842nd and 850th meetings, the Committee considered the draft general comment on “The minimum age for criminal responsibility”.

512. At its 846th meeting, on 21 January 2003, the Committee held a consultation with United Nations agencies and bodies, NGOs and individual experts on the draft general comment on “Adolescent health and development”. The Committee further discussed the general comment at its 860th meeting, on 30 January 2003.

513. At its 850th meeting, on 23 January 2003, the Committee considered the draft general comment on “HIV/AIDS and the rights of children”. The Committee adopted the general comment (see CRC/GC/2003/1) on 30 January 2002 (861st meeting).

IX. PROVISIONAL AGENDA FOR THE THIRTY-THIRD SESSION

514. The following is the draft provisional agenda for the thirty-third session of the Committee:

1. Adoption of the agenda.
2. Organizational matters.
3. Submission of reports by States parties.

4. Consideration of reports of States parties.
5. Cooperation with other United Nations bodies, specialized agencies and other competent bodies.
6. Methods of work of the Committee.
7. General comments.
8. Future meetings.
9. Other matters.

X. ADOPTION OF THE REPORT

515. At its 862nd meeting, held on 31 January 2003, the Committee considered the draft report on its thirty-second session. The report was adopted unanimously by the Committee.

ANNEXES

Annex I

MEMBERSHIP OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

<u>Name of member</u>	<u>Country of nationality</u>
Mr. Ibrahim Abdul Aziz AL-SHEDDI**	Saudi Arabia
Ms. Ghalia Mohd Bin Hamad AL-THANI**	Qatar
Ms. Saisuree CHUTIKUL**	Thailand
Mr. Luigi CITARELLA**	Italy
Mr. Jacob Egbert DOEK*	Netherlands
Ms. Moushira KHATTAB*	Egypt
Ms. Judith KARP*	Israel
Ms. Awa N'Deye OUEDRAOGO*	Burkina Faso
Ms. Marilia SARDENBERG**	Brazil
Ms. Elisabeth TIGERSTEDT-TÄHTELÄ*	Finland

* Term expires on 28 February 2003.

** Term expires on 28 February 2005.

Annex II

OUTLINE FOR THE DAY OF GENERAL DISCUSSION ON “THE RIGHTS OF INDIGENOUS CHILDREN” TO BE HELD ON 19 SEPTEMBER 2003

OUTLINE

The Committee on the Rights of the Child decided at its thirty-first session to devote its 2003 day of general discussion to the rights of indigenous children.^a

While the Convention on the Rights of the Child applies to all children equally, it is the first international human rights treaty to specifically identify indigenous children as a group of rights holders. According to article 30 of the Convention, an indigenous child “shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture to profess and practise his or her own religion, or to use his or her own language”. Articles 17 and 29 also explicitly refer to the rights of indigenous children with respect to information and education.

In 1993 the General Assembly proclaimed 1995-2004 as the International Decade of the World’s Indigenous People. The main objective of the Decade is to strengthen international cooperation for resolving problems faced by indigenous people in such areas as human rights, the environment, development, education and health. The Economic and Social Council, by resolution 2000/22, established the Permanent Forum on Indigenous Issues to serve as an advisory body to the Council, with a mandate to discuss indigenous issues relating to economic and social development, culture, the environment, education, health and human rights. At its first session in May 2002, the Permanent Forum suggested that the Committee on the Rights of the Child declare indigenous children as a theme for its annual discussion day (see E/2002/43 (Part I)). In July of the same year, the outcome document of the Third International Workshop on Indigenous Children and Youth, held in Geneva, supported the same proposal.

Themes for the day

In reviewing State party reports on the implementation of the Convention, the Committee has found that many of the concerns facing indigenous children revolve around the questions of non-discrimination and cultural specificity. The Committee systematically identifies indigenous children as a group which suffers from discrimination in relation to most rights enshrined in the Convention, and regularly calls on States to fulfil their right to enjoy their own culture. In that context, the Committee is particularly concerned at the various forms of violence that indigenous children may confront, both in the home and in society at large.

Non-discrimination (art. 2) is one of four general principles of the Convention, together with the best interests of the child (art. 3), the right to life, survival and development (art. 6) and respect for the views of the child (art. 12). Article 2 obliges States parties to prevent discrimination against indigenous children. At the same time, article 30 recognizes the cultural specificity of indigenous children and requires States parties to provide them with special protection in order to exercise all their rights and allow them to enjoy their own culture, language and religion.

The participants in the day of general discussion will be divided into two working groups based on two themes. At the same time, the Committee encourages participants to explore how indigenous children can participate directly in resolving these challenges facing their communities, particularly in light of articles 12 to 17 of the Convention.

Working group 1: non-discrimination

Broadly, this working group will examine the issue of discrimination against indigenous children in the enjoyment of their rights, and more specifically with regard to “law and public order”, including juvenile justice.

Racism and xenophobia, and discrimination in accessing services

Article 2 of the Convention states: “States parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.” In spite of this provision, racism, xenophobia and related intolerance continue to affect the lives of indigenous children. In addition, indigenous children are still affected by discrimination in the enjoyment of their rights such as access to health care, education or social services. The World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 1999, recognized that indigenous peoples are victims of discrimination and stressed the continuing need for action to overcome the persistent racism, racial discrimination, xenophobia and related intolerance that affect them. Discrimination against indigenous children can exist at the societal, legal and structural levels. In addition, indigenous girls can be victims of double discrimination based on race and gender.

“Law and public order”, including juvenile justice

One area of particular concern to the Committee in which both societal and structural discrimination manifest themselves is the nature of the contact of indigenous children with law enforcement officials^b or the justice system. The Committee is aware that in some countries indigenous children are disproportionately overrepresented in the juvenile justice system. In other countries, the Committee has come across reports which state that police violence is more likely to affect indigenous children, as they belong to one of the most vulnerable groups of the population.

Working group 2: cultural specificity

The Committee recognizes that, because of their cultural specificities, indigenous children face different challenges than other groups of children. In this regard, the Committee is particularly interested in the right to identity and the right to education.

Right to identity

Article 7 of the Convention requires States parties to register all children immediately after birth. Article 8 requires States parties to “respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful

interference”. The Committee pays special attention to the birth registration of indigenous children, who often have limited recourse to, and awareness of, birth registration procedures. At the same time, the Committee is aware of cases where birth registration systems are not always sensitive to indigenous specificities.

Right to education

According to the Committee’s general comment No. 1 on the aims of education, “the child’s right to education is not only a matter of access (art. 28) but also of content in order to empower children for the future. An education with its contents firmly rooted in the values of article 29 (1) is for every child an indispensable tool”. For the Committee, this means, on the one hand, that indigenous children have a right to an education directed to the development of respect for their own cultural identity, language and values. On the other hand, it also means that education for all children must “reflect the freedom and the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin”. These two aspects are not confined to the academic curriculum, but must extend to the school environment and beyond, including play and leisure activities.

Approach and objectives of the day

At the end of the session at which the day of general discussion has taken place, the Committee adopts a set of recommendations on how to improve implementation of the Convention in the area discussed. In adopting the recommendations, the Committee is guided by the discussions during the day and the written contributions. The recommendations, which are intended to provide pragmatic guidance, are aimed primarily at States parties but also at other relevant actors. In order to maximize the effectiveness of the recommendations, the Committee aims to maintain a specific focus for the discussion day. Therefore, the Committee has decided not to address issues already being dealt with by other United Nations mechanisms, including the Working Group on Indigenous Populations, the Permanent Forum on Indigenous Issues, and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, such as self-determination and land rights.

The rights of indigenous children are of particular relevance to a number of other United Nations mechanisms, specialized agencies and programmes and other international organizations, as well as NGOs. The objectives of the discussion will be to facilitate the exchange of information and of the experience accumulated by different stakeholders and thereby explore opportunities and challenges in implementing policies and programmes (including legislative and other measures) at the national and international levels to promote and protect the rights of indigenous children.

The discussion will contribute to the adoption of recommendations by the Committee on the area discussed and further help the Committee in addressing the rights of indigenous children through its monitoring functions. In allowing the Committee to benefit from the expertise of other agencies and organizations working directly in this field, those organizations will also enhance their understanding of how to contribute more effectively to the work of the Committee.

Participation in the day of general discussion

The day of general discussion is a public meeting at which representatives of Governments, United Nations bodies and specialized agencies, non-governmental organizations, including indigenous organizations and youth groups, and individual experts are welcome.

The meeting will be held during the thirty-fourth session of the Committee, at the Office of the High Commissioner for Human Rights (Palais Wilson, Geneva), on Friday, 19 September 2003.

The format of the day is intended to allow participants to engage in a frank and open dialogue; the Committee therefore asks participants to avoid making formal statements. The Committee invites written contributions on the issues and topics mentioned, within the framework outlined above. In particular, the Committee is interested in receiving information about best practices and child participation within the four subthemes. Contributions should be sent electronically to:

crc@ohchr.org

Secretariat, Committee on the Rights of the Child
Office of the High Commissioner for Human Rights, UNOG-OHCHR
CH-1211 Geneva 10
Switzerland

For more information on submission and registration, please see the guidelines posted on the Committee's web page at: <http://www.unhchr.ch/html/menu2/6/crc/>.

Notes

^a According to rule 75 of its provisional rules of procedure, the Committee on the Rights of the Child may devote one or more meetings of its regular sessions to a general discussion on one specific article of the Convention or related subject in order to enhance a deeper understanding of the content and implications of the Convention.

^b The Code of Conduct for Law Enforcement Officials (adopted by the General Assembly in resolution 34/169 of 17 December 1979) defines law enforcement officials, as "all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention ... In countries where police powers are exercised by military authorities, whether uniformed or not, or by State security forces, the definition of law enforcement officials shall be regarded as including officers of such services".
