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Thirty-first session
16 September-4 October 2002

REPORT ON THE THIRTY-FIRST SESSION

(Geneva, 16 September-4 October 2002)

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I. ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Convention

1. As at 4 October 2002, the closing date of the thirty-first 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 41 States parties and signed by 110 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 41 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 4 October 2002, 126 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); 127 notifications are needed (two thirds of States parties) in order for the amendment to enter into force.

B. Opening and duration of the session

5. The Committee on the Rights of the Child held its thirty-first session at the United Nations Office at Geneva from 16 September to 4 October 2002. The Committee held 29 meetings. An account of the Committee's deliberations at its thirty-first session is contained in the relevant summary records (see CRC/C/SR.805; 807-808; 811-818; 821-830; and 833).

C. Membership and attendance

6. All the members of the Committee attended the thirty-first 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. Ms. Marilia Sardenberg, Ms. Saisuree Chutikul, Mr. Luigi Citarella, Ms. Moushira Khattab and Ms. Awa N'Deye Ouedraogo 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 Service for Human Rights, World Federation of Methodist and Uniting Church Women, Save the Children Norway, 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 805th meeting, on 16 September 2002, the Committee adopted the following agenda on the basis of the provisional agenda (CRC/C/119):

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. Day of general discussion.
7. Methods of work of the Committee.
8. General comments.
9. Future meetings.
10. 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 10 to 14 June 2002. All the members except Mr. Ibrahim Al-Sheddi and Ms. Moushira Khattab 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 (Israel, Moldova and Seychelles) and the second periodic reports of six countries (Argentina, Burkina Faso, Poland, the Sudan, United Kingdom of Great Britain and Northern Ireland and Ukraine). 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 9 August 2002.

F. Organization of work

14. The Committee considered the organization of its work at its 805th meeting, on 16 September 2002. The Committee had before it the draft programme of work for the thirty-first session, prepared by the Secretary-General in consultation with the Chairperson of the Committee, and the report of the Committee on its thirtieth session (CRC/C/118).

G. Future regular meetings

15. The Committee decided that its thirty-second session would take place from 13 to 31 January 2003 and that its pre-sessional working group for the thirty-third session would meet from 3 to 7 February 2003.

II. 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/120);

(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-first session (see CRC/C/118, para. 25), the Secretary-General had received the initial report of Guyana (CRC/C/8/Add.46), and the second periodic reports of Myanmar (CRC/C/70/Add.21), Rwanda (CRC/C/70/Add.22), El Salvador (CRC/C/65/Add.25), the Islamic Republic of Iran (CRC/C/104/Add.3), France (CRC/C/65/Add.26) and Kyrgyzstan (CRC/C/104/Add.4).

18. As at 4 October 2002, the Committee had received 174 initial and 64 periodic reports. A total of 194 reports (160 initial and 34 second periodic) have been considered by the Committee

19. In letters dated 11 June and 10 July 2002, the Government of Spain submitted its observations to the Committee concerning the concluding observations (CRC/C/15/Add.185) adopted at its thirtieth session.

20. In a note verbale dated 19 September 2002, the Government of the United Arab Emirates transmitted to the Committee information on measures taken to prevent the exploitation and trafficking of children as jockeys in camel races.

21. On 5 July 2002, the Committee sent a letter to the Ministers for Foreign Affairs of all States parties to the Convention that have not yet notified their acceptance of the amendment to article 43, paragraph 2, of the Convention, encouraging them to do so. Similar letters had been sent on 16 August 2001 and on 5 March 2002 (see also paragraph 4 above).

22. At its thirty-first session, the Committee examined initial and periodic reports submitted by nine States parties under article 44 of the Convention. It devoted 18 of its 29 meetings to the consideration of reports (see CRC/C/SR.807-809; 811-812; 815-818; 821-830; and 833).

23. The following reports, listed in the order in which they were received by the Secretary-General, were before the Committee at its thirty-first session: The Sudan (CRC/C/65/Add.17), Argentina (CRC/C/70/Add.10), Ukraine (CRC/C/70/Add.11), United Kingdom of Great Britain and Northern Ireland (CRC/C/83/Add.3), Burkina Faso (CRC/C/65/Add.18), Poland (CRC/C/70/Add.12), Seychelles (CRC/C/3/Add.64), Moldova (CRC/C/28/Add.19), Israel (CRC/C/8/Add.44).

24. 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.

25. 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: Argentina

26. The Committee considered the second periodic report of Argentina (CRC/C/70/Add.10) submitted on 12 August 1999 at its 807th and 808th meetings (see CRC/C/SR.807 and 808), held on 17 September 2002, and adopted at its 833rd meeting (CRC/C/SR.833), held on 4 October 2002, the following concluding observations.

A. Introduction

27. The Committee welcomes the submission of the State party's second periodic report, but notes with regret that it does not follow the guidelines for reporting. It further regrets the late and incomplete submission of the written replies to its list of issues (CRC/C/Q/ARG/2). It welcomes, however, the high-level and well-informed delegation sent by the State party, the frank dialogue and the positive reactions to the suggestions and recommendations made during the discussion.

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

28. The Committee notes with satisfaction that the State legislation regarding children in some of the provinces, such as Mendoza, Chubut and the City of Buenos Aires, complies with the provisions and principles of the Convention.
29. The Committee welcomes the adoption of Law 24.417 on protection against domestic violence.
30. The Committee notes the recent establishment of the National Council for Children, Adolescents and the Family and the creation of the Office for Comprehensive Assistance for Victims of Crime, as recommended in the previous concluding observations (CRC/C/15/Add.36, para. 20).
31. The Committee welcomes the improvement in the cooperation between the State party and non-governmental organizations concerned with children's rights issues.
32. The Committee welcomes the signing of a memorandum of understanding with the International Programme on the Elimination of Child Labour (IPEC) and the establishment in 2000 of a National Commission for the Eradication of Child Labour.
33. The Committee notes with satisfaction the adoption of a National Plan of Action against the Sexual Commercial Exploitation of Children.
34. The Committee welcomes the ratification by the State party of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

C. Factors and difficulties impeding progress in the implementation of the Convention

35. The Committee acknowledges that the State party is facing many difficulties in the implementation of the Convention, in particular due to the economic, political and social crises affecting the country, and that increasing poverty is impeding the full achievement and enjoyment of the rights recognized in the Convention.

D. Principal areas of concern and recommendations

1. General measures of implementation

Committee's previous recommendations

36. The Committee regrets that most of the concerns and recommendations (ibid.) it made upon consideration of the State party's initial report (CRC/C/8/Add.2 and 17) have been insufficiently addressed, particularly those contained in paragraphs 14 (reservations), 15 (coordination) and 16 (review of budgetary measures). The Committee notes that those concerns and recommendations are reiterated in the present document.

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

Reservations

38. The Committee reiterates its concern about the reservations (*ibid.*, para. 8) entered by the Government of Argentina upon ratification of the Convention with respect to article 21 (b), (c), (d) and (e).

39. The Committee reiterates its recommendation (*ibid.*, para. 14) that the State party consider reviewing the reservations entered upon ratification of the Convention with a view to withdrawing them.

Legislation

40. The Committee is concerned that the current legislation on children, Law 10.903 (*Ley de Patronato*), dates back to 1919 and is based on the doctrine of “irregular situation” where children are an object of “judicial protection”. Although the Chamber of Deputies passed a draft law on the comprehensive protection of the rights of the child in November 2001, it has not yet been enacted (*media sanción*), so that there is no legislation in force at the federal level which considers the child as a subject of rights. Furthermore, the Committee also notes that provincial legislation often does not comply with the provisions and principles of the Convention.

41. The Committee recommends that the State party:

(a) Take all the necessary measures for the adoption by Parliament without delay of the draft law on the comprehensive protection of the rights of the child;

(b) Ensure the full implementation of the law on the comprehensive protection of the rights of the child, once enacted in compliance with the Convention, paying particular attention to the need to allocate the necessary human and financial resources in order to establish the adequate structures;

(c) Ensure that legislation at provincial level as a whole fully complies with the provisions and principles of the Convention;

(d) Seek technical assistance from, among others, the United Nations Children’s Fund (UNICEF).

Coordination

42. While noting the recent efforts of the National Council for Children, Adolescents and the Family to improve coordination and the establishment of monitoring teams in 17 provinces, the Committee regrets that its previous recommendation about better coordination between mechanisms and institutions dealing with the promotion and protection of the rights of children (ibid., para. 15) was not fully followed up, and that the State party still lacks a clearly defined and comprehensive child rights policy and plan of action for the implementation of the Convention.

43. **The Committee reiterates its previous recommendation (ibid.) that the State party adopt a comprehensive approach in implementing the Convention, in particular by:**

(a) Improving coordination between the various mechanisms and institutions already in place to deal with the promotion and protection of children's rights;

(b) Strengthening its children's rights policy and developing a national plan of action for the implementation of the Convention, which should be prepared through an open, consultative and participatory process.

Resources for children

44. The Committee expresses its concern that budgetary allocations for children are still insufficient to respond to federal, provincial and local priorities for the protection and promotion of children's rights and to overcome and remedy existing disparities between rural and urban areas, as well as within urban areas, in particular Buenos Aires, with respect to public services provided to children. It notes with deep concern that, according to recent statistics mentioned by the State party in its reply to the list of issues, 69.2 per cent of children in Argentina live in poverty, of whom 35.4 per cent live in extreme poverty.

45. **In light of article 4 of the Convention, the Committee encourages the State party:**

(a) To review economic and social policies and the allocation of resources in the budget with a view to ensuring that the maximum amount of available resources is allocated to promoting and protecting the rights of the child at the federal, regional and local levels, especially in the fields of health, education, social welfare and security, as previously recommended (ibid., para. 16);

(b) To identify the amount and proportion of resources spent on children at the national and local levels in order to evaluate the impact of expenditures on children.

Independent monitoring

46. While noting the existence of the Defensor del Pueblo, the Committee is concerned at the absence of an overall national mechanism with the mandate to regularly monitor and evaluate

progress in the implementation of the Convention and which is empowered to receive and address complaints by children. It further notes that the draft law on the comprehensive protection of the rights of the child, which has not yet been enacted, includes provisions for the creation of a Child Rights Defender.

47. The Committee encourages the State party, as previously recommended (ibid., para. 15), to establish an independent and effective mechanism, 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), either as a part of a national human rights institution or as a separate body, such as a children ombudsman, which should be provided with adequate human and financial resources and easily accessible to children, that would:

- (a) Monitor the implementation of the Convention;**
- (b) Deal with complaints from children in a child-sensitive and expeditious manner;**
- (c) Provide remedies for violations of their rights under the Convention.**

In this regard, the Committee further recommends that the State party consider seeking technical assistance from, among others, UNICEF and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

Data collection

48. The Committee notes the establishment of a unified system of collecting data, yet remains concerned that statistical data about children do not cover sufficiently and in a disaggregated manner all areas covered under the Convention and that, when available, are not used in an adequate manner to assess trends and as a basis for policy-making in the field of children's rights.

49. The Committee recommends that the State party:

- (a) Improve its system of data collection with a view to incorporating all the areas covered by the Convention in a disaggregated manner. Such a system should cover all children below the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children with disabilities;**
- (b) Effectively use these indicators and data for the formulation and evaluation of policies and programmes for the implementation and monitoring of the Convention.**

2. Definition of the child

50. The Committee reiterates its concern at the disparity between the ages of marriage for boys and girls in Argentine law (ibid., para. 10).

51. **In light of articles 1 and 2 and other related provisions of the Convention, the Committee recommends that the State party review its legislation with a view to increasing the minimum age of marriage of girls to that of boys.**

3. General principles

52. The Committee is concerned that the principles of non-discrimination, the best interests of the child, the right to life, survival and development of the child and respect for the views of the child are not fully reflected in the State party's legislation and administrative and judicial decisions, or in policies and programmes relevant to children at federal, provincial and local levels.

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

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

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

(c) **Apply these 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

54. The Committee is concerned that the principle of non-discrimination is not fully implemented for children living in poverty, indigenous children, children of migrant workers, primarily those from neighbouring countries, street children, children with disabilities and marginalized adolescents who are neither studying nor working, especially with regard to their access to adequate health care and educational facilities.

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

(a) **Monitor the situation of children, in particular those belonging to the above-mentioned vulnerable groups, who are exposed to discrimination;**

(b) **Develop, on the basis of the results of this monitoring, comprehensive strategies containing specific and well-targeted actions aimed at eliminating all forms of discrimination.**

56. **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 to follow up on the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and 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

57. The Committee notes that the right of all children to participate in schools, as well as outside in all matters concerning them, needs to be further strengthened.

58. **In light of article 12, the Committee recommends that the State party:**

(a) **Follow up on the Committee's previous recommendation (ibid., para. 21) that further steps be taken to encourage the active participation of children in schools, and in society in general, in the spirit of article 12 of the Convention;**

(b) **Make sure that all children mature enough to express their views are heard in all judicial and administrative procedures affecting them;**

(c) **Undertake campaigns to make children, parents, professionals working with and for children and the public at large aware that children have the right to be heard and to have their views taken seriously.**

4. Civil rights and freedoms

Preservation of identity

59. The Committee recognizes the work done by the National Commission for the Right to an Identity to recover children missing during the military regime in power from 1976 to 1983, and notes that out of an estimated 500 cases of disappearances of children, 73 have been found.

60. **In light of article 8 of the Convention, the Committee encourages the State party to continue and strengthen its efforts to recover the children who disappeared during the military regime.**

Right not to be subjected to torture

61. The Committee expresses its deep concern about institutional violence and specific reports of torture and ill-treatment of children held at police stations (*commissarias*) which, in some cases, have resulted in death. It is also extremely concerned at additional reports of police brutality, specifically the phenomenon of *gatillo fácil* (easy trigger syndrome), especially in the Province of Buenos Aires, which has led to the death of many children. It notes that, according to the Supreme Court of Justice of the Province of Buenos Aires, several of the children who died had previously reported pressures and torture by the provincial police and that the majority of the cases are not adequately investigated and the perpetrators not brought to justice.

62. **In light of article 37 (a) of the Convention, the Committee urges the State party:**
- (a) **To undertake a study on the above-mentioned issues in order to assess their extent, scope and nature;**
 - (b) **To enforce the recently signed National Plan of Action for the Prevention and Elimination of Institutional Violence;**
 - (c) **To investigate, in an effective way and within a reasonable time, reported cases of killings, torture and ill-treatment of children;**
 - (d) **Urgently to take measures to transfer from active duty or suspend, as appropriate, alleged perpetrators while they are under investigation, and release them from service if convicted;**
 - (e) **To provide systematic training of law enforcement personnel in human and children's rights and ways to avoid the use of force;**
 - (f) **To establish a complaint mechanism, which should be easily accessible and child-sensitive and inform children about their rights, including the right to complain;**
 - (g) **To ensure that independent and qualified medical personnel are required to carry out regular examinations of child detainees;**
 - (h) **In light of article 39, to take all appropriate measures to ensure possibilities for physical and psychological recovery and social reintegration for child victims of torture and/or ill-treatment, and that they receive compensation.**

Corporal punishment

63. The Committee notes with concern that there is no explicit prohibition of corporal punishment under law and that it is still widely practised in the home and in some institutions.

64. **The Committee recommends that the State party expressly prohibit corporal punishment in the home and all institutions and carry out public education campaigns to promote positive, non-violent forms of discipline as an alternative to corporal punishment.**

5. Family environment and alternative care

Children deprived of family environment

65. The Committee is deeply concerned that Law N.10.903 of 1919 and Law N.22.278, which are currently still in force and based on the doctrine of "irregular situation", do not distinguish between children in need of care and protection and those in conflict with the law, in terms of judicial procedures and treatment.

66. **The Committee recommends that the State party establish appropriate mechanisms and procedures to address the situation of children in need of care and protection that can be implemented immediately once the draft law on the comprehensive protection of the rights of the child currently under consideration (*media sanción*) comes into force, replacing Laws N.10.903 and N.22.278.**

67. The Committee expresses its serious concern about the number of children, in particular children from poor families, who are deprived of a family environment and placed in public assistance institutions or residential homes, often far from their home.

68. **In light of article 20 of the Convention, 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;**

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

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

(d) **Provide support and training for personnel working in institutions;**

(e) **Establish effective mechanisms to receive and address complaints from children in care, to monitor standards of care and, in light of article 25 of the Convention, to establish regular periodic review of placement.**

Abuse and neglect

69. The Committee, while noting the adoption of Law 24.417 on protection against domestic violence, remains concerned about the extent of domestic violence, the lack of standardized procedures for the identification and reporting of cases of neglect, ill-treatment and abuse, and the limited services for the support of victims, especially in the provinces.

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

(a) **Undertake studies on domestic violence, violence against children, ill-treatment and abuse, including sexual abuse, and expand the system of data collection for the whole country so as to keep a record of incidents of physical and mental violence and neglect against children, in order to assess the extent, scope and nature of these practices;**

(b) **Adopt and implement effectively adequate measures and policies, including public campaigns, on alternative forms of discipline, that contribute to changing attitudes;**

(c) Investigate effectively 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, in order to ensure better protection of child victims, including the protection of their right to privacy;

(d) Increase measures to provide support services to children in legal proceedings and for the physical and psychological recovery and social reintegration of victims of rape, abuse, neglect, ill-treatment and violence, in accordance with article 39 of the Convention;

(e) Take into account the Committee's recommendations adopted at its days of general discussion on violence against children within the family and in schools (see CRC/C/111) and on "State violence against children" (see CRC/C/100).

6. Basic health and welfare

Health and health services

71. While noting the decrease in the infant, child and maternal mortality rates, the Committee is nevertheless concerned that the rates remain high and that there are great disparities in these rates, in particular with regard to children from a lower socio-economic background, those living in rural areas, in particular in the northern provinces, and indigenous children. It also notes that 6 out of 10 infant deaths could be avoided by low-cost actions.

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

(a) Allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of all children without discrimination, in particular by focusing more on health promotion and prevention;

(b) In order to further decrease child mortality and morbidity and maternal mortality rates, take measures to implement the Reproductive Health and Responsible Procreation Act of July 2000;

(c) Provide adequate antenatal and post-natal health-care services and develop campaigns to inform parents about basic child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation, family planning and reproductive health, especially in the provinces.

Malnutrition

73. The Committee notes with deep concern that the increasing rate of malnutrition is affecting, according to the most recent statistics, more than 4 million children, in particular newborn babies and those living in the northern provinces. It further notes that the impact of the economic crisis on children's state of health and nutrition has not yet been assessed.

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

(a) **Undertake a study on child malnutrition and create a comprehensive system of statistics to keep a record of malnutrition cases in order to assess the extent, scope and nature of this phenomenon;**

(b) **Develop a comprehensive nutritional programme in order to prevent and combat malnutrition;**

(c) **Seek international cooperation from, among others, UNICEF and the World Health Organization (WHO).**

Adolescent health

75. The Committee notes with concern the growing number of cases of HIV/AIDS among the youth, notwithstanding the existing National Plan of Action for HIV/AIDS, and reiterates its concern (*ibid.*, para. 12) about the number of teenage pregnancies, in particular in some of the provinces.

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

(a) **Review and reactivate its programmes against HIV/AIDS and increase its efforts to promote adolescent health policies. Due attention should be given to reproductive health, and the programme of health and sexual education in schools should be further strengthened;**

(b) **Undertake a comprehensive and multidisciplinary study to assess the scope and nature of adolescent health problems, including the negative impact of sexually transmitted diseases and HIV/AIDS, and continue to develop adequate policies and programmes;**

(c) **Take further measures, including 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 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;**

(d) **Seek technical cooperation from, among others, UNFPA, UNICEF, WHO and UNAIDS.**

Children with disabilities

77. The Committee notes with concern that there is a lack of information about children with disabilities in Argentina. It further notes with concern that there are cases of children being institutionalized because of insufficient support to poor families with disabled children.

78. **In light of article 23 of the Convention, the Committee recommends that the State party:**

(a) **Undertake studies on the situation of children with disabilities in order to assess its extent, scope and nature;**

(b) **Undertake measures to ensure that the situation of children with disabilities is monitored in order to assess their situation and address their needs effectively;**

(c) **Conduct public awareness campaigns to raise awareness of the situation and the rights of children with disabilities;**

(d) **Allocate the necessary resources for programmes and facilities for all children with disabilities, especially the ones living in the provinces, and strengthen community-based programmes to enable them to stay at home with their families;**

(e) **Support the parents of children with disabilities with counselling and, when necessary, financial support;**

(f) **In 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 their inclusion into society, including by providing special training to teachers and by making schools more accessible.**

Standard of living

79. The Committee notes with concern that the recent economic, political and social crises have caused increased poverty, particularly among children and vulnerable groups.

80. **The Committee recommends that the State party continue its efforts to prevent, including through a comprehensive poverty reduction strategy which incorporates human rights principles, a decline in living standards of families, in particular among vulnerable groups.**

7. Education, leisure and cultural activities

Education

81. The Committee, while noting the increase in school enrolment for both primary and secondary education, remains concerned at the limited access to education and at the high drop out and repetition rates, especially at secondary school level, which affect, in particular, children from marginalized urban and rural areas, indigenous children and children from migrant families, particularly illegal migrants. It further notes with concern the reduction in education spending which affects, in particular, poorer children.

82. **In light of articles 28 and 29 of the Convention, the Committee recommends that the State party:**

- (a) **Increase the budget allocated to education;**
- (b) **Enforce the Social Plan of Education in order to ensure regular attendance at school and the reduction of drop out rates, especially with regard to the most vulnerable children;**
- (c) **Strengthen programmes of subsidies and scholarships for the children who are most affected by the economic crisis;**
- (d) **Strengthen and expand education in human and children's rights;**
- (e) **Improve the quality of education in order to achieve the goals mentioned in article 29, paragraph 1, in line with the Committee's General Comment No. 1 on the aims of education.**

8. Special protection measures

Economic exploitation

83. The Committee, while noting that the State party ratified ILO Conventions No. 138 concerning Minimum Age for Admission to Employment in 1996 and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in 2001, notes with deep concern the growing number of children under 14 who are exploited economically, in particular in rural areas, because of the economic crisis. It is also concerned at the lack of data and information with regard to this issue.

84. **In light of article 32 of the Convention, the Committee recommends that the State party:**

- (a) **Undertake a comprehensive study on child labour in order to assess the extent, scope and nature of this problem;**
- (b) **Continue to enforce and strengthen its legislation to provide protection for working children in accordance with ILO Conventions Nos. 138 and 182, inter alia with a view to increasing the minimum age to 15;**
- (c) **Continue to develop and ensure the adoption of the National Plan to Prevent and Eradicate Child Labour;**
- (d) **Establish a reliable system of gathering information on child labour;**
- (e) **Combat and eradicate as effectively as possible all forms of child labour, including by strengthening its cooperation with ILO/IPEC and UNICEF.**

Sexual exploitation and trafficking

85. The Committee is concerned that the phenomenon of child prostitution, especially in big cities, is increasing. It further notes that, although a National Plan of Action to Combat Commercial Sexual Exploitation of Children was adopted in 2000, coordinated policies and programmes on this issue have yet to be formulated.

86. **In light of articles 32 to 36 of the Convention, the Committee recommends that the State party:**

(a) **Undertake a study on the issue of commercial sexual exploitation and trafficking of children in order to assess its scope and causes and develop effective monitoring and other preventive measures;**

(b) **Combat and eliminate commercial sexual exploitation and trafficking of children, including through the enforcement of the National Plan of Action and the development of social integration programmes and policies and programmes for the rehabilitation and recovery of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.**

Administration of juvenile justice

87. The Committee notes with satisfaction the enactment of the Bill on the Criminal Responsibility of Juveniles which establishes limits on juvenile criminal responsibility and procedures to be followed, in accordance with article 40, paragraph 3, of the Convention. However, it reiterates its deep concern that Law N.10.903 of 1919 and Law N.22.278, currently in force and based on the doctrine of “irregular situation”, do not make a clear distinction between children in need of care and protection and those in conflict with the law. In this regard, the Committee notes that there are several draft laws for the reform of the juvenile justice system under discussion before Parliament, under which a judge can order the detention of children without due process only because of their social situation and that this decision cannot be appealed. In addition, it expresses its concern at the fact that, under article 205 of the Code of Criminal Procedure, a child may be held in incommunicado detention for a maximum of 72 hours. It further notes with concern the poor conditions of children in detention, including the lack of adequate basic services such as education and health, the absence of adequately trained staff, and the use of corporal punishment and isolation.

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

(a) **Review its laws and practices regarding the juvenile justice system in order to bring them, as soon as possible, into full compliance with the Convention, in particular articles 37, 40 and 39, as well as with other relevant international standards in this area, such 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);**

- (b) Expedite the above, including by allocating adequate human and financial resources;**
- (c) Ensure that there is a clear distinction in terms of procedures and treatment between children in conflict with the law and children in need of protection;**
- (d) Use detention, including pre-trial detention, only as a measure of last resort, for as short a time as possible and for no longer than the period prescribed by law and ensure that children are always separated from adults;**
- (e) Use alternative measures to pre-trial detention and other forms of deprivation of liberty whenever possible;**
- (f) Incorporate into its legislation and practices the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, in particular to guarantee them access to effective complaint procedures covering all aspects of their treatment;**
- (g) Take the necessary measures to improve detention conditions;**
- (h) In light of article 39, take appropriate measures to promote the recovery and social reintegration of the children involved in the juvenile justice system;**
- (i) Seek assistance from, among others, OHCHR, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.**

9. Optional Protocols

89. The Committee welcomes the State party's ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, but notes that it has not yet ratified the Optional Protocol on the sale of children, child prostitution and child pornography.

90. **The Committee recommends that the State party continue to pursue ongoing efforts towards the ratification of the Optional Protocol on the sale of children, child prostitution and child pornography.**

10. Dissemination of reports

91. **Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the second periodic 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, the Parliament and the general public, including concerned non-governmental organizations.

11. Next reports

92. **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 is to ensure that the Committee on the Rights of the Child 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 in full compliance with the Convention, the Committee invites the State party to submit its next periodic report before the due date established under the Convention for the fourth periodic report, i.e. 2 January 2008. That report will be a combined third and fourth periodic report.**

Concluding observations: United Kingdom of Great Britain and Northern Ireland

93. The Committee considered the second periodic report of the United Kingdom of Great Britain and Northern Ireland (CRC/C/83/Add.3), submitted on 14 September 1999, at its 811th and 812th meetings (see CRC/C/SR.811 and 812), held on 19 September 2002, and adopted at its 833rd meeting, (CRC/C/SR.833) held on 4 October 2002, the following concluding observations.

A. Introduction

94. The Committee notes with appreciation the timely submission of the State party's second periodic report. However, it regrets that the report does not follow the Committee's reporting guidelines. The Committee welcomes the written replies to its list of issues (CRC/C/RESP/UK/2), as well as the additional information provided in annexes. The Committee also notes with appreciation the presence of a delegation of senior officials from the Children and Young People's Unit and from various departments, including representatives from the devolved administrations, which contributed to an open dialogue and a better understanding of the implementation of the Convention in the State party.

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

95. The Committee welcomes:

(a) The withdrawal of two reservations made to articles 32 and 37 (d) of the Convention;

- (b) The ratification of the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization (ILO);
- (c) The entry into force of the Human Rights Act 1998;
- (d) The peace process in Northern Ireland, pursuant to the Good Friday Agreement, the enactment of the Northern Ireland Act 1998 establishing the Northern Ireland Human Rights Commission, the establishment of the police ombudsman for Northern Ireland, and the Race Relations (NI) Order 1997;
- (e) The establishment of the Children and Young People's Unit and the development of new child-focused structures in the Government throughout the State party;
- (f) The promotion of children's rights within the State party's international aid;
- (g) The adoption of the Children (Leaving Care) Act 2000 and the Homelessness Act 2000;
- (h) The adoption of the Protection from Harassment Act 1997, the Sex Offenders Act 1997 and the Family Homes and Domestic Violence (NI) Order 1998;
- (i) The completion of abolition of school corporal punishment in England, Wales and Scotland, and the adoption of the Standards in Scotland's Schools, etc. Act 2000.

C. Principal subjects of concern and recommendations

1. General measures of implementation

Previous recommendations of the Committee

96. The Committee regrets that, notwithstanding the legal obligation inherent in the ratification of the Convention, many of the concerns and recommendations contained in its concluding observations (CRC/C/15/Add.34) on the State party's initial report (CRC/C/11/Add.1) have been insufficiently addressed, particularly those contained in paragraphs 22-27, 29-36, 39, 40 and 42. Those concerns and recommendations are reiterated in the present document.

97. **The Committee urges the State party to make every effort to address its recommendations as contained in the concluding observations on the initial report that have not yet been implemented or insufficiently implemented and to address them and the concerns contained in the present concluding observations on the second periodic report.**

Reservations and declarations

98. While welcoming the State party's withdrawal of its reservations made to articles 37 (d) and 32, the Committee remains concerned that the State party does not intend to withdraw its wide-ranging reservation on immigration and citizenship, which is against the object and purpose of the Convention. In addition, the Committee is concerned that the State party is not in a position to withdraw its reservation to article 37 (c) owing to the fact that children are still detained with adults in the State party. In that regard, the Committee is concerned that, while the State party has made efforts to reduce the number of children detained with adults, it appears that only resource considerations now prevent the withdrawal of the reservation.

99. **The Committee, in line with its previous recommendation (CRC/C/15/Add.34, paras. 22 and 29), and in light of the Vienna Declaration and Programme of Action, recommends that the State party take all necessary measures to end the detention of children in the same facilities as adults and to withdraw its reservation to article 37 (c). The Committee also recommends that the State party reconsider its reservation to article 22 with a view to withdrawing it given the State party's observation that this reservation is formally unnecessary because the State party's law is in accordance with article 22 of the Convention.**

Legislation

100. While noting the entry into force of the Human Rights Act 1998, which incorporates the rights enshrined in the European Convention on Human Rights into domestic law, the Committee is concerned that the provisions and principles of the Convention on the Rights of the Child - which are much broader than those contained in the European Convention - have not yet been incorporated into domestic law, nor is there any formal process to ensure that new legislation fully complies with the Convention. The Committee notes that the devolved administrations have introduced some legal reforms to ensure compatibility with the Convention such as ensuring that the education system in Scotland complies with article 12 and that corporal punishment in the day-care system in Wales is prohibited, but remains concerned that the State party does not ensure that its legislation is compatible with the Convention throughout its territory.

101. **The Committee encourages the State party to incorporate into domestic law the rights, principles and provisions of the Convention in order to ensure that all legislation complies with the Convention and that the provisions and principles of the Convention are widely applied in legal and administrative proceedings. The State party is also encouraged to provide training in the provisions of the Convention and to disseminate the Convention more widely.**

Resources

102. While noting the increased resources for the implementation of the Convention and some positive moves towards analysing budgets to identify the expenditures on children, the national

objective to halve child poverty by 2010 and eradicate it within a generation and the strategies and policies to tackle child poverty and social exclusion through locally targeted services for children, 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.

103. The Committee recommends that the State party undertake an analysis of all sectoral and total budgets across the State party and in the devolved administrations in order to show 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 of the Department for International Development.

Coordination

104. The Committee welcomes the establishment of the Children and Young People’s Unit in 2001 in addition to other bodies created in the devolved administrations, but remains concerned that the absence of a central mechanism to coordinate the implementation of the Convention throughout the State party makes it difficult to achieve a comprehensive and coherent child rights policy. The process of devolution of powers to the respective administrations makes more compelling the need for effective coordination of the implementation of the Convention throughout the State party between the various levels of government in Northern Ireland, Scotland, England and Wales, as well as between governments and local authorities.

105. The Committee, in line with its previous recommendation (ibid., para. 23), recommends that the State party assign coordination of the implementation of the Convention throughout the State party, including to the devolved administrations, to a highly visible and easily identifiable permanent body with an adequate mandate and sufficient resources.

Plan of action

106. The Committee welcomes the fact that the Convention has been used as a framework in the Strategy for Children and Young People developed by the National Assembly for Wales, but remains concerned that this has not been the case throughout the State party. The Committee notes with satisfaction the statement of commitment made in the written replies and by the head of the State party’s delegation to publish and implement an overarching strategy plan based on the Convention to be applied throughout the State party. However, the Committee remains concerned at the lack of a rights-based approach to policy development and at the fact that the Convention has not been recognized as the appropriate framework for the development of strategies at all levels of government throughout the State party. The Committee is also concerned that there is no national plan of action based on a global vision of children’s rights.

107. **The Committee encourages the State party to expedite the adoption and implementation of a comprehensive plan of action for the implementation of the Convention in all parts of the State party, taking into account the The Way Forward for Care and paying special attention to children belonging to the most vulnerable groups (e.g. children from poor households, children from minority groups, disabled children, homeless children, children in care, children between 16 and 18, Irish and Roma travellers' children and asylum-seekers) through an open, consultative and participatory process.**

Independent monitoring structures

108. The Committee welcomes the establishment of an independent Children's Commissioner in Wales, but is concerned at the limited powers of the Commissioner, in particular in relation to non-devolved matters. The Committee welcomes the plans for the establishment of an independent human rights institution for children in Northern Ireland and in Scotland. The Committee is, however, deeply concerned that the State party has not yet established an independent human rights institution for children in England.

109. **The Committee, in line with its previous recommendation (ibid.) recommends that the State party:**

(a) Establish independent human rights institutions with a broad mandate and appropriate powers and resources all across the State party and at the national level, in accordance with the Principles relating to national institutions for the promotion and protection of human rights (the Paris Principles) (General Assembly resolution 48/134, annex), to monitor, protect and promote all the rights of the Convention for all children. They should be easily accessible to children, able to determine their own agenda, empowered to investigate violations of children's rights in a child-sensitive manner and ensure that children have an effective remedy for violations of their rights;

(b) Ensure that all the human rights institutions have formal advisory functions with the respective legislative bodies and that they establish formal links, including of cooperation, with each other;

(c) Provide national human rights institutions with adequate resources and appropriate staff;

(d) Ensure that children and children's organizations are effectively involved in their establishment and activities.

Data collection

110. The Committee welcomes the statistical data provided in the written replies to the list of issues, the recently published statistics on children and young people, and the intention of the Children and Young People's Unit to publish an annual State of the Children report. Nevertheless, the Committee is still concerned at the absence of a nationwide mechanism to collect and analyse data on the areas covered by the Convention.

111. **The Committee recommends that the State party establish a nationwide system whereby disaggregated data are collected on all persons under 18 years for all areas covered by the Convention, including the most vulnerable groups, and that these data are used to assess progress and design policies to implement the Convention. The Committee encourages the development of regular reports in England, Northern Ireland, Scotland and Wales and for the whole State party and the promotion of wide public and parliamentary debate on them in the United Kingdom and Scottish Parliaments and in the National Assemblies for Northern Ireland and Wales.**

Training/dissemination of the Convention

112. The Committee welcomes the adoption of a rights-based approach to education in Scotland. However, the Committee is particularly concerned that, according to recent studies, most children are not aware of the rights contained in the Convention. The Committee is, therefore, concerned that the State party is not undertaking adequate dissemination, awareness-raising and training activities concerning the Convention in a systematic and targeted manner.

113. **In line with its previous recommendations (ibid., paras. 26 and 32) and article 42 of the Convention, the Committee recommends that the State party:**

(a) **Substantially expand 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

The right to non-discrimination

114. While welcoming the adoption of the Race Relations (NI) Order 1997 and the State party's commitment to end discrimination in its nationality law between children born in and out of wedlock, 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 there is unequal enjoyment of economic, social, cultural, civil and political rights, in particular for children with disabilities, children from poor families, Irish and Roma travellers' children, asylum-seeker and refugee children, children belonging to minority groups, children in care, detained children and children aged between 16 and 18 years old.

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

(a) **Monitor the situation of children, in particular those belonging to the above-mentioned vulnerable groups, who are exposed to discrimination;**

(b) **Monitor the comparative enjoyment by children of their rights in England, Scotland, Northern Ireland and Wales;**

(c) **Develop, on the basis of the results of this monitoring, comprehensive strategies containing specific and well-targeted actions aimed at eliminating all forms of discrimination;**

(d) **Amend the nationality law to allow transmission of nationality through unmarried as well as married fathers.**

116. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and taking account of the Committee's General Comment No. 1 on the aims of education.**

Best interests of the child

117. While noting that the "welfare" of the child is included in child care and protection legislation, the Committee is concerned that the principle of primary consideration for the best interests of the child is not consistently reflected in legislation and policies affecting children throughout the State party, notably in the juvenile justice system and immigration practices.

118. **The Committee, in line with its previous recommendations (ibid., para. 24) recommends that the State party adopt the best interests of the child as a paramount consideration in all legislation and policy affecting children throughout its territory, notably within the juvenile justice system and in immigration practices.**

Right to life

119. The Committee is concerned at the continued use of plastic baton rounds as a means of riot control in Northern Ireland as it causes injuries to children and may jeopardize their lives.

120. **Following the recommendations of the Committee against Torture (A/54/44, para. 77 (d)), the Committee urges the State party to abolish the use of plastic baton rounds as a means of riot control.**

Respect for the views of the child

121. The Committee welcomes the increasing encouragement of participation of and consultation with children in government, local authorities and civil society throughout the State party, the establishment of a consultative process with children in local authority service planning, the establishment of a youth advisory forum in the Children and Young People's Unit and other platforms for children and young people in all parts of the State party, such as the Scottish Youth Parliament. However, the Committee is concerned that the obligations of article 12 have not been consistently incorporated in legislation, for example in private law procedures concerning divorce, in adoption, in education and in protection throughout the State party. In addition, the Committee is concerned that the right of the child to independent representation in legal proceedings, as laid down in the Children Act 1989, is not systematically exercised. The Committee is also concerned that in education, schoolchildren are not systematically consulted in matters that affect them. The Committee notes that groups of children in the State party expressed their feelings that their views are duly taken into consideration.

122. The Committee recommends that the State party, in accordance with articles 12 to 17 of the Convention, take further steps to promote, facilitate and monitor systematic, meaningful and effective participation of all groups of children in society, including in schools, for example through school councils. Furthermore, it recommends that the State party take further steps to consistently reflect the obligations of both paragraphs of article 12 in legislation, and that legislation governing court procedures and administrative proceedings (including divorce and separation proceedings) ensure that a child capable of forming his/her own views has the right to express those views and that they are given due weight. The Committee further recommends that procedures be established that would allow the views expressed by children to be taken into account in and to have an impact on developing programmes and policies affecting them.

3. Civil rights and freedoms**Name and nationality and preservation of identity**

123. While noting the recent Adoption and Children Bill (2002), the Committee is concerned that children born out of wedlock, adopted children, or children born in the context of a medically assisted fertilization do not have the right to know the identity of their biological parents.

124. In light of articles 3 and 7 of the Convention, the Committee recommends that the State party take all necessary measures to allow all children, irrespective of the circumstances of their birth, and adopted children to obtain information on the identity of their parents, to the extent possible.

Torture or other cruel, inhuman or degrading treatment

125. The Committee is particularly concerned at recent figures according to which between April 2000 and February 2002, 296 children sustained injuries as a result of restraints and measures of control applied in prison. In addition, the Committee is concerned at the frequent use of physical restraint in residential institutions and in custody, as well as at the placement of children in juvenile detention and in solitary confinement in prisons.

126. The Committee urges the State party to review the use of restraints and solitary confinement in custody, education, health and welfare institutions throughout the State party to ensure compliance with the Convention, in particular articles 37 and 25.

Corporal punishment

127. The Committee welcomes the abolition of corporal punishment in all schools in England, Wales and Scotland following its 1995 recommendations (ibid., para. 32), but is concerned that this abolition has not yet been extended to cover all private schools in Northern Ireland. It welcomes the adoption by the National Assembly for Wales of regulations prohibiting corporal punishment in all forms of day care, including childminding, but is very concerned that legislation prohibiting all corporal punishment in this context is not yet in place in England, Scotland or Northern Ireland.

128. In light of its previous recommendation (ibid., para. 31), the Committee deeply regrets that the State party persists in retaining the defence of “reasonable chastisement” and has taken no significant action towards prohibiting all corporal punishment of children in the family.

129. The Committee is of the opinion that the Government’s proposals to limit rather than to remove the “reasonable chastisement” defence do not comply with the principles and provisions of the Convention and the aforementioned recommendations, particularly since they constitute 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, paragraph 36). Moreover, they suggest that some forms of corporal punishment are acceptable, thereby undermining educational measures to promote positive and non-violent discipline.

130. The Committee recommends that the State party:

(a) With urgency adopt legislation throughout the State party to remove the “reasonable chastisement” defence and prohibit all corporal punishment in the family and in any other contexts not covered by existing legislation;

(b) Promote positive, participatory and non-violent forms of discipline and respect for children’s equal right to human dignity and physical integrity, involving children and parents and all those who work with and for them, and carry out public education programmes on the negative consequences of corporal punishment.

4. Family environment and alternative care

Violence/abuse/neglect/maltreatment

131. The Committee notes the initiatives taken in the area of child abuse, such as the Family, Homes and Domestic Violence (NI) Order 1998; the Circular 10/95 Protecting children from abuse: the role of the education service; the Scotland's School, etc. Act 2000; and the establishment of a Child Protection in Sport Unit in 2001. Nevertheless, the Committee is deeply concerned that one or two children die every week as a result of violence and neglect in the home. It is also concerned at the prevalence of violence, including sexual violence, throughout the State party against children within families, in schools, in institutions, in the care system and in detention. It also notes with deep concern the growing levels of child neglect. The Committee is alarmed at the lack of a coordinated strategy to limit the extent of these phenomena. It particularly notes the absence of adequate, systematic follow-up of child deaths and that crimes committed against children below the age of 16 are not recorded. In the care system, the Committee notes a lack of consistent safeguards for children who are privately fostered. The Committee welcomes the steps taken by the Government to support child witnesses in court, but notes the lack of public education on the role of the child protection system.

132. **In line with its previous recommendations (ibid., para. 31) and in light of articles 3, 6, 12, 19 and 37 of the Convention, the Committee recommends that the State party:**

- (a) Introduce a system of statutory child death inquiries;**
- (b) Develop a coordinated strategy for the reduction of child deaths as a result of violence and the reduction of all forms of violence against children;**
- (c) Ensure consistent legislative safeguards for all children in alternative care, including those who are privately fostered;**
- (d) Carry out large-scale public education campaigns and programmes, including through the schools, aimed at reducing child deaths and child abuse with information on the role of statutory and other services in protecting children;**
- (e) Establish effective procedures and mechanisms to receive, monitor, investigate and prosecute instances of abuses, ill-treatment and neglect, ensuring that the abused child is not victimized in legal proceedings and that her/his privacy is protected;**
- (f) Record in the British Crime Survey all crimes committed against children;**
- (g) Provide for the care, recovery and reintegration of victims;**

(h) Strengthen the reporting system, through full support for the confidential centres for abused children, and train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment.

5. Basic health and welfare

133. While welcoming the decline in infant mortality rates and the new focus on children in the planning of the national health service, the Committee remains concerned at persisting inequalities in health and access to health services, including mental health services, across the State party linked to socio-economic status and ethnicity (e.g. the high rates of infant mortality among the Irish and Roma travellers), at the relatively low rate of breastfeeding and at the persistence of female genital mutilation despite its illegality.

134. The Committee recommends that the State party take all appropriate measures to reduce inequalities in health and access to health services, to promote breastfeeding and adopt the International Code for Marketing of Breast-milk Substitutes, and to enforce, through educational and other measures, the prohibition of female genital mutilation.

Adolescent health

135. While noting the efforts undertaken by the State party to reduce the number of teenage pregnancies, the Committee remains concerned at the high rate of teenage pregnancies in the State party. The Committee welcomes the one-to-one mentoring system and the multidisciplinary approach to detecting and managing mental health problems and notes that the mental health of children has been introduced in the National Priorities Guidance 1999/2002, but remains concerned that many children suffer from mental health problems and that the rate of suicide among young people is still high. The Committee is concerned that homosexual and transsexual young people do not have access to the appropriate information, support and necessary protection to enable them to live their sexual orientation. The Committee is furthermore concerned at the rising incidence of sexually transmitted diseases among young persons.

136. In line with its previous recommendations (ibid., para. 30), the Committee recommends that the State party:

(a) 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, making contraception available to all children, and improving access to confidential and adolescent-sensitive advice and information and other appropriate support (as recommended by the independent Advisory Group on Teenage Pregnancy);

(b) Review its policies for young mothers under the age of 16 years with regard to allowance entitlements and parenting courses;

(c) 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 suicides;

(d) Provide adequate information and support to homosexual and transsexual young people, and encourages the State party, further to the statement of intent made by its delegation to repeal section 28 of the Local Government Act 1988, where it applies.

Standard of living

137. The Committee is extremely concerned at the high proportion of children living in poverty in the State party, which limits their enjoyment of many rights under the Convention and leads to a higher incidence among those children of death, accidents, pregnancy, poor housing and homelessness, malnutrition, educational failure and suicide. The Committee welcomes the State party's commitment to eliminate child poverty and the initiatives taken in this regard, but notes the lack of an effective and coordinated poverty eradication strategy across the State party.

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

(a) To take all necessary measures to the "maximum extent of ... available resources" to accelerate the elimination of child poverty;

(b) To better coordinate and reinforce its efforts to address the causes of youth homelessness and its consequences;

(c) To review its legislation and policies concerning benefits and social security allowances for 16- to 18-year-olds.

6. Education, leisure and cultural activities

Education

139. The Committee welcomes the increase in the education budget and the measures adopted by the State party to raise standards of literacy and numeracy through initiatives such as the Education Action Zones programme, as well as the development of broad citizenship programmes. Furthermore, the Committee welcomes the development of legislation in Scotland to reflect article 12 of the Convention, but notes that similar legislation is required throughout the State party and that guidelines are insufficient measures to implement article 12. The Committee is concerned at the still high rate of temporary and permanent exclusion from school affecting mainly children from specific groups (ethnic minorities, including black children, Irish and Roma travellers, children with disabilities, asylum-seekers, etc.), and the sharp differences in educational outcomes for children according to their socio-economic background and to other factors such as gender, disability, ethnic origin or care status. Moreover, the Committee is concerned at the widespread bullying in schools. The Committee is particularly concerned that children deprived of their liberty in prisons and juvenile detention centres do not have a statutory right to education, that their education is not the responsibility of the departments responsible for education, and that they do not have support for special education needs. The Committee is

further concerned that the majority of children in the care system, as well as teenage mothers, do not attain basic qualifications. The Committee welcomes the development of integrated schools in Northern Ireland, but remains concerned that only about 4 per cent of the schools are integrated and that education continues to be largely segregated.

140. In light of articles 2, 12, 28 and 29 of the Convention, and in line with its previous recommendations (ibid., para. 32), the Committee recommends that the State party:

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

(b) Take appropriate measures to reduce temporary or permanent exclusion, ensure that children throughout the State party have the right to be heard before exclusion and to appeal against temporary and permanent exclusion, and ensure that children who are excluded do continue to have access to full-time education;

(c) Take all necessary measures to eliminate the inequalities in educational achievement and in exclusion rates between children from different groups and to guarantee all children an appropriate quality education;

(d) Ensure that children in detention have an equal statutory right to education and improve education for children in care;

(e) Take measures and set up adequate mechanisms and structures to prevent bullying and other forms of violence in schools and include children in the development and implementation of these strategies, in light of the Committee's recommendations adopted at its day of general discussion on violence against children within the family and in schools;

(f) Taking into consideration the Committee's General Comment No. 1 on the aims of education, include the Convention and human rights education in the curricula in all primary and secondary schools and teacher training;

(g) Increase the budget for and take appropriate measures and incentives to facilitate the establishment of additional integrated schools in Northern Ireland to meet the demand of a significant number of parents;

(h) Develop educational programmes for teenage mothers to facilitate and encourage their further education;

(i) Evaluate the impact of privatization of schools on the right of children to education.

7. Special protection measures

Asylum-seeking/refugee children

141. The Committee welcomes the establishment in 1994 of the Children's Panel of Advisers and is aware of the increasing number of children claiming asylum, either with their families or on their own. The Committee is concerned that detention of these children is incompatible with the principles and provisions of the Convention. The Committee is further concerned that the dispersal system may impede better integration and lead to an escalation in racially related incidents; that placement in temporary accommodation of children seeking asylum may infringe their basic rights such as access to health or education; that processing applications may take several years; that the Children's Panel of Advisers is not always adequately funded; and that the ongoing reform of the asylum and immigration system fails to address the particular needs and rights of asylum-seeking children.

142. 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) Refrain, as a matter of policy, from detaining unaccompanied minors and ensure the right to speedily challenge the legality of detention, in compliance with article 37 of the Convention. In any case, detention must always be a measure of last resort and for the shortest appropriate period of time;

(b) Ensure that refugee and asylum-seeking children have access to basic services such as education and health, and that there is no discrimination in benefit entitlements for asylum-seeking families that could affect children;

(c) Consider the appointment of guardians for unaccompanied asylum-seeking and refugee children;

(d) Take all necessary measures to prevent children who have settled in a particular area being forced to leave when they reach the age of 18 years;

(e) Undertake efforts to expedite the procedure for dealing with asylum applications and to avoid placing children in temporary accommodation which are inappropriate, accommodating them rather as "children in need" under the childcare legislation;

(f) Carry out a review of the availability and effectiveness of legal representation and other forms of independent advocacy for unaccompanied minors and other children in the immigration and asylum systems;

(g) Address thoroughly the particular situation of children in the ongoing reform of the immigration and asylum systems to bring them into line with the principles and provisions of the Convention.

Irish and Roma travellers

143. Committee is concerned at the discrimination against children belonging to the Irish and Roma travellers which is reflected inter alia, in the higher mortality rate among these children, their segregation in education, the conditions of their accommodation and social attitudes towards them. The Committee is also concerned at the gap between policies and service delivery.

144. In line with its previous recommendations (ibid., para. 40), the Committee recommends that the State party devise, in a consultative and participatory process with these groups and their children, a comprehensive and constructive plan of action to effectively target the obstacles to the enjoyment of rights by children belonging to these groups.

Children in armed conflict

145. The Committee is deeply concerned that about one third of the annual intake of recruits into the armed forces are below the age of 18 years, that the armed services target young people and that those recruited are required to serve for a minimum period of four years, increasing to six years in the case of very young recruits. The Committee is also concerned at the widespread allegations that young recruits have been the victims of bullying and at the fact that children below the age of 18 years take direct part in hostilities overseas. The Committee remains concerned at the negative impact of the conflict in Northern Ireland on children, including in the use of emergency and other legislation in force in Northern Ireland.

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

(a) Ratify the Optional Protocol on the involvement of children in armed conflict and take all necessary measures to prevent the deployment of persons below the age of 18 years in the circumstances referred to in the declaration made upon signature by the State party of the Optional Protocol, keeping in mind its object and purpose;

(b) While it recruits persons who have attained the age of 16 years but who have not attained the age of 18 years, endeavour to give priority to those who are the oldest in light of article 38, paragraph 3, of the Convention, and strengthen and increase its efforts to recruit persons of 18 years and above;

(c) In line with its previous recommendations (ibid., para. 34), review the emergency and other legislation, including in relation to the system of administration of juvenile justice, at present in operation in Northern Ireland to ensure its consistency with the principles and provisions of the Convention.

Economic exploitation, including child labour

147. The Committee is concerned that the national minimum wage does not apply to young workers above the minimum age of employment, and that therefore they can be at risk of being economically exploited. The Committee notes that policies with regard to minimum wage reflect programmes of the State party aimed at encouraging young people to study and improve their skills. Nevertheless, the Committee is concerned that these policies may discriminate against children who must work.

148. **The Committee recommends that the State party reconsider its policies regarding the minimum wage for young workers in light of the principle of non-discrimination.**

Sexual exploitation and trafficking

149. The Committee welcomes the 2001 national plan for safeguarding children from commercial sexual exploitation and the 1997 memorandum of understanding signed between the State party and the Government of the Philippines to combat the sexual exploitation of children. It is, nevertheless, concerned that trafficking for sexual exploitation or other exploitation is still a problem and that sexually exploited children are still criminalized by law.

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

- (a) **Undertake a study on the scope, causes and background of child prostitution;**
- (b) **Review its legislation so as not to criminalize children who are sexually exploited;**
- (c) **Continue to implement policies and programmes 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;**
- (d) **Ensure that adequate resources, both human and financial, are allocated to policies and programmes in this area.**

Administration of juvenile justice

151. The Committee welcomes the State party's initiatives to introduce restorative justice and other constructive community-based disposals for juvenile offenders, the almost complete inclusion of 17-year-olds in the juvenile justice system and the creation of multidisciplinary teams to respond to child offenders' behaviour, but notes with serious concern that the situation of children in conflict with the law has worsened since the consideration of the initial report. The Committee is particularly concerned that the age at which children enter the criminal justice system is low with the age of criminal responsibility still set at 8 years in Scotland and at 10 years in the rest of the State party and the abolition of the principle of *doli incapax*. The Committee welcomes the different approach reflected in the Children's Hearings in Scotland and the debate on including young people of 16 to 18 years of age in the Children's Hearings. The Committee is particularly concerned that since the State party's initial report, children

between 12 and 14 years of age are now being deprived of their liberty. More generally, the Committee is deeply concerned at the increasing number of children who are being detained in custody at earlier ages for lesser offences and for longer sentences imposed as a result of the recently increased court powers to issue detention and restraining orders. The Committee is therefore concerned that deprivation of liberty is not being used only as a measure of last resort and for the shortest appropriate period of time, in violation of article 37 (b) of the Convention. The Committee is also extremely concerned at the conditions that children experience in detention and that children do not receive adequate protection or help in young offenders' institutions (for 15- to 17-year-olds), noting the very poor staff-child ratio, high levels of violence, bullying, self-harm and suicide, the inadequate rehabilitation opportunities, the solitary confinement in inappropriate conditions for a long time as a disciplinary measure or for protection, and the fact that girls and some boys in prisons are still not separated from adults.

152. In addition, the Committee notes with concern that:

(a) The Crime and Disorder Act 1998 has introduced in England and Wales measures that may violate the principles and provisions of the Convention;

(b) Children can be tried in adult courts in certain circumstances;

(c) Children in custody do not always have access to independent advocacy services and to basic services such as education, adequate health care, etc.;

(d) The privacy of children involved in the criminal justice system is not always protected and their names are, in cases of serious offences, often published;

(e) Young people of 17 years of age are considered as adults for the purpose of remand.

153. In line with its previous recommendations (ibid., paras. 35 and 36), the Committee recommends that the State party establish a system of juvenile justice that fully integrates into its legislation policies and practice the provisions and principles of the Convention, in particular articles 3, 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 (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 Vienna Guidelines for Action on Children in the Criminal Justice System.

154. In particular, the Committee recommends that the State party:

(a) Considerably raise the minimum age of criminal responsibility;

(b) Review the new orders introduced by the Crime and Disorder Act 1998 and make them compatible with the principles and provisions of the Convention;

- (c) Ensure that no child can be tried as an adult, irrespective of the circumstances or the gravity of his/her offence;**
- (d) Ensure that the privacy of all children in conflict with the law is fully protected in line with article 40 (2) (b) (vii) of the Convention;**
- (e) Ensure that detention of children is used as a measure of last resort and for the shortest appropriate period of time and that children are separated from adults in detention, and encourage the use of alternative measures to the deprivation of liberty;**
- (f) Ensure that every child deprived of his or her liberty has access to independent advocacy services and to an independent, child-sensitive and accessible complaint procedure;**
- (g) Take all necessary measures, as a matter of urgency, to review the conditions of detention and ensure that all children deprived of their liberty have statutory rights to education, health and child protection equal to those of other children;**
- (h) Review the status of young people of 17 years of age for the purpose of remand with a view to giving special protection to all children under the age of 18 years;**
- (i) Allocate appropriate resources for the Children's Hearings in Scotland to allow the number of cases dealt with to be substantially increased and to allow young offenders of 16 to 18 years of age to be included in the Children's Hearings system.**

8. Optional Protocols

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

156. The Committee encourages the State party to ratify the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict, as recommended above.

9. Dissemination of documentation

157. The Committee recommends that, in light of article 44, paragraph 6, of the Convention, 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 relevant summary records and the concluding observations adopted by the Committee be considered. 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 non-governmental organizations and children's groups.

10. Periodicity of submission of reports

158. **The Committee invites the State party to submit its next periodic report before the due date established under the Convention for the fourth periodic report, i.e. 15 January 2009. This report should combine the third and fourth periodic reports. However, owing to the large number of reports received by the Committee every year and the consequent significant delay between the date of submission of a State party's report and its consideration by the Committee, the Committee invites the State party to submit a consolidated third and fourth report 18 months before its due date of 15 July 2007.**

159. **Finally, the Committee expects the next periodic report of the State party to include information from all the Overseas Dependent Territories and Crown Dependencies of the United Kingdom of Great Britain and Northern Ireland.**

Concluding observations: Seychelles

160. The Committee considered the initial report of Seychelles (CRC/C/3/Add.64), submitted on 7 February 2001, at its 815th and 816th meetings (see CRC/C/SR.815 and 816), held on 23 September 2002, and adopted, at the 833rd meeting (CRC/C/SR.833), held on 4 October 2002, the following concluding observations.

A. Introduction

161. The Committee welcomes the submission of the State party's initial report which follows the guidelines for reporting, is self-critical and presents numerous recommendations for addressing the problems. The Committee also welcomes the written replies to its list of issues containing considerable statistical data (CRC/C/Q/SEY/1), which gave a clearer understanding of the situation of children in the State party. It further notes with appreciation the open and constructive dialogue and the positive reactions to the suggestions and recommendations made during the discussion.

B. Positive aspects

162. The Committee notes the State party's continuous efforts to reform the Children's Act of 1982 and bring it fully into conformity with the Convention.

163. The Committee notes the State party's strong commitment to education and child and maternal health and the significant improvements that have been made in these areas, as well as with respect to health indicators in general.

164. The Committee notes the State party's prohibition of corporal punishment in the home, schools and all other institutions involved in the care or protection of children.

C. Factors and difficulties impeding the implementation of the Convention

165. The Committee acknowledges that, despite a relatively high standard of living, the State party still faces socio-economic conditions which place limitations upon the State party's financial and human resources.

D. Principal areas of concern and recommendation

1. General measures of implementation

Legislation

166. The Committee, while noting that the State party has recently initiated a review of its legislation on children, nevertheless remains concerned that reforms ensuring the conformity of all domestic laws with the Convention have not been fully realized.

167. The Committee encourages the State party to continue its efforts at legislative reform and take all necessary measures to ensure that its domestic legislation in all areas concerning children conforms fully with the principles and provisions of the Convention.

Coordination

168. While noting the State party's efforts to establish inter-agency committees, such as the National Commission on Child Protection, the Committee remains concerned that, as the State party itself has recognized, coordination between ministries and agencies working with and for children is insufficient, which limits their effectiveness.

169. The Committee recommends that the State party strengthen its efforts to coordinate policy and programmes and ensure a holistic approach to children's issues both at the national and local levels, in particular by ensuring that coordination mechanisms receive the necessary financial and human resources.

Independent monitoring structures

170. The Committee welcomes the creation of various helplines to allow children to discuss their problems in confidence, and notes that children may send complaints to the National Council for Children. Nevertheless, the Committee remains concerned at the absence of an independent mechanism with a mandate to regularly monitor and evaluate progress in the implementation of the Convention and which is empowered to receive and address individual complaints by children.

171. **The Committee encourages the State party to pursue its efforts to develop and establish an independent and effective mechanism, provided with adequate human and financial resources and easily accessible to children, 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), that would:**

- (a) Monitor the implementation of the Convention;**
- (b) Deal with complaints from children in a child-sensitive and expeditious manner;**
- (c) Provide remedies for violations of their rights under the Convention.**

Allocation of budgetary resources

172. The Committee notes with concern that budgetary allocations for children are insufficient to ensure that professionals and other staff dealing with children in all services are adequately trained and have sufficient capacity to respond to national and local priorities for the protection and promotion of children's rights.

173. **While recognizing the existing economic difficulties, the Committee encourages the State party to 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 "to the maximum extent of ... available resources". Furthermore, the Committee recommends that the State party undertake an evaluation of spending and resources in the public and private sectors, including by NGOs, to assess the cost, accessibility, quality and effectiveness of services for children.**

Data collection

174. The Committee is concerned at the lack of disaggregated data and indicators for all areas covered by the Convention and in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies and programmes adopted with respect to children.

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

- (a) Develop a system of data collection and indicators consistent with the Convention, disaggregated by gender and age, as well as by island. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including child victims of abuse, neglect or ill-treatment, children with disabilities, children in conflict with the law, and children living in poverty;**

(b) Use these indicators and data for the formulation and evaluation of policies and programmes for the effective implementation of the Convention;

(c) Seek technical assistance from the United Nation's Children's Fund (UNICEF) or other organizations in this regard.

Dissemination

176. While noting the initiatives of the State party to promote awareness of the principles and provisions of the Convention, the Committee is concerned that professional groups, children, parents and the public at large are still not sufficiently aware of the Convention and the rights-based approach enshrined therein.

177. The Committee recommends that the State party strengthen its efforts to ensure that the principles and provisions of the Convention are widely known and understood by adults and children alike. In this regard, the Committee encourages the State party:

(a) To ensure that the Convention is translated in its entirety into all three official languages;

(b) To undertake a systematic education and training programme on the principles and provisions of the Convention for children, parents and all professional groups working for and with children, in particular judges, lawyers, members of the Family Tribunal, law enforcement officials, staff of the Youth Residential Treatment Centre, teachers, health-care personnel, social workers, staff in orphanages, parliamentarians and religious leaders.

Cooperation with civil society

178. While noting the participation of the civil society in child protection activities, the Committee is concerned that insufficient efforts have been made to involve civil society in the full implementation of the Convention and the reporting process.

179. The Committee recommends that the State party continue to involve systematically communities and other elements of civil society, including children's associations, throughout all stages of the implementation of the Convention, including the formulation of policies and programmes, and in the drafting of the next report to the Committee.

2. Definition of the child

180. The Committee is concerned that:

(a) Under law there is a different minimum age of marriage for boys and girls;

(b) The age of compulsory education is not clear, giving rise to uneven enforcement.

181. **The Committee, therefore, recommends that the State party:**

- (a) **Review its legislation with a view to rectifying differences in the minimum age of marriage by raising the age for girls to that for boys;**
- (b) **Establish a clear age for compulsory schooling and ensure that it is enforced.**

3. General principles

182. The Committee is concerned that the principles of non-discrimination, the best interests of the child, the right to life, survival and development of the child and respect for the views of the child are not fully reflected in the State party's legislation and administrative and judicial decisions, as well as in policies and programmes relevant to children at both national and local levels.

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

- (a) **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;**
- (b) **Apply them in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on all children;**
- (c) **Apply these principles in policy-making and planning at every level, as well as in actions taken by social and health welfare and educational institutions, courts of law, including the Family Tribunal, and administrative authorities.**

184. **Furthermore, the Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and 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

185. Noting the recognition of the best interests principle in the Children's Act, the Committee remains concerned that the principle is not fully recognized and implemented in all legislation, policies and programmes for children.

186. **In light of article 3, the Committee recommends that the State party ensure that the best interests principle is reflected in all relevant legislation, policies and programmes for children, in particular in the proceedings and decisions of the Family Tribunal.**

Respect for the views of the child

187. While noting the State party's efforts to ensure child participation, including through youth and school councils, the Committee remains concerned that children have limited opportunities in schools, institutions, courts, administrative processes and in the home to express their views freely.

188. **In light of article 12 of the Convention, the Committee recommends that the State party ensure that children's views are given due consideration in courts, schools, relevant administrative and other processes concerning children and in the home through, inter alia, the adoption of appropriate legislation, the training of professionals working with and for children and the use of information campaigns. The Committee further recommends that the State party undertake consultations with children on matters affecting them.**

4. Civil rights and freedoms

Right to preservation of identity

189. The Committee is concerned that the right of children born out of wedlock to know their biological fathers can be limited, inter alia, owing to the right of the mother not to reveal the name of the father, and that children of divorced or separated parents may not be able to preserve their identity.

190. **In light of article 8, the Committee recommends that the State party review its legislation in order to ensure that all children born out of wedlock have, as far as possible, the legal right to know and maintain contact with both their biological parents, and that all children of divorced or separated parents have the legal right to maintain their identity.**

Ill-treatment and other forms of violence

191. While noting that the State party has prohibited corporal punishment, the Committee remains concerned that children may still be subject to violence in the home, schools or institutions, and that corporal punishment may be reintroduced in schools.

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

(a) **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;**

(b) **Provide further training for all professional groups working with or for children, including police and detention officials, on alternative forms of discipline and on how to detect and address signs of ill-treatment in a child-sensitive manner;**

(c) Ensure that child victims of ill-treatment have access to psychological counselling and recovery services;

(d) Establish a complaints mechanism that is accessible to all children.

5. Family environment and alternative care

193. While acknowledging the State party's efforts to destigmatize and streamline judicial proceedings with respect to family issues through the creation of the Family Tribunal, the Committee is concerned that the functioning of the Tribunal is not always in conformity with the principles and provisions of the Convention.

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

(a) Ensure that the general principles of the Convention, in particular the best interests principle and respect for the views of the child, are integrated into all proceedings and decisions of the Family Tribunal;

(b) Improve the professionalism and qualifications of all staff and members of the Family Tribunal through further training which includes the principles and provisions of the Convention;

(c) Ease the burden on child witnesses and victims by minimizing delays and postponements, ensuring their right to privacy and providing training for staff on how to work with these victims and witnesses in a child-sensitive manner.

Parental responsibility

195. The Committee notes with deep concern the spreading phenomenon of family disintegration in the State party, including the large number of single-parent families.

196. **In light of article 18 of the Convention, the Committee recommends that the State party:**

(a) Continue ongoing efforts at legal reform with regard to parental responsibilities;

(b) Continue to develop measures for the prevention of family disintegration and the strengthening of family development together with public agencies, civil society organizations and families themselves.

Alternative care

197. Acknowledging the State party's efforts to develop a foster care system, the Committee is concerned at the persistent lack of alternatives to residential care for children deprived of a family, and at the high proportion of children placed in institutions because of social or economic problems affecting their families. Furthermore, the Committee is deeply concerned that there is no periodic review of private or public alternative care facilities and that private and public institutions are not subject to the same standards or procedures.

198. **The Committee recommends that the State party review its policies on alternative care for children deprived of a family with a view to developing a more integrated and accountable system of care and support by:**

(a) Strengthening and expanding the foster care system through improved training of social workers and increased counselling and support for foster families;

(b) Enhancing coordination between all persons involved in the care of children deprived of a family environment, including police, social workers, foster families and the staff of public and private orphanages;

(c) Establishing a set of standards and procedures for all public and private organizations working with these children that encompass the principles of the best interests of the child and respect for the views of the child and that ensure that their placement is periodically reviewed, in accordance with article 25 of the Convention.

Abuse and neglect

199. The Committee expresses its concern at the lack of reliable data and information on child abuse and neglect in the home and in care institutions, which, nevertheless, the State party recognizes to be a problem.

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

(a) Undertake studies on domestic violence, ill-treatment and abuse, including sexual abuse, within the family in order to assess the extent, scope and nature of these practices;

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

(c) Ensure that all victims have access to recovery and social reintegration programmes;

(d) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervening where necessary;

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

6. Basic health and welfare

201. While acknowledging the State party's strong commitment to child and maternal health, the Committee is concerned at the limited access to safe drinking water and sanitation on some islands and at the lack of mental health professionals and services for children and adolescents throughout the State party.

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

(a) Enforce existing environmental regulations so as to ensure universal access to safe drinking water and sanitation;

(b) Establish specialized mental health services specifically for children and adolescents staffed with specially trained and qualified professionals.

Children with disabilities

203. The Committee is encouraged by the State party's efforts, together with the National Council for the Disabled, to combat discrimination against children and adults with disabilities. Nevertheless, the Committee is concerned that children with disabilities have limited access to public facilities and services because the physical environment is not appropriately designed or because staff and programmes have not been designed to ensure integration of children with disabilities.

204. **Taking note of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and the results of the Committee's day of general discussion on the rights of children with disabilities, held on 6 October 1997 (see CRC/C/69, paras. 310-339), the Committee recommends that the State party continue its cooperation with the National Council for the Disabled and other relevant civil society organizations, in particular in:**

(a) Developing and implementing a policy aimed at the full integration of children with disabilities into the mainstream school system;

(b) Assessing the extent to which current services and public facilities are accessible and appropriate for the needs of children with disabilities with a view to improving the physical environment, the coordination of service delivery and the capacity of all staff and professionals working for and with children to include children with disabilities in their programmes, thereby facilitating their active participation in society at large.

Adolescent health

205. The Committee is concerned that:

- (a) Adolescents face health risks, including from sexual exploitation, maltreatment, smoking, drug and alcohol abuse, and HIV/AIDS and sexually transmitted diseases;
- (b) The rate of teenage pregnancies and illegal abortions is high;
- (c) Adolescents do not have full access to reproductive health counselling and services.

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

- (a) Increase its efforts to promote adolescent health, including mental health, by focusing, in particular, on the issues of reproductive health, substance abuse and health education in schools and institutions;**
- (b) Consider means of reducing teenage pregnancy, including through strengthened reproductive health education and access to contraception without parental consent for adolescents;**
- (c) Ensure the provision of comprehensive health services, counselling and support for pregnant girls.**

7. Education

207. The Committee is encouraged by the existence of free compulsory education and early childhood education programmes with virtually universal enrolment. Nevertheless, the Committee is concerned about the high drop out rates and absenteeism.

208. **In light of the Committee's General Comment No. 1 on article 29, paragraph 1, of the Convention (aims of education), the Committee recommends that the State party:**

- (a) Consider creating study groups in schools involving students at higher and lower levels in order to contribute to the improvement of the achievements of students with learning difficulties;**
- (b) Undertake a study of the reasons why students drop out of school in order to develop solutions that ensure their continuing educational or vocational training, and further opportunities for employment and integration into society;**
- (c) Review the curriculum and teacher training programmes with a view to incorporating human rights education, including children's rights, into the curriculum and implementing more participatory teaching methods;**

(d) Ratify the Convention against Discrimination in Education, of 1960 of the United Nations Educational, Scientific and Cultural Organization.

8. Special protection measures

Sexual exploitation

209. The Committee is concerned at the lack of data and information on the problem of sexual exploitation of children, including child prostitution and pornography.

210. **The Committee recommends that the State party undertake a comprehensive study of child sexual exploitation and prostitution which assesses the magnitude of the problem, proposes possible solutions that address its root causes and evaluates the availability and appropriateness of services for the care and protection, recovery and social reintegration of the victims, 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.**

Substance abuse

211. The Committee is concerned at the increasing use of marijuana and other illicit substances by children in the State party and at the lack of adequate data and treatment programmes specifically for children abusing drugs.

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

(a) In light of article 33 of the Convention, continue to take all appropriate measures, including administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and to prevent the use of children in the illicit trafficking of such substances;

(b) Support rehabilitation, reintegration and recovery programmes specifically designed for child victims of drug and substance abuse.

Juvenile justice

213. The Committee is concerned that although the minimum age for criminal responsibility is 12 years, prosecution of children between the ages of 8 and 12 is possible under certain conditions. In addition, the Committee is concerned that conditions at the Youth Residential Treatment Centre are very poor, that it has few programmes for rehabilitation or education and that its location limits contact between children and their families. Finally, the Committee is also concerned about the lack of community-based rehabilitation alternatives for juvenile offenders.

214. **The Committee recommends that the State party take additional steps to reform legislation and 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 Vienna Guidelines for Action on Children in the Criminal Justice System.**

215. **The Committee further recommends that the State party:**

(a) **Increase the number of probation officers and community-based alternatives to detention for juvenile offenders;**

(b) **Establish a clear minimum age of criminal responsibility at an internationally acceptable level and ensure that children under that age are not held in police custody or other forms of detention;**

(c) **Improve the conditions at the Youth Rehabilitation and Treatment Centre and ensure that rehabilitation and education programmes are provided while continuing consideration of the possibilities of relocating the Centre to the main island in order to facilitate contact between children and their families.**

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

216. The Committee notes that the State party has 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.

217. **The Committee recommends that the State party continue to pursue its efforts to ratify the two Optional Protocols to the Convention on the Rights of the Child.**

10. Dissemination of documents

218. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial 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 non-governmental organizations.

11. Next report

219. **The Committee, aware of the considerable delay in the State party's reporting, wishes to underline the importance of a reporting practice which is in full compliance with the rules set out in article 44 of the Convention. Children have the right to have the Committee on the Rights of the Child, as the responsible body, regularly examine the progress made in the implementation of their rights, and it should have the opportunity to do so. Regular and timely reporting by States parties is crucial in this regard. Moreover, the Committee understands that the State party has had difficulties with timely and regular reporting. In order to help the State party return to reporting in full compliance with its obligation under the Convention, the Committee invites the State party, by way of exception, to submit its second (due on 6 October 1997), third (due on 6 October 2002) and fourth periodic reports in one consolidated report before 6 October 2007.**

Concluding observations: the Sudan

220. The Committee considered the second periodic report of the Sudan (CRC/C/65/Add.17) at its 817th and 818th meetings (see CRC/C/SR.817 and 818), held on 24 September 2002, and adopted at its 833rd meeting (CRC/C/SR.833), held on 4 October 2002, the following concluding observations.

A. Introduction

221. The Committee welcomes the submission of the State party's second periodic report and the written replies to its list of issues (CRC/C/Q/SUD/2). The Committee appreciates the informative written replies to the list of issues which were submitted and notes the constructive dialogue held with the State party's delegation.

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

222. The Committee notes the progress made by the State party in assisting the hundreds of thousands of persons displaced from their homes during the armed conflict and in addressing the problem of landmines.

223. The Committee takes note of the adoption of the Constitution of the Sudan, providing for human rights and freedoms, and which entered into force on 1 July 1998.

224. The Committee welcomes the establishment of children's and women's rights services within several ministries and bodies; the establishment of a Commission on Human Rights and Public Obligations in the National Assembly; the establishment of the Sudan National Committee for the Eradication of Harmful Practices; and the State party's various measures to improve respect for the rights of women, including the campaigns against female genital mutilation and early marriage, and the encouragement of child spacing.

C. Factors and difficulties impeding the implementation of the Convention

225. The Committee notes the extremely negative impact of the armed conflict on children and that it has created conditions in which even a minimal implementation of the Convention is difficult. While noting the de facto control by non-State actors of areas of the State party's territory, notably in southern Sudan, the Committee emphasizes the full responsibility of the State party; it invites all other parties to respect child rights within the area under their control.

226. The Committee further notes the current and long-standing economic difficulties, including a high level of foreign debt and dependency on declining foreign assistance.

D. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation

227. The Committee expresses its concern that the large majority of the concerns and recommendations contained in the concluding observations (CRC/C/15/Add.6) adopted following consideration of the State party's initial report (CRC/C/3/Add.3) in 1993 have been insufficiently addressed. Many of the same concerns and recommendations are made in the present document.

228. The Committee recommends that the State party make every effort to address those recommendations contained in its concluding observations on the initial report that have not yet been implemented and the concerns contained in the present concluding observations.

Legislation

229. While noting that consideration of a draft children's code is continuing, the Committee, in light of Commission on Human Rights resolution 2001/18, expresses its concern that:

(a) Domestic legislation across the whole of the country, including in southern Sudan, is not in full conformity with the Convention;

(b) The State party has yet to ratify a number of core international human rights treaties.

230. The Committee recommends that the Sudanese authorities:

(a) **Make every effort to bring all domestic legislation, including with regard to southern Sudan, into line with the Convention through, among other things, advocacy targeting the various bodies within the country responsible for adopting legislation;**

(b) **Implement fully existing legislation that safeguards children's rights;**

(c) Sign and ratify the African Charter on the Rights and Welfare of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women and proceed with ratification 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, and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction.

Resource allocation

231. 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. Moreover, while appreciating that decentralization of services, particularly in the areas of health and education, allows authorities to respond better to local needs, the Committee is concerned that this delegation of responsibility without adequate resource allocation would result in serious deficiencies in the provision of these services for children, especially in the poorer areas. It emphasizes that the State party is responsible for ensuring that resources reach the most vulnerable groups during the period of economic reform and structural adjustment.

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

(a) Prioritize allocation of resources to the maximum extent for the economic, social and cultural rights of children at the national and local levels for the implementation of the Convention;

(b) Identify the amount and proportion of the national and local budgets spent on children through public and private services, non-governmental organizations and international development aid, and evaluate the impact and effects of the expenditures and of privatization;

(c) Study the impact of structural adjustment on the cost, quality, accessibility and effectiveness of services for children in order to prevent a decline in services.

Coordination

233. Noting the largely advisory role of the National Council for Child Welfare, the Committee is nevertheless concerned at the lack of administrative coordination and cooperation at the national and local government levels and civil society, which makes it difficult to achieve a comprehensive and coherent child-rights policy.

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

(a) Ensure that a central and permanent mechanism, which is adequately resourced, coordinates the implementation of the Convention, intersectorally as well as between national and local levels of government and civil society;

(b) Prepare and implement a national policy and a plan of action for children that would include the implementation of the Convention that is comprehensive and human rights based, and that is undertaken through an open, consultative and participatory process at the national and local levels.

Monitoring structures

235. While noting the work of the Government's advisory council for human rights, the Committee is nevertheless concerned at the absence of an independent mechanism with the mandate to regularly monitor and evaluate the progress in the implementation of the Convention, and which is empowered to receive and address complaints.

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

(a) Establish an independent national human rights institution, 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 at the national and local levels. This institution should be accessible to children and empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner and to address them effectively;

(b) Seek technical assistance from, among others, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Children's Fund (UNICEF).

Data

237. Noting the very serious lack of data, the Committee welcomes information by the delegation on steps being taken to build an information system based on the UNICEF Multiple Indicator Cluster Survey.

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

(a) Establish an effective mechanism for the systematic collection of disaggregated quantitative and qualitative data incorporating all the areas covered by the Convention and covering all children below the age of 18 years;

(b) Make use of indicators and data in the formulation of policies and programmes for the effective implementation of the Convention;

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

Cooperation with non-governmental and intergovernmental organizations

239. The Committee recognizes the important role of civil society, as well as of international organizations, under the prevailing conditions, in the implementation of the provisions of the Convention, and is concerned at the insufficient efforts by the State party to fully cooperate with and facilitate their efforts.

240. **The Committee recommends that the State party strengthen its cooperation with NGOs and international organizations and continue to ensure the safety of all NGO and intergovernmental personnel in the course of their work on behalf of children.**

Training/dissemination of the Convention

241. The Committee notes with concern that awareness of the Convention amongst professionals working with and for children and the general public, including children themselves, remains low. The Committee is concerned that the State party is not undertaking adequate dissemination, awareness-raising and training activities in a systematic and targeted manner.

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

(a) **Strengthen, expand 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 those vulnerable groups that are illiterate or without formal education;**

(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, health personnel, and religious leaders);**

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

2. Definition of the child

243. The Committee is concerned that the definition of the child is unclear under Sudanese law and is not in conformity with the principles and provisions of the Convention. For example, minimum ages may be determined by arbitrary criteria, such as puberty, and discriminate between girls and boys, and in some cases are too low (e.g. the minimum age of marriage is as low as 10 years).

244. **The Committee recommends that the State party review its legislation so that the definition of the child, the age of majority, and other minimum age requirements conform to the principles and provisions of the Convention, and that they are gender neutral, and ensure that the laws are enforced.**

3. General principles

Non-discrimination

245. The Committee is concerned that:

(a) There are significant inequalities regarding access to basic health and education services between children living in different parts of the country, most especially between southern Sudan and the rest of the country;

(b) There is discrimination with regard to children born out of wedlock, children with disabilities and refugee children, and discrimination on religious and ethnic grounds;

(c) Throughout the State party traditional patterns of discrimination limit the opportunities available to girls and women.

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

(a) **Ensure that all children, regardless of the region of the country in which they live, enjoy equal respect for their rights, including with regard to basic services;**

(b) **End all discrimination against children, giving particular attention to discrimination based on religious beliefs;**

(c) **Conduct a study to assess the scope and causes of discrimination between boys and girls and take steps to address such discrimination, giving particular attention to the impact of traditional and cultural practices upon girls and women with a view to adopting a proactive and comprehensive strategy for the elimination of discrimination against them.**

247. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and 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

248. The Committee is concerned that in actions concerning children, the general principle of the best interests of the child contained in article 3 of the Convention is not always a primary consideration, such as in matters relating to family law.

249. **The Committee recommends that the State party review its legislation and administrative measures to ensure that article 3 of the Convention is duly reflected therein**

and that this principle is taken into account when administrative, policy, court or other decisions are made.

Child participation and respect for the views of the child

250. While welcoming efforts to establish children's parliaments, the Committee remains concerned that the views of the child, especially girls, are not often respected and may be seen as contrary to traditional concepts of the role of the family, clan and tribe.

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

(a) **Ensure full respect for the views of the child and consider ways of ensuring that a child's views are given due consideration in accordance with the age and maturity of the child within the family, clan and tribe;**

(b) **Give particular attention to ensuring respect for the views of girls.**

4. Civil rights and freedoms

Name and nationality

252. Noting the efforts made by the State party to establish a civil registry, the Committee is nevertheless extremely concerned that large numbers of children, as high as 70 per cent in some parts of the country, are not registered.

253. **The Committee recommends that ongoing efforts be continued and strengthened to improve birth registration throughout the country with a view to ensuring that all children are registered at birth, or as soon as possible afterwards, and are provided with birth certificates.**

Ill-treatment and violence

254. The Committee is concerned that corporal punishment is widely practiced in the State party, including within the family, schools and other institutions; that children have been the victims of violence by, among others, the police; and that acts of torture, rape and other cruel, inhuman or degrading treatment have been committed against children in the context of the armed conflict.

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

(a) **Prohibit under law the practice of corporal punishment in the family, in schools and in all other contexts and make use of legislative and administrative measures, as well as public education initiatives, to end the use of corporal punishment, including the provision of information on alternative non-violent methods of discipline;**

(b) **Prevent all forms of violence against children and make sure that perpetrators of violence against children, including the police, are prosecuted;**

(c) **Immediately end the practice of detaining children in camps where they suffer torture and other cruel, inhuman or degrading treatment or punishment and make sure that those responsible for such acts are brought to justice;**

(d) **Take into consideration the other recommendations of the Committee adopted at its days of general discussion on violence against children (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745);**

(e) **Seek assistance from, among others, UNICEF and the World Health Organization (WHO).**

5. Family environment and alternative care

256. The Committee is concerned that:

(a) Widespread and severe poverty, and the disruption of family life by war, famine and related population displacement have seriously weakened the family environment of massive numbers of children within the State party;

(b) The severe legal penalties applied to women who become pregnant outside of marriage are such that many women and adolescent girls seek to conceal their pregnancies and then abandon their newborn children, and that the survival rate of these children is extremely low.

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

(a) **Assess the scope of problems faced by children in the realization of their right to a family environment and take urgent action to strengthen its support to the family;**

(b) **Give particular attention to the protection of children born out of wedlock and ensure that their mothers receive protection and support.**

Abuse

258. The Committee is concerned that physical and psychological abuse occurs within the family, but is not adequately monitored, reported upon or addressed.

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

(a) **Establish effective child-sensitive procedures and mechanisms for the reporting, monitoring and investigation of instances of child abuse, and intervene where necessary;**

(b) **Provide child victims of abuse with the appropriate medical and psychological support, including recovery and social reintegration assistance for their families;**

(c) **Strengthen the education provided to young parents in the care they should give to their children and in the prevention of abuse and neglect;**

(d) **Take into consideration the recommendations of the Committee adopted at its days of general discussion on violence against children (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745);**

(e) **Seek assistance from, among others, UNICEF and WHO.**

Alternative care

260. Noting the breakdown of many families and extended family networks, the Committee is concerned that there are insufficient alternative care mechanisms to provide for children in need of such care and that existing mechanisms need to be strengthened.

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

(a) **Strengthen and extend alternative care mechanisms and take all necessary measures to provide children separated from their parents with family-type alternative care (e.g. by strengthening the capacity of extended family and increasing the availability of quality foster care);**

(b) **Ensure that the rights of children in need of alternative care are fully protected;**

(c) **Seek technical cooperation from UNICEF in this regard.**

6. Basic health and welfare

262. The Committee notes the progress with regard to child immunization programmes, but remains deeply concerned at the very poor availability, accessibility and quality of basic health-care services. The Committee is concerned, among other things, at the high rates of infant, child and maternal mortality, the significant inequalities in the provision of health-care services between the north and the south of the country, the very limited access to safe drinking water responsible for 40 per cent of deaths of children under 5, and other serious health problems like malaria, acute respiratory diseases, lack of iodine and malnutrition. These and other concerns of the Committee regarding health care are reflected in the following recommendations.

263. **The Committee urgently recommends that the State party:**

(a) **Take immediate action to reduce infant, child and maternal mortality rates;**

(b) **Strengthen the provision of health-care services, including with regard to management, staffing, equipment and medical supplies, giving particular attention to the decentralization of responsibility for services to local authorities;**

(c) Reduce inequalities in the levels of health of children in the State party through, inter alia, improving access to safe drinking water and adequate sanitation and strengthening the availability of health services in rural areas;

(d) Establish adequate and effective services for children who have been exposed to highly traumatic events;

(e) Take immediate action to address preventable health problems among children, including with regard to iodine deficiency, malaria, diarrhoea, acute respiratory diseases, measles, meningitis and malnutrition;

(f) Ensure the availability and accessibility of essential drugs;

(g) Seek technical assistance from, among others, UNICEF and WHO.

Children with disabilities

264. While encouraged by the progress indicated by the delegation, the Committee remains concerned at societal stigmatization and discrimination against disabled children, the lack of disaggregated data concerning them and the very limited services and opportunities offered to those children.

265. **In the context of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and the results of the Committee's day of general discussion on the rights of children with disabilities, held on 6 October 1997 (see CRC/C/69, paras. 310-339) the Committee recommends that the State party:**

(a) Undertake effective collection of disaggregated data with regard to children with disabilities;

(b) Make every effort to bring an end to traditional beliefs and stigma prejudicial to children with disabilities, including through education and information programmes;

(c) Ensure the integration within its child-rights policy of the perspectives of the rights of children with disabilities with regard to, inter alia, non-discrimination, participation, survival and development, health, education (including vocational education for future professional employment) and integration in society;

(d) Significantly strengthen the provision of health services for children with disabilities;

(e) Adopt and implement, as needed, legislative and administrative provisions to ensure that children with disabilities have access to public buildings, including hospitals and schools;

(f) **Strengthen the assistance, both financial assistance and counselling, provided to the families of children with disabilities;**

(g) **Seek international cooperation from, among others, UNICEF, in this regard.**

Harmful traditional practices

266. While noting the efforts undertaken to end female genital mutilation, the Committee remains deeply concerned that it continues to be practised widely.

267. **The Committee recommends that the State party continue and strengthen its efforts to end the practice of female genital mutilation and to seek cooperation with other countries in the region with a positive experience in combating this harmful practice. Religious and community leaders should be mobilized in this regard.**

HIV/AIDS

268. The Committee is seriously concerned at reports, including the State party's report, that HIV/AIDS infection rates are likely to rise and at the lack of adequate measures in the area of prevention, care and treatment.

269. **The Committee recommends that the State party integrate into its policies and practices the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37, annex I) in consultation with and participation of religious leaders.**

270. Noting the positive progress made by the State party in establishing a social security network in 14 States, the Committee is convinced that social security coverage needs to be extended further and strengthened.

271. **The Committee recommends that the State party continue and strengthen its efforts to provide social security protection to children and their families.**

7. Education, leisure and cultural activities

272. The Committee takes note of the adoption of the General Education Act 2002 and the establishment of a girls' basic education service and of an education service for nomadic children, but remains concerned:

(a) At the very low level of public spending on education;

(b) At the very low level of enrolment in pre-school, primary and secondary schools owing, among other things, to the fact that education is not compulsory and that a birth certificate is required for enrolment;

(c) That the drop out rate is very high and that many children do not complete their primary education.

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

- (a) Significantly increase public spending on education;**
- (b) Ensure that primary education is free and compulsory for all children;**
- (c) Continue and strengthen efforts to increase enrolment in pre-school, primary and secondary education through, inter alia, increasing the number of schools, classrooms and teachers and establishing flexible forms of school registration which do not require the presentation of a birth registration certificate;**
- (d) Reduce the number of children dropping out of education by, inter alia, enforcing compulsory education requirements, providing additional financial support to cover the costs of education, and through the use of public information campaigns on the value of education;**
- (e) Give particular attention to ensuring the enrolment in school of girls, children with disabilities, refugee children and children from nomadic groups, and continue and strengthen efforts to provide special education and mobile education facilities for children with disabilities and nomadic children, respectively, who are in need of them;**
- (f) Strengthen education infrastructure and resources, including the provision of sufficient resources to local authorities, the construction of classrooms and schools, the provision of materials and school equipment, the revision and updating of school curricula and the improvement of teacher training;**
- (g) Make particular efforts to improve access to education in southern Sudan;**
- (h) Improve the opportunities for children to have access to tertiary education;**
- (i) Implement the recommendations and aims contained in paragraphs 235 and 292 of the State party's report;**
- (j) In light of the Committee's General Comment No. 1 on article 29, paragraph 1, of the Convention (The aims of education), take measures to strengthen the accessibility, quality and management of schools and take action to address the problems identified.**

274. The Committee is deeply concerned at the fact that the availability, accessibility and quality of education in the southern part of the country is much worse than in the rest of the country (e.g. only 16-18 per cent of children have access to education and not more than 20 per cent of those are girls; the drop out rate is still high; teachers are not paid salaries and most of them are not qualified; schools are often too far away and education is regularly disrupted by the armed conflict; and availability of educational material is very limited). These and other concerns lead to the following recommendations, particularly for the southern part of the country.

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

- (a) Urgently implement measures to raise the number of children enrolling in education and, as far as possible, support children so that they enrol at the correct age;**
- (b) Significantly strengthen teacher training through, inter alia, improving the quality of training and significantly raising the number of teachers trained, including teachers able to teach in local languages;**
- (c) Implement measures to improve children's access to schools through, inter alia, the provision of transport to schools over a certain distance away or the establishment of additional schools closer to children;**
- (d) Give particular attention to increasing the number of girls enrolling in and completing education;**
- (e) Ensure appropriate use of the new curriculum;**
- (f) Seek technical assistance from UNICEF in this regard.**

8. Special protection measures

Refugee and internally displaced children

276. The Committee is concerned at the large number of Sudanese children who continue to live as refugees in neighbouring countries; that refugee children from neighbouring countries do not enjoy all their rights contained in the Convention; at the situation of internally displaced children; and at reports of forced evictions for the purposes of oil exploration.

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

- (a) Strengthen its efforts to secure the voluntary and safe return of Sudanese refugee children and their families, in accordance with all international standards;**
- (b) Continue and strengthen its efforts to provide protection to children and their families from neighbouring countries who seek shelter as refugees within the Sudan;**
- (c) Make every effort to provide assistance and support to the resettlement of internally displaced persons;**
- (d) Continue efforts to support family reunification;**
- (e) Ensure that oil exploration activities do not lead to the forced displacement of families, including children, and that the rights of all children in regions where these activities are undertaken are respected.**

Children in armed conflict

278. While noting the demobilization of some children, the Committee is deeply concerned that:

- (a) Children are still being used as soldiers by the Government and opposition forces;
- (b) Landmines continue to pose problems for the safety of children, including in regions where armed conflict is no longer taking place;
- (c) Government forces have conducted indiscriminate bombing of civilian areas, including of food stocks;
- (d) Access to needy populations by humanitarian organizations has sometimes been impeded.

279. **The Committee recommends that the State party and, as far as applicable, other relevant actors:**

- (a) End all recruitment and use of children as soldiers, in accordance with applicable international standards; complete demobilization and rehabilitate those children who are currently serving as soldiers; and comply with Commission on Human Rights resolution 2001/18;**
- (b) End the military recruitment of professionals working with children, such as teachers;**
- (c) Include respect for children's rights in any negotiated agreement to end the armed conflict;**
- (d) Ratify and fully implement the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and On Their Destruction, of 1997;**
- (e) Respect the provisions of article 38 of the Convention and related provisions of international humanitarian law with regard to the protection of civilians, including children, in armed conflicts;**
- (f) Guarantee the delivery of humanitarian assistance to the populations in need, and respect the rights of children among civilian populations to, among others, food, water, medical care and adequate housing;**
- (g) Fully cooperate with the United Nations verification team investigating alleged abuses against civilians, including children, during the armed conflict.**

Slavery and abduction

280. The Committee welcomes the work of the Committee for the Eradication of Abduction of Women and Children. However, it remains concerned that the State party's legislation does not adequately prohibit slavery or sanction those engaged in it and that thousands of children have been abducted and enslaved in the context of the armed conflict as well as for commercial gain (i.e. sold as servants, agricultural labourers and concubines, or forcibly recruited as soldiers).

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

(a) Ensure that child slavery is prohibited under domestic legislation and in accordance with the Convention and other relevant international standards;

(b) End all forms of slavery and abduction of children within the State party and, in this context, urgently implement the provisions of Commission on Human Rights resolution 2001/18;

(c) Prosecute those persons engaged in the abduction, sale, purchase or illegal forced recruitment of children;

(d) Continue and strengthen the work of the Committee for the Eradication of Abduction of Women and Children, including through making available greater financial resources and giving the Committee more authority at the regional and local levels;

(e) Provide assistance to children returning from slavery or abduction with reintegration in their families and communities;

(f) Seek international cooperation in this regard.

Economic exploitation

282. The Committee is concerned that:

(a) Many children, including children under 15, regularly work and bear heavy responsibilities within the family;

(b) The large scale and intensity of work demands placed upon children prevents many of them from attending school;

(c) Some child labourers are the victims of economic exploitation and work in very poor conditions, including without insurance or social security benefits, with very low wages, for long hours and in dangerous and/or abusive conditions.

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

(a) **Make greater efforts to reduce the number of children engaged in regular labour, with particular emphasis on younger children;**

(b) **Make every effort to ensure that children do not work under conditions which are harmful to them and receive appropriate wages and other work-related benefits;**

(c) **Make every effort to ensure that those children who do work continue to have access to formal education.**

Sexual exploitation

284. The Committee is concerned at increasing instances of sexual exploitation of children, including through prostitution.

285. **The Committee recommends that the State party strengthen its efforts to address the sexual exploitation of children.**

Street children

286. While taking note of the adoption by the President of a decision on 19 June 1999 “to deal with the problem of street children”, the Committee remains concerned that:

(a) There are large numbers of children living on the street in urban areas and that these children are vulnerable to, among other things, sexual abuse, violence, exploitation and the abuse of various substances and that they lack access to education and adequate health services;

(b) Street children are classified as “vagrants” in the context of government practices.

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

(a) **Amend its definition and policies with regard to street children, ensuring that these children are seen as victims of their circumstances and are not criminalized;**

(b) **Make additional efforts to provide protection to children living on the street and to ensure their access to education and health services, including substance abuse counselling;**

(c) **Proceed with the implementation of the “national project to combat the problem of street children”, ensuring that this project is in full conformity with the Convention and addresses the concerns raised in the present concluding observations;**

(d) **Seek international cooperation from, among others, UNICEF.**

Juvenile justice

288. Noting the reference to a juvenile court project in the State party's response to the list of issues, the Committee is concerned that the holistic approach to addressing the problem of juvenile crime advocated in the Convention, including with respect to prevention, procedures and sanctions, has not been sufficiently taken into consideration by the State party. The Committee is concerned that the age of criminal responsibility is too low as a child may be punishable by detention in a reformatory from the age of 7.

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

- (a) **Raise the minimum age of criminal responsibility;**
- (b) **Establish a system of juvenile justice that 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 Vienna Guidelines for Action on Children in the Criminal Justice System;**
- (c) **Ensure that all children under 18 years of age benefit from the protection of juvenile justice standards;**
- (d) **Guarantee that sentences of capital punishment are not given for acts committed when the perpetrator was a child under 18 and that sentences of life imprisonment without possibility of release are likewise not handed down;**
- (e) **End the imposition of corporal punishment, including flogging, amputation and other forms of cruel, inhuman or degrading treatment or punishment, on persons who may have committed crimes while under 18;**
- (f) **Ensure that children who are homeless, unaccompanied, begging and in other similar situations are not criminalized.**

9. Optional Protocols

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

10. Dissemination of the reports

291. The Committee is concerned that the State party's periodic report was not made widely available and did not fully reflect concerns expressed by non-governmental organizations.

292. **In light of article 44, paragraph 6, of the Convention, the Committee recommends that the 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 within all levels of administration of the State party and the general public, including concerned non-governmental organizations.

11. Next report

293. **In light of the recommendation on reporting periodicity adopted by the Committee and described in the report on its twenty-ninth session (CRC/C/114), the Committee, 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 is to ensure that the Committee on the Rights of the Child 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 initiating timely and regular reporting. As an exceptional measure, in order to help the State party catch up with its reporting obligations 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 Committee expects the State party to report thereafter every five years, as foreseen by the Convention.**

Concluding observations: Ukraine

294. The Committee considered the second periodic report of Ukraine (CRC/C/70/Add.11) at its 821st and 822nd meetings (see CRC/C/SR.821 and 822), held on 26 September 2002, and adopted, at its 833rd meeting (CRC/C/SR.833) held on 4 October 2002, the following concluding observations.

A. Introduction

295. The Committee welcomes the submission of the State party's second periodic report which follows the guidelines for reporting and the written replies to its list of issues (CRC/C/Q/UKR/2). The Committee notes the constructive and informative dialogue held with the State party's delegation.

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

296. The Committee welcomes the adoption of the new Constitution in June 1996, giving legal recognition to human rights and freedoms of the individual.

297. The Committee notes the enactment of new legislation, as mentioned in the written replies to the list of issues, such as: State Social Assistance for Low-Income Families Act (No. 1768-III, 1 June 2000); State Social Assistance for Persons Disabled from Childhood and Children with Disabilities Act (No. 2109-III, 16 November 2000); Act amending the Housing Code of the Ukrainian Soviet Socialist Republic Act (No. 1525-III, 12 March 2000);

Child Welfare Act (No. 2402-III, 26 April 2001); Immigration Act (No. 2491-III, 7 June 2001); Refugees Act (No. 2557-III, 21 June 2001); Ukrainian Citizenship Act (No. 2235-III, 18 January 2001); Social Work with Children and Youth Act (No. 2558-III, 21 June 2001); Prevention of Domestic Violence Act (No. 2789-III, 15 November 2001) (with, inter alia, the ban on corporal punishment in schools, institutions and the home); Criminal Code (1 September 2001); Pre-school Education Act (11 June 2001); Extracurricular Education Act (22 June 2001); Act amending the State Assistance for Families with Children Act (1 January 2002); Family Code (10 January 2002).

298. The Committee welcomes the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization. The Committee further welcomes the reforms to the education system with the introduction of the Act “On education” in 1996 and the adoption of the Act “On vocational and technical training” in 1997, as well as the introduction of human rights into the school curricula, the annual reports on the status of children and programmes on national television and radio on children’s rights.

C. Factors and difficulties impeding the implementation of the Convention

299. The Committee notes that the State party continues to deal with many of the same serious economic and social problems as at the time of the Committee’s consideration of its initial report, with the prolonged period of economic transition having led to a deterioration of living standards, high unemployment rates and growing poverty, affecting families with children. Furthermore, the Committee notes the persistence of the negative consequences of the Chernobyl nuclear plant disaster and the harmful impact of the HIV/AIDS pandemic, affecting the population in general and the health and development of children in particular.

D. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation

Committee’s previous recommendations

300. The Committee regrets that some of the concerns expressed and recommendations made in the concluding observations (CRC/C/15/Add.42, paras. 8, 17, 18, 20, 22, 25, 26, 29 and 30) adopted following its consideration of the State party’s initial report (CRC/C/8/Add.10) have been insufficiently addressed. The Committee notes that the same concerns are expressed and recommendations made in the present document.

301. **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.**

Legislation and implementation

302. The Committee is concerned that the legislation on the Convention has been considered to be of a declaratory nature and thus has not been fully implemented. The Committee is also concerned that very little information was received on the legislation enacted after the reporting period, making it difficult for the Committee to assess whether it has a rights-based approach and complies with the Convention.

303. The Committee recommends that the State party review, amend and renew, where necessary, the legislation in order to ensure full compliance with the rights contained in the Convention and strengthen the mechanisms for the implementation of all legislation relevant to the Convention.

National plan of action and coordination

304. The Committee notes the information received on the following: the State youth policy, including the National Programme “Children of Ukraine”; the State Committee on Family and Youth Affairs, which coordinates the implementation of State policy on the rights of families, women and children at central and local levels of government, as well as cooperation between the central authorities, the United Nations Children’s Fund (UNICEF) and other international organizations; the Inter-Departmental Commission for Child Welfare, coordinating measures to implement the Convention, the World Declaration on the Survival, Protection and Development of Children and the National Programme “Children of Ukraine”.

305. The Committee remains concerned, however, that the State youth policy covers social assistance, health care, education, alternative care and child protection and that it lacks a rights-based approach and does not encompass all rights enshrined in the Convention. The Committee is further concerned that there is a lack of clear coordination of efforts to implement all the rights in the Convention (*ibid.*, para. 18).

306. The Committee recommends that the National Plan of Action should be rights-based and cover all the principles and provisions of the Convention.

307. The Committee recommends that the State party establish or appoint a single permanent body to coordinate the implementation of the Convention at the national and local levels, including by effectively coordinating activities between central and local authorities and cooperating with non-governmental organizations (NGOs) and other sectors of civil society.

Independent monitoring structures

308. While noting the appointment of the Commissioner for Human Rights of the Supreme Council of Ukraine, the Committee remains concerned that the mandate of the Commissioner does not provide for the regular monitoring and evaluation of progress in the implementation of the Convention. The Committee is further concerned that the office of the Commissioner does not include a mechanism to address individual complaints relating especially to violations of the rights guaranteed under the Convention.

309. **The Committee encourages the State party to appoint, within its structure, either a commissioner specifically responsible for children's rights, or establish a specific section or division responsible for children's rights, that would be specifically responsible for addressing complaints made by children in a child-sensitive manner. In this respect, the Committee refers to its General Comment No. 2 on the role of national human rights institutions.**

Resources for children

310. The Committee notes the priority accorded by the State party to health and education and the information that the budget has been increased for 2000-2001. However, the Committee remains concerned about the low level of resources in general for social services, health and education, which has a negative impact on the quality and accessibility of services, especially affecting families with children living in poverty. The Committee is also concerned that the "Children of Ukraine" programme is not accorded adequate funding. The Committee is further concerned that readjustment programmes may have a disproportionately negative affect on children if not appropriately addressed in the planning and budgeting of social services.

311. **In light of articles 2, 3 and 6 of the Convention, the Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by:**

(a) **Further continuing to increase the budget for the implementation of the Convention and prioritizing budgetary allocations to ensure implementation of economic, social and cultural rights of children to the maximum extent of available resources, in particular to socially marginalized groups, taking into account the decentralization of the provision of social services and of public finances;**

(b) **Strengthening its efforts to implement the poverty reduction strategy (2001);**

(c) **Ensuring sufficient resources for the full implementation of State programmes and policies for children, including "Children of Ukraine";**

(d) **Identifying the amount and proportion of the State budget spent on children through public and private institutions or organizations in order to evaluate the impact of the expenditures and also, in view of the costs, the accessibility, the quality and the effectiveness of the services for children in the different sectors.**

Data collection

312. The Committee regrets that its previous recommendation to the State party to develop an efficient coordination and monitoring mechanism that could provide a systematic and comprehensive compilation of data and indicators on all areas covered by the Convention and in relation to all groups of children, including children in single-parent families, children of divorced parents, abandoned children and institutionalized children, has not been fully followed up (ibid., para. 10).

313. **The Committee recommends that the State party should, as a priority, systematically collect disaggregated data incorporating all the areas covered by the Convention and covering all children below the age of 18 years, with specific emphasis on those who are in need of special protection. The State party should also develop indicators to effectively monitor and evaluate progress achieved in the implementation of the Convention and assess the impact of policies that affect children. In this context, the Committee recommends that the State party seek technical assistance from UNICEF.**

Training/dissemination of the Convention

314. The Committee welcomes 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 (ibid., para. 21). However, the Committee is of the opinion that the measures to create widespread awareness and understanding of the principles and provisions of the Convention need to be further strengthened and implemented in an ongoing, systematic manner.

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

(a) **Continue and strengthen its efforts to provide adequate and systematic training and/or sensitization on children's rights to professional groups working with and for children, such as parliamentarians, judges, lawyers, law enforcement and health personnel, teachers, school administrators and others as required;**

(b) **Continue to develop more creative methods to promote the Convention, including through audio-visual aids, such as picture books and posters, in particular at local level, and through the media.**

Cooperation with NGOs

316. The Committee welcomes the improvement in relation between the Government and civil society with increased cooperation between the Government and NGOs. However, 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.

317. **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 reiterates its recommendations (ibid., para. 18) that the State party promote closer cooperation with NGOs and, in particular, to consider involving NGOs, especially rights-based ones, and other sectors of civil society working with and for children more systematically throughout all stages of the implementation of the Convention.**

2. Definition of the child

318. The Committee is concerned that despite its previous recommendation (ibid., para. 17) there remain disparities in the minimum age of marriage for boys (18) and girls (17). It is also concerned that there is no clearly defined minimum legal age for sexual consent.

319. **The Committee reiterates its previous recommendation that the State party rectify disparities in the age of marriage between boys and girls by raising the minimum age of marriage for girls to 18. It also recommends that the minimum legal age for medical advice and counselling without parental consent be lowered and a clear legal minimum age for sexual consent be established.**

3. General principles

320. The Committee is concerned that the principles of non-discrimination, the best interests of the child, life, survival and development and the right to respect for the views of the child according to age and maturity are not fully reflected in the State party's legislation, policies and programmes at the national and local levels.

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

- (a) Appropriately integrate the general principles of the Convention, namely articles 2, 3, 6 and 12, in all relevant legislation concerning children;**
- (b) Apply them in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on all children;**
- (c) Apply these 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

322. The Committee remains concerned that the principle of non-discrimination is not fully implemented for children of economically disadvantaged households, children living in rural areas, children in institutions, children with disabilities, Roma children and children affected with HIV/AIDS, especially regarding health care, social welfare and education.

323. **The Committee recommends that the State party monitor the situation of children of economically disadvantaged households, children living in rural areas, children in institutions, children with disabilities, children belonging to national minorities such as Roma children, and children affected with HIV/AIDS. On the basis of the results of this monitoring, comprehensive proactive strategies containing specific and well-targeted actions aimed at eliminating all forms of discrimination, including in particular access to education and health care, should be elaborated.**

324. **The Committee reiterates its previous recommendation (ibid., para. 22) that measures be taken to prevent a rise in discriminatory attitudes or prejudices, in particular against children belonging to the above-mentioned vulnerable groups.**

325. **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, and 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

326. The Committee welcomes the creation of the Child Parliament by the State party, but remains concerned that traditional attitudes towards children in society still limit respect for their views, within the family, schools and at the community level. The Committee is further concerned that children's opinions are insufficiently taken into consideration, in accordance with their age and maturity, in the context of judicial or administrative decisions, including in the context of child custody procedures and decisions concerning alternative care, such as foster or institutional care or other forms of alternative care.

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

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

(b) **Provide educational information to, among others, parents, teachers, government administration officials, the judiciary, children themselves and society at large on children's right to participate and to have their views taken into account;**

(c) **The Committee recommends further that the State party undertake a regular review of the extent to which children's views are taken into consideration and of the impact this has on policy and programme implementation and on children themselves.**

4. Civil rights and freedoms

Torture and other cruel, inhuman or degrading treatment or punishment

328. The Committee is concerned that the definition of torture in the Criminal Code 2001 is not compatible with the definition of torture in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as it does not explicitly include acts of torture, including psychological torture, committed by State officials. The Criminal Code also fails to declare evidence extracted under torture inadmissible.

329. The Committee is also concerned at continued allegations of children, in particular Roma children, being ill-treated and tortured by law enforcement officials and that these allegations are not effectively investigated by an independent authority.

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

(a) **Amend the legislation defining torture to bring it into line with article 37 (a) of the Convention;**

(b) **Respond to allegations of torture and other cruel, inhuman or degrading treatment or punishment of children;**

(c) **Ensure the inadmissibility of evidence obtained through the use of torture;**

(d) **Take measures to ensure follow-up to the recommendations made by the Human Rights Committee and the Committee against Torture as they relate to the Convention on the Rights of the Child;**

(e) **Take immediate measures to stop police violence against children belonging to minorities, in particular the Roma, and challenge the prevailing impunity for such acts of harassment;**

(f) **Take all legislative measures to prohibit all forms of torture and other cruel, inhuman or degrading treatment or punishment;**

(g) **Provide support for the care, recovery, reintegration and compensation of victims.**

5. Family environment and alternative care

Family environment

331. The Committee notes with deep concern that, as noted in the State party's report, family disintegration, including high rates of divorce, growing numbers of single-parent families and cases of parental neglect, is a growing phenomenon. The Committee is further concerned at the growing percentage of families living below the poverty line, and regrets that its previous recommendation that the State party take further steps to strengthen the system of assistance to both parents in the performance of their child-rearing responsibilities has not been followed-up, (*ibid.*, para. 25). Moreover, financial assistance to families has decreased.

332. The Committee expresses serious concern at the high increase in the number of children left without parental care and regrets that its previous recommendation (*ibid.*, para. 26) to the State party to develop a comprehensive strategy to assist vulnerable families has not been followed.

333. **In light of article 18, the Committee recommends that the State party:**

(a) **Strengthen its efforts to 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 in need to financial assistance in this regard;**

- (b) Take action on the recently drafted social assistance bill designed to restructure the system of social security benefits;**
- (c) Improve social assistance and support to families through advice and education so as to promote positive child-parent relationships;**
- (d) Provide adequate training to social workers;**
- (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 drug addiction;**
- (f) Consider increasing financial support for families with children living in poverty under the Poverty Reduction Strategy 2001 at the national, regional and local levels.**

Corporal punishment

334. The Committee welcomes the new Protection from Domestic Violence Act 2001, but remains concerned that it has not yet been implemented.

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

- (a) Conduct a study to assess the nature and extent of ill-treatment, abuse and neglect of children in the home, and design policies and programmes to address them;**
- (b) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including by intervening where necessary, and investigate and prosecute instances of ill-treatment and all forms of domestic violence, including corporal punishment, ensuring that the abused child is not victimized in legal proceedings and that his/her privacy is protected;**
- (c) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of all kinds of violence against children;**
- (d) Take into consideration the recommendations of the Committee adopted at its days of general discussion on violence against children (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745);**
- (e) 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.**

Recovery of maintenance

336. The Committee is concerned that State assistance to single parents is inadequate and that the system for recovering child maintenance is inefficient and allows for delays in payments, sometimes lasting several years.

337. The Committee recommends that the State party establish a mechanism that will implement and monitor more proactive, timely and effective policy for collecting maintenance from the parent responsible for paying it.

Children deprived of a family environment/alternative care

338. The Committee notes that the Ministry of Education and the Ministry of Health and Housing are responsible for alternative care institutions.

339. The Committee is concerned at the predominant use of institutional responses to provide assistance to children in difficulty and that children who are cared for in institutions for many years, until the age of 18, are not given the educational and vocational skills necessary for them to make an independent living once they leave the institution. The Committee also expresses concern at the low quality of care in some institutions and at the condition of these institutions.

340. The Committee is concerned that alternative care, such as foster care, or other forms of family-based alternative care, are not sufficiently developed and available. The Committee is further concerned that children lack effective mechanisms to communicate concerns and complaints about their placement.

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

(a) Consider establishing or strengthening at the national, regional and local levels the mechanism in charge of alternative care within the system of social welfare;

(b) Take effective measures, including the development of strategies and awareness-raising activities, to prevent or reduce the abandonment of children;

(c) Take effective measures to 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;

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

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

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

(g) Continue to monitor standards of care and, in light of article 25 of the Convention, establish periodic review of placement;

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

Adoption

342. The Committee regrets that its previous recommendation that the State party consider ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993 has not yet been followed up (*ibid.*, para. 28). The Committee is concerned that adopted children do not have the right, as far as possible, to know the identity of their biological parents.

343. The Committee reiterates its recommendation that the State party ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, of 1993. In light of articles 3 and 7 of the Convention, the Committee recommends that the State party undertake all necessary measures to allow all adopted children to obtain information on the identity of their parents to the extent possible.

6. Basic health and welfare

344. The Committee is deeply concerned at the severely reduced quality and accessibility of health-care services. The Committee is further concerned at the inaccessibility of medical assistance to children who have left their homes; the increase in child morbidity; the high maternal mortality rates; the increase in the number of disabled children; and the high incidence of iodine deficiency and nutrition problems, especially among children from low-income households.

345. The Committee urgently recommends that the State party:

(a) Ensure that all children, especially from the most vulnerable groups, have access to primary health care;

(b) Develop a national policy in order to ensure an integrated and multidimensional approach to early childhood development, with a focus on health and nutrition;

(c) Continue to operate with and seek assistance from, among others, UNICEF and WHO.

Children with disabilities

346. The Committee is concerned at the prevailing poor situation of children with disabilities and the increase in the number of disabled children in the period 1993-1997. In particular, it is concerned at:

- (a) The practice of institutionalizing children with disabilities;
- (b) The lack of counselling and psychological care by the State for disabled children;
- (c) The lack of State support to families with disabled children;
- (d) The societal discrimination faced by children with disabilities;
- (e) The considerable reduction in the resources allocated to residential homes;
- (f) The limited inclusion of and access by children with disabilities to various areas of daily life, in particular with regard to the education system.

347. **In light of article 23 of the Convention, the Committee reiterates its previous recommendations that the State party:**

- (a) **Undertake studies to determine the causes of and ways to prevent disabilities in children;**
- (b) **Conduct public campaigns to raise awareness of the situation and the rights of children with disabilities;**
- (c) **Allocate the necessary resources for programmes and facilities for all children with disabilities, especially the ones living in rural areas, and strengthen community-based programmes to enable them to stay at home with their families;**
- (d) **In 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 their inclusion into society, including by providing special training to teachers and by making schools more accessible.**

Environmental health

348. The Committee welcomes the information that the State party has moved the families from the areas most affected by the Chernobyl disaster. However, the Committee remains concerned that, as noted in the State party's report, the main factors exerting a harmful impact on

children's health (and that of pregnant women) remain the aftermath of the Chernobyl disaster, the high level of chemical pollutants in the atmosphere and food products, and the high level of noise pollution. It further notes that insufficient attention has been given to the long-term health and psycho-social consequences of the Chernobyl disaster.

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

(a) Continue to improve the specialized health care provided to children affected by the Chernobyl disaster, including its psychosocial aspect;

(b) Strengthen its efforts to detect and prevent diseases related to nuclear contamination;

(c) Focus more on a long-term developmental approach to the assistance given to people through, inter alia, supporting United Nations initiatives in this area;

(d) Take all appropriate measures, including seeking international cooperation, to prevent and combat the damaging effects of environmental degradation on children, including pollution of the environment and food products.

Adolescent health/HIV/AIDS

350. With regard to adolescent health, the Committee is concerned at the rise in the number of children and adolescents addicted to drugs, alcohol and smoking. The Committee expresses concern about the lack of access, without parental consent, to medical counselling and advice. The Committee is also concerned about the large number of teenage abortions, this being the principal cause of maternal mortality.

351. While noting the State party's efforts in the area of HIV/AIDS, the Committee remains concerned at:

(a) The growing number of cases of HIV/AIDS among the youth;

(b) The very serious impact of HIV/AIDS on the cultural, economic, political, social and civil rights and freedoms of children infected with or affected by HIV/AIDS, including the Convention's general principles, in particular non-discrimination, health care, education, food and housing, as well as information and freedom of expression;

(c) The absence of an effective national system to manage, monitor, implement and evaluate the efficiency of the State party's HIV/AIDS prevention programmes and the lack of uniform standards regulating care, treatment, medical services and social assistance for people and families living with HIV;

(d) Insufficient counselling services provided to people with HIV/AIDS, especially adolescents.

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

(a) **Take the necessary measures to address the increase in alcohol abuse, smoking and drug addiction and provide adolescents with access to medical counselling and advice without parental consent, taking into consideration the evolving capacities of the child;**

(b) **Ensure that adolescents have access to and are provided with education on reproductive health and other adolescent health issues, including mental health, as well as with child-sensitive and confidential counselling services;**

(c) **Undertake a comprehensive and multidisciplinary study to assess the nature and extent of adolescent health problems, including the negative impact of sexually transmitted diseases and HIV/AIDS and, with the full participation of adolescents, use this as a basis to formulate adolescent health policies and programmes;**

(d) **Integrate respect for the rights of the child into the development and implementation of its HIV/AIDS policies and strategies on behalf of children infected with and affected by HIV/AIDS, as well as their families, including by making use of the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37, annex I) and with particular reference to children's rights to be protected from discrimination and to health, education, food and housing, as well as the rights to information and freedom of expression;**

(e) **Increase its efforts to prevent HIV/AIDS and take 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);**

(f) **Seek further technical cooperation from, among others, UNAIDS and the United Nations Development Programme.**

7. Education, leisure and cultural activities

353. The Committee welcomes the efforts undertaken by the State party to improve the education system with the introduction of the Act "On education", which includes such aims as ensuring the delivery of compulsory secondary education to all children of school age. The Committee also welcomes the adoption of State standards for higher education. The Committee remains concerned, however, that:

(a) The financial management of the system is inefficient and not transparent;

(b) The increase in the cost of education has limited access by children from economically disadvantaged households;

(c) The decrease in the number of pre-school establishments limits children's access to pre-schooling;

(d) Drop out rates in secondary and vocational education are increasing;

(e) There are important regional disparities in the number of education establishments and in the quality of education available, with rural areas being at a particular disadvantage, and that children of small national minorities such as Roma do not get quality education, including in their own language;

(f) Education reforms are being implemented without the necessary preliminary preparation and training of teachers.

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

(a) **Ensure the availability of free primary education and accessibility for all children in the State party, giving particular attention to children in rural communities, Roma children, Crimean Tatar children and children of other minorities, as well as children from disadvantaged backgrounds, to good quality education, including in their own language;**

(b) **Take the necessary steps to increase the number of pre-school establishments;**

(c) **Ensure that legislation with regard to compulsory education is enforced, including through the provision of the appropriate resources for this purpose;**

(d) **Ensure that education reforms are implemented with sufficient preparation and that support is provided to schools to implement the reform, including extra funding and teacher training, and establish a process for quality evaluation of the new programmes;**

(e) **Improve the quality of 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 children's rights, is included in the school curricula.**

8. Special protection measures

Refugee and internally displaced children

355. The Committee welcomes the enactment of the Refugee Law 2001, but remains concerned that:

(a) As noted in the State party's report, some refugee children, especially older ones, do not attend school which prevents them from obtaining an education and leads to their isolation in Ukrainian society;

(b) The registration and refugee status determination procedures have been suspended since August 2001, pending the implementation of the new refugee law;

(c) Nutritional and medical care provided to illegal migrants, including children, who are detained at points of entry and held on the premises of the border guards, is inadequate.

356. The Committee recommends that the State party:

(a) Develop a procedure to attend to the specific needs and situation of unaccompanied child refugees, as suggested in the State party's report;

(b) Implement the Refugee Law 2001;

(c) Ensure that asylum-seeking, refugee and illegal immigrant children have access to education and health services;

(d) Ensure adequate nutritional and medical care for children detained in border guard facilities;

(e) Accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

Economic exploitation

357. The Committee, while noting the creation of the Ministry of Labour and Social Policy in 1996, which is responsible for monitoring compliance with the labour legislation, particularly in respect of children, remains concerned that there is inadequate enforcement of the Ukrainian Labour Code, in particular with regard to hazardous and forced labour, and that a large number of children are reported to be working, particularly in the informal sector.

358. The Committee recommends that the State party:

(a) Undertake a national survey on the causes and extent of child labour with a view to adopting and implementing a national plan of action to prevent and combat child labour;

(b) Continue efforts to protect all children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental or social development.

Sexual exploitation and trafficking

359. The Committee is concerned at:

(a) The growing involvement of children in the sex industry;

(b) The non-implementation of the national plan of action to prevent trafficking in women and children;

(c) The large-scale trafficking of children, in particular girls, for the purpose of sexual and other forms of exploitation and the lack of a clearly defined minimum age of sexual consent.

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

(a) **Take action to combat child trafficking, child prostitution and other forms of sexual exploitation of children;**

(b) **Implement the national plan of action against sexual and commercial exploitation of children, 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;**

(c) **Continue and strengthen its efforts to combat trafficking of women and children, including through the new national plan of action to prevent trafficking in women and children, and ensure that this programme is provided with sufficient resources to guarantee its effective implementation;**

(d) **Establish recovery and social reintegration programmes for child victims;**

(e) **Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.**

Street children

361. The Committee is extremely concerned at:

(a) The increasing number of street children and unacceptable policies and programmes implemented by the juvenile affairs services to address this situation;

(b) The special preventive sweeps such as “Lesson”, “Street children”, “Railway station” and “Holiday” and at the keeping of a special data base of information on these children which is being considered as social assistance aimed at preventing abandonment and criminality;

(c) The vulnerability of street children 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.

362. **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 street children are provided with services that promote physical and psychological recovery and social reintegration;**

(c) **Undertake a study to assess the scope and causes of the phenomenon and consider establishing a comprehensive strategy, to address the increasingly large number of street children, with the aim of preventing and reducing this phenomenon in the best interests of these children and with their participation;**

(d) **Consider addressing the situation of street children within the system of youth social welfare services rather than juvenile affairs services.**

Administration of juvenile justice

363. The Committee welcomes the adoption in 1995 of the Act “On juvenile affairs agencies and services and on special juvenile institutions” which are responsible for social protection and prevention of crime with respect to children, and the establishment of Juvenile Police Units. The Committee, however, remains particularly concerned at:

(a) The absence of specialized juvenile courts and juvenile judges despite the legal provisions for these bodies in national legislation, and the limited number of legal professionals, social workers, community educators and supervisory officers working in this field;

(b) The extended period of time before detainees’ families are informed of the detention, the long period of detention before having to be brought before a judge (72 hours) and the duration of pre-trial detention (18 months);

(c) The placement in isolation of children aged 11 to 18 years in juvenile reception/distribution centres under the authority of the Special Ministry and the poor conditions in these centres and in all institutions where children are deprived of their liberty;

(d) The insufficient education and guidance provided in corrective and other institutions and the lack of social and psychological rehabilitation services.

364. **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), and in light of the Committee’s day of general discussion on the administration of juvenile justice, held in 1995 (see CRC/C/69);**

(b) Use detention, including pre-trial detention, only as a measure of last resort, for as short a time as possible and for no longer than the period prescribed by law;

(c) In light of article 39, take appropriate measures to promote the recovery and social reintegration of children involved in the juvenile justice system, including adequate education and certification to facilitate their reintegration;

(d) Seek assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

Criminal Code

365. The Committee is concerned at the general lack of comprehensive information on the Criminal Code 2001. The Committee is, however, particularly concerned at the information received in the written replies according to which disorderly conduct has been defined as a serious crime constituting a danger to society and leading to the criminalization of behavioural problems. The Committee is further concerned at the severe penalties imposed on minors under the Criminal Code 2001.

366. The Committee recommends that the State party review its classification of serious crimes in order to minimize the scope of criminal responsibility for 14 to 16-year-old children. The Committee further recommends, in light of articles 37, 39 and 40 of the Convention, that the State party review the Criminal Code 2001, so that penalties for children are conducive to the realization of the goals of juvenile justice, as spelled out in article 40, paragraph 1, of the Convention, and are at least not more severe than under the previous Criminal Code.

Children belonging to minority groups

367. The Committee is concerned that, despite pilot programmes aimed at improving the situation of the Roma in certain provinces, they still suffer from widespread discrimination, which has in some instances impeded their children's right to education, health and social welfare.

368. The Committee recommends that the State party:

(a) Initiate campaigns at all levels and in all provinces aimed at addressing the negative attitudes towards the Roma in society at large and in particular amongst authorities and professionals providing health, education and other social services;

(b) Develop and implement a plan aimed at integrating all Roma children into mainstream education and prohibiting their segregation in special classes and which includes pre-school programmes for them to learn the primary language of schooling in their community;

(c) **Develop curriculum resources for all schools that include Romani history and culture in order to promote understanding, tolerance and respect for Roma in Ukrainian society.**

9. Optional Protocols

369. **The Committee welcomes the signing by the State party 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, and encourages the State party to ratify them.**

10. Dissemination of the report

370. **In 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 within all levels of administration of the State party and the general public, including concerned non-governmental organizations.**

11. Next report

371. **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 to ensure that the Committee on the Rights of the Child 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 in full compliance with the Convention, the Committee invites the State party to submit its combined third and fourth periodic reports by 26 September 2008, due date of the fourth periodic report.**

Concluding observations: Republic of Moldova

372. **The Committee considered the initial report of the Republic of Moldova (CRC/C/28/Add.19) submitted on 5 February 2001 at its 823rd and 824th meetings (see CRC/C/SR.823 and 824), held on 27 September 2002, and adopted, at its 833rd meeting (CRC/C/SR.833) held on 4 October 2002, the following concluding observations.**

A. Introduction

373. The Committee welcomes the submission of the State party's initial report, which follows the Committee's reporting guidelines, and the written replies to its list of issues (CRC/C/RESP/MOL/1). The Committee also notes with appreciation the presence of a high-level delegation, which contributed to a constructive dialogue and a better understanding of the implementation of the Convention in the State party.

B. Positive aspects

374. The Committee notes with appreciation the adoption of Law No. 338-XII on Child Rights of 1994, the Law on Youth of 1999 and the various decisions of the Government of the Republic of Moldova on children's issues. It also notes with appreciation the approval in 2002 of a National Conception on the Protection of the Child and the Family with a view to harmonizing existing legislative framework.

375. The Committee notes the establishment in 1998 of the National Council for Child Rights Protection with the objective of coordinating and ensuring respect for the Convention and the creation of councils for child rights protection in the counties to ensure respect for child rights at the local level.

376. The Committee also welcomes the Preliminary Poverty Reduction Strategy, the governmental decrees for a programme of social protection and the amendment to the law with regard to children with disabilities.

C. Factors and difficulties impeding progress in the implementation of the Convention

377. The Committee acknowledges that the State party is facing many difficulties in the implementation of the Convention owing to its economic and political transition and to economic and social problems. In particular it notes that the high rates of poverty and migration, especially of women, have a great impact on children.

378. While the State party is responsible under the Convention for the implementation of the rights of all children under its jurisdiction, the Committee acknowledges that the difficult political situation with respect to the self-proclaimed Transnistrian Moldovan Republic may impede implementation for children living in this region.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Legislation

379. The Committee recognizes the efforts made by the State party to ensure that its national legislation complies with the Convention, but remains concerned at the absence of strategies and resources to enforce these laws effectively.

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

- (a) Develop a comprehensive approach to children's issues and formulate an integrated long-term strategy;**
- (b) Enforce effectively the National Conception on the Protection of the Child and the Family, and implement the Law on Child Rights (1994) and the Law on Youth (1999), including by allocating the necessary human and financial resources;**
- (c) Establish a mechanism for the implementation of the National Plan of Action;**
- (d) Continue to address the compatibility of national legislation on children with the principles and provisions of the Convention;**
- (e) Continue seeking assistance from the United Nations Children's Fund (UNICEF) in this regard.**

Coordination/National Plan of Action

381. While acknowledging the efforts made by the State party to improve coordination by establishing the National Council for Child Rights Protection, its newly established secretariat and councils in the counties, the Committee nevertheless expresses its concern that the coordinating action of this body has limited effects owing to a fragmented approach to the implementation of the Convention at the ministerial level. It also expresses concern at the limited cooperation with non-governmental organizations in this regard. In addition, the Committee is concerned at the absence of mechanisms for the implementation of the National Plan of Action.

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

- (a) Strengthen the role of the National Council for Child Rights Protection in order that it may effectively coordinate activities between central and local authorities and cooperate with non-governmental organizations and other sectors of civil society;**
- (b) Provide adequate human and financial resources to the National Council, at both national and county levels, to enable it to carry out its tasks in an effective way.**

Independent monitoring structures

383. The Committee notes the existence of a National Human Rights Centre and the information that an ombudsperson for children is part of the National Council for Child Rights Protection, but it is concerned at the effectiveness of these monitoring bodies given the lack of a clear statutory mandate to deal with complaints of violations of children's rights and the lack of transparent and child-sensitive procedures for addressing such complaints.

384. **The Committee recommends that the State party appoint, within the National Human Rights Centre or independently, an ombudsperson or commissioner to monitor the implementation of the Convention at the national and local levels, in compliance 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 taking into full account the Committee's General Comment No. 2 on the role of independent national human rights institutions in the promotion and protection of the rights of the child.**

Resources for children

385. The Committee expresses its concern that budgetary allocations for children, in particular in the fields of health and education, are insufficient and that often the resources allocated do not correspond to the needs. It further notes that the decentralization process started in 1999 is held back by limited financial and human resources.

386. **In light of article 4 of the Convention, the Committee encourages the State party:**

(a) **To enforce effectively the Preliminary Poverty Reduction Strategy;**

(b) **To identify clearly its priorities with respect to child rights issues in order to ensure that funds are allocated "to the maximum extent of ... available resources". The Committee fully supports the State party in seeking international cooperation for the full implementation of the economic, social and cultural rights of children, in particular children belonging to the most vulnerable groups in society;**

(c) **To identify the amount and proportion of the budget spent on children at the national and local levels in order to evaluate the impact of expenditures on children.**

Data collection

387. The Committee expresses its concern that data collection is not sufficiently developed and is not disaggregated for all areas covered by the Convention. It further notes that data on children are not used in an adequate manner to assess progress and as a basis for policy-making in the field of children's rights.

388. **The Committee recommends 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 of economically disadvantaged households, children living in rural areas, children in institutions, children with disabilities, children affected by the consequences of the Chernobyl disaster, children living in Transnistria and children in need of special protection, such as street children;**

(b) **Use these indicators and data effectively for the formulation and evaluation of policies and programmes for the implementation and monitoring of the Convention;**

(c) Seek technical assistance from UNICEF and the United Nations Population Fund (UNFPA) in this regard.

Dissemination and training

389. The Committee, while acknowledging the efforts that have been made to disseminate the Convention and to train professionals working with and for children, expresses its concern that these measures have not been effective to the extent desirable.

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

(a) Develop more creative methods to promote the Convention, including through audio-visual aids such as picture books and posters, in particular at the local level, and through the media;

(b) Continue and strengthen its efforts to provide adequate and systematic training and/or sensitization on children's rights for professional groups working with and for children, such as judges, lawyers, law enforcement and health personnel, teachers, school and institution administrators and social workers;

(c) Seek technical assistance from, among others, UNICEF, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

NGOs/civil society

391. The Committee is concerned at the lack of involvement of non-governmental organizations in the implementation of the Convention and at the limited cooperation between the Government and NGOs, in particular the human rights-based organizations.

392. **The Committee recommends that the State party facilitate and support the work of national and international NGOs in the implementation of the Convention and strengthen cooperation with these organizations, in particular the human rights-based organizations.**

2. Definition of the child

393. The Committee expresses its concern at the disparity in the age of marriage between girls (16 years) and boys (18 years).

394. **The Committee recommends that the State party review its legislation with a view to increasing the minimum age of marriage of girls to that of boys.**

3. General principles

395. The Committee is concerned that the principles of non-discrimination, the best interests of the child, the right to life, survival and development of the child and respect for the views of the child are not fully reflected either in the State party's legislation and administrative and judicial decisions, or in policies and programmes relevant to children at both national and local levels.

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

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

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

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

Non-discrimination

397. The Committee is concerned that the principle of non-discrimination is not fully implemented for children living in institutions, children with disabilities, street children, children with HIV/AIDS, children of Roma origin and other ethnic minorities, especially with regard to their access to adequate health care and educational facilities.

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

(a) Monitor the situation of children, in particular those belonging to the above-mentioned vulnerable groups, who are exposed to discrimination;

(b) Develop, on the basis of the results of this monitoring, comprehensive strategies containing specific and well-targeted actions aimed at eliminating all forms of discrimination.

399. **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, and taking account of the Committee's General Comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).**

4. Family environment and alternative care

Children deprived of a family environment

400. The Committee notes the development of the Child Care Reform and the establishment of the Working Group for Alternatives to Institutionalization, but expresses its serious concern at the large number of children who are placed in institutions as a measure of social protection. It further notes with concern that children, in those institutions, are neglected and ill-treated and, because of a lack of resources, are not provided with adequate housing and care and appropriate basic services.

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

(a) Fully implement the Child Care Reform by providing it with the necessary human and financial resources;

(b) Take effective measures to develop alternative measures 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;

(c) As preventive measures, improve social assistance and support to families to help them with their child-rearing responsibilities, including through education, counselling and community-based programmes for parents;

(d) Take all necessary measures to improve conditions in institutions (article 3, paragraph 3, of the Convention);

(e) Take all necessary measures to prevent neglect and ill-treatment of children in institutions and provide support and training for personnel in institutions, including social workers;

(f) Establish effective mechanisms to receive and address complaints from children in care, to monitor standards of care and, in light of article 25 of the Convention, to establish regular periodic review of placement;

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

Abuse and neglect

402. The Committee notes the establishment of a National Centre for the Prevention of Child Abuse, but is nevertheless concerned about the extent of domestic violence, the absence of a legislative framework, the lack of standardized procedures for the identification, reporting, investigation and prosecution of cases of neglect, ill-treatment and abuse, the lack of a legal prohibition of corporal punishment in schools, institutions and at home, and the limited availability of skilled services for the support of victims.

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

(a) **Undertake studies on domestic violence, violence against children, ill-treatment and abuse, including sexual abuse, in order to assess the extent, scope and nature of these practices;**

(b) **Take all necessary steps to introduce the legal prohibition of the use of corporal punishment in schools and other institutions and at home;**

(c) **Adopt and implement effectively adequate multidisciplinary measures and policies, including public campaigns, and contribute to changing attitudes;**

(d) **Investigate effectively 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, in order to ensure better protection of child victims, including the protection of their right to privacy;**

(e) **Take measures to provide support services to children in legal proceedings and for the physical and psychological recovery and social reintegration of victims of rape, abuse, neglect, ill-treatment and violence, in accordance with article 39 of the Convention;**

(f) **Take into account the Committee's recommendations adopted at its day of general discussion on violence against children within the family and in schools (see CRC/C/111).**

5. Basic health and welfare

Health and health services

404. While noting efforts to reorganize maternity and childcare services and various programmes to improve children's health, the Committee remains concerned about the relatively high rates of infant and child mortality and, in particular, notes that approximately 80 per cent of under-5 deaths are due to preventable causes and that the State party has the highest rate in the region of accidents and poisoning. It further expresses its concern at the limited access to health-care services, especially for disadvantaged households. It also notes the high incidence of tuberculosis, alcohol consumption and drug abuse, as well as the high incidence of iodine deficiency disorders in schoolchildren.

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

(a) **Implement the National Health Policy and enforce the Strategy on Promoting Effective Perinatal Care of the World Health Organization (WHO) in order to further reduce perinatal and infant mortality;**

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

(c) In order to prevent childhood injuries, develop adequate legislation to protect children from accidents and injuries, include the prevention of injuries in national policy priorities and objectives and develop injury control programmes;

(d) Combat alcohol consumption and drug abuse;

(e) Iodize salt;

(f) Continue to seek technical assistance from, among others, WHO and UNICEF.

Adolescent health

406. The Committee, while welcoming the national programme to combat HIV/AIDS with the support of international organizations, notes with deep concern the increasing rates of sexually transmitted diseases (STDs) and HIV/AIDS among adolescents and the large number of teenage pregnancies and abortions. It further notes that the health services provided are not tailored to the needs of adolescents, thus reducing their willingness to avail themselves of primary health services.

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

(a) Implement in an effective way the national programme for assistance in the planning and protection of reproductive health for 1999-2003 and increase its efforts to promote adolescent health policies;

(b) Further strengthen the programme of health education in schools;

(c) Undertake a comprehensive and multidisciplinary study to assess the scope and nature of adolescent health problems, including the negative impact of STDs and HIV/AIDS, and continue to develop adequate policies and programmes;

(d) Undertake further measures, including 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 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;

(e) Seek technical cooperation from, among others, UNFPA, UNICEF, WHO and UNAIDS.

Children with disabilities

408. The Committee expresses its deep concern at the increasing number of children with disabilities and at the insufficient support provided to their families. It further notes that there are few efforts to integrate these children in mainstream education and society, including in cultural and leisure activities. The Committee is also concerned at the terminology used in discussions about children with disabilities, such as “invalid”, which may lead to prejudice, stigmatization and negative psychological effects.

409. **In light of article 23 of the Convention, the Committee recommends that the State party:**

(a) Undertake studies to determine the causes of and ways to prevent disabilities in children;

(b) Undertake measures to ensure that the situation of children with disabilities is monitored in order to assess their situation and address their needs effectively;

(c) Conduct public campaigns to raise awareness of the situation and the rights of children with disabilities;

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

(e) Support the parents of children with disabilities with counselling and, when necessary, financial support;

(f) In 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 and public facilities accessible;

(g) Avoid terminology such as “invalid” and use the internationally accepted terminology such as “children with disabilities”.

Standard of living

410. The Committee welcomes the adoption of the Preliminary Poverty Reduction Strategy in April 2002 and other efforts to support families, but remains concerned at the deteriorating living standards affecting in particular families with children, the inadequate social security system and the large number of parents migrating abroad to find work.

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

(a) **Undertake all necessary measures to support parents and families, including single-parent families, in their child-rearing responsibilities as part of its full implementation of the National Strategy for Children and Families;**

(b) **Fully implement the Preliminary Poverty Reduction Strategy, inter alia with a view to providing an adequate level of food security and social protection for children at risk and to improving and making transparent the payments of allowances to families with children.**

6. Education, leisure and cultural activities

Education

412. The Committee notes with concern the declining expenditure on education, which affects in particular pre-school education, especially in rural areas. It further expresses concern for the drop in the quality and accessibility of education with a consequent decrease in enrolment across all levels of compulsory education and increase in of drop out rates.

413. **In light of articles 28 and 29 of the Convention, the Committee recommends that the State party:**

(a) **Develop a national strategy on education for all, and a clear plan of action, taking into account the Dakar Framework for Action;**

(b) **Ensure regular attendance at schools and the reduction of drop out rates;**

(c) **Improve the quality of education in order to achieve the goals mentioned in article 29, paragraph 1, in line with the Committee's General Comment No. 1 on the aims of education.**

7. Special protection measures

Economic exploitation, including child labour

414. The Committee welcomes the recent 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, but remains concerned at the high incidence of child labour in the State party and that children may be working long hours at young ages, which has a negative effect on their development and school attendance.

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

- (a) **Combat and eradicate as effectively as possible all forms of child labour;**
- (b) **Seek assistance from ILO with a view to participating in the International Programme on the Elimination of Child Labour (IPEC).**

Sexual exploitation and trafficking

416. The Committee notes that some measures have been developed to combat trafficking, but is nevertheless deeply concerned about the serious proportions of trafficking of girls from Moldova. It notes with concern that there is no precise information about the real dimensions of this phenomenon and that very little support in terms of rehabilitation and reintegration is provided to the victims of trafficking.

417. **In light of articles 32 to 36 of the Convention, the Committee recommends that the State party:**

- (a) **Undertake a study on the issue of trafficking in order to assess its scope and causes, and develop and implement effective monitoring and other measures to prevent it;**
- (b) **Adopt legislative measures against trafficking and take all necessary measures to strengthen the National Committee against Trafficking, and further develop clear strategies and activities, including for prevention, protection and social reintegration;**
- (c) **Include life-skills education in school curricula;**
- (d) **Develop and adopt a national plan of action against sexual and commercial exploitation of children, 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;**
- (e) **Consider ratifying the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the Convention.**

Street children

418. While noting the amendment to the Penal Code regarding child beggars, the Committee notes that the negative effects of the current economic crisis and the consequent deterioration in the family environment have resulted in an increasing number of street children in Chişinău and other cities.

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

(a) **Take effective measures to 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 street children who are victims of physical and sexual abuse and who are substance abusers are provided with recovery and reintegration services as well as with services for reconciliation with their families;**

(c) **Undertake further study on the causes and scope of the phenomenon and establish a comprehensive strategy in cooperation with civil society with the aim of preventing and reducing this phenomenon;**

(d) **Seek assistance from, among others, UNICEF.**

Children belonging to minorities

420. The Committee is concerned that, despite pilot programmes aimed at improving the situation of the Roma in certain provinces, they still suffer from widespread discrimination which has in some instances curtailed Romani children's right to education, health and social welfare.

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

(a) **Initiate campaigns at all levels and in all provinces aimed at addressing the negative attitudes towards the Roma in society at large and in particular amongst authorities and professionals providing health, education and other social services;**

(b) **Develop and implement a plan aimed at integrating all Roma children into mainstream education and prohibiting their segregation in special classes, and which would include pre-school programmes for Romani children to learn the primary language of schooling in their community;**

(c) **Develop curriculum resources for all schools which include Romani history and culture in order to promote understanding, tolerance and respect of the Roma community in Moldovan society.**

Administration of juvenile justice

422. While welcoming the adoption of the new Penal Code, the Committee expresses its concern that there is no separate system for juvenile justice or special juvenile personnel or trained judges, and that the special provisions for juveniles contained in the law have no implementation mechanism owing to lack of capacity and expertise. Furthermore, the Committee notes that there is no legal provision limiting the period of pre-trial detention, that conditions in juvenile detention centres are very poor and offer little possibility for rehabilitation, and that girls are detained in the same facilities as adult women.

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

- (a) **Establish, as soon as possible, a specific system of juvenile justice;**
- (b) **Continue reviewing laws and practices regarding the juvenile justice system in order to bring it, as soon as possible, into full compliance with the Convention, in particular articles 37, 40 and 39, as well as with other relevant international standards in this area, such 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);**
- (c) **Take legislative measures to set limited and short periods for pre-trial detention, in accordance with the provisions and principles of the Convention;**
- (d) **Use detention, including pre-trial detention, only as a measure of last resort, for as short a time as possible and for no longer than the period prescribed by law, and ensure that children are always separated from adults;**
- (e) **Use alternative measures to all forms of deprivation of liberty whenever possible and strengthen the role and capacities of the Commission for Minors at the municipal and district levels, while ensuring that they act in full compliance with the Convention;**
- (f) **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 drug addiction;**
- (g) **Incorporate into its legislation and practices the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, in particular to guarantee them access to effective complaint procedures covering all aspects of their treatment;**
- (h) **Ensure access to education for girls and boys in detention;**
- (i) **In light of article 39, take appropriate measures to promote the recovery and social reintegration of children involved in the juvenile justice system;**
- (j) **Seek assistance from, among others, OHCHR, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice, and UNICEF and through the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.**

8. Optional Protocols and acceptance of the amendment to article 43 (2) of the Convention

424. The Committee notes that the State party has signed but not yet ratified 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. The Committee also notes that the State party has not yet accepted the amendment to article 43, paragraph 2, of the Convention enlarging the Committee from 10 to 18 members.

425. The Committee recommends that the State party ratify and implement the Optional Protocols to the Convention on the Rights of the Child and encourages the State party to accept the amendment to article 43, paragraph 2, of the Convention.

9. Dissemination of reports

426. Finally, the Committee recommends that, in 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, the Parliament and the general public, including concerned non-governmental organizations.

10. Periodicity for submission of reports

427. 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 is to ensure that the Committee on the Rights of the Child 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 initiating timely and regular reporting. As an exceptional measure, in order to help the State party catch up with its reporting obligations in full compliance with the Convention the Committee invites the State party to submit its combined second and third periodic reports by 24 February 2005, the date on which the third periodic report is due.

Concluding observations: Burkina Faso

428. The Committee considered the second periodic report of Burkina Faso (CRC/C/65/Add.18), submitted on 11 October 1999, at its 825th and 826th meetings (see CRC/C/SR.825 and 826), held on 30 September 2002, and adopted, at its 833rd meeting, held on 4 October 2002, the following concluding observations.

A. Introduction

429. The Committee notes with appreciation the submission of the State party's second periodic report. The Committee welcomes the written replies to its list of issues (CRC/C/RESP/18), as well as the additional information provided in the annexes. The

Committee also notes with appreciation the presence of a high-level delegation, which contributed to an open dialogue and a better understanding of the implementation of the Convention in the State party.

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

430. The Committee notes with appreciation:

(a) The adoption of the 1996 Law on Education (Law 13796/ADP), of the 10-year Development Plan for Basic Education (2001-2010), and of the Law establishing a new Penal Code (Law 4396/ADP);

(b) The establishment of a Ministry for the Promotion of Human Rights, of a Children's Parliament, and of a National Council for the Promotion of Children;

(c) The ratification of ILO Conventions No. 138 concerning the Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

(d) The introduction of the rights of the child in the school curricula in primary education at an experimented stage;

(e) The prohibition of female genital mutilation under the new Penal Code and the establishment of the National Committee to Combat Female Circumcision;

(f) The establishment of the National Youth Forum to Fight Against HIV/AIDS.

C. Factors and difficulties impeding progress in the implementation of the Convention

431. The Committee acknowledges that the external debt and the limited availability of skilled human resources have had a negative impact on the social welfare and on the situation of children and have impeded the full implementation of the Convention. Furthermore, the coexistence of customary law and statutory law does affect the implementation of the Convention in the State party where traditional practices are not conducive to respect for children's rights.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Previous recommendations of the Committee

432. The Committee regrets that some of the concerns and recommendations (CRC/C/15/Add.19) it made upon consideration of the State party's initial report

(CRC/C/3/Add.19) have been insufficiently addressed, particularly those contained in paragraphs 14, 16, and 18. Those concerns and recommendations are reiterated in the present document.

433. The Committee urges the State party to make every effort to address its recommendations contained 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

434. The Committee notes that new laws have been adopted by the State party to harmonize the existing legislation with the Convention, but remains concerned that domestic legislation, including customary law, still does not fully reflect the principles of the Convention and that customary law does impede the implementation of the Convention.

435. The Committee, in line with its previous recommendations (ibid., para. 15) encourages the State party to take all necessary measures to ensure that its domestic legislation conforms fully to the principles and provisions of the Convention. In that respect, the Committee recommends that the State party:

(a) Take all necessary steps to harmonize existing legislation and customary law with the Convention;

(b) Consider adopting a comprehensive children's code which will reflect the general principles and provisions of the Convention;

(c) Ensure the implementation of its legislation.

National Plan of Action

436. The Committee welcomes the information that a two-phase National Plan of Action (phase I 2000-2005 and phase II 2005-2010) has been adopted as a follow-up to the previous National Plan of Action, taking into account the Outcome Document of the United Nations Special Session on Children, entitled "A World Fit for Children". It further welcomes the establishment of a National Council for the Promotion of Children chaired by the President of the State party and of an Inter-Ministerial Technical Committee for the implementation of the new National Plan of Action. But the Committee is concerned that the lack of sufficient human and financial resources may seriously hamper the implementation of the National Plan of Action.

437. The Committee recommends that the State party take all necessary steps for the full implementation of the National Plan of Action, inter alia by making the two bodies that have been set up as effective as possible and by supporting the implementation process with the necessary human and financial resources within the framework of international cooperation. The State party is also encouraged to seek technical and other assistance from the United Nations Children's Fund (UNICEF), the World Bank and international non-governmental organizations.

Coordination

438. The Committee notes the reorganization and decentralization of the Follow-up and Evaluation Committee for the National Plan of Action for Children and welcomes the midterm evaluation of the National Plan of Action for Children conducted in 1996. In addition, the Committee notes that the Ministry of Social Action and National Solidarity and the Evaluation Committee have an important role to play in the coordination of activities for the implementation of the Convention, but remains concerned at the insufficient human and financial resources allocated to coordination among the various programmes and ministries, which affects the implementation of the Convention.

439. The Committee recommends that the State party take all necessary measures to allocate sufficient human and financial resources to the coordination mechanism.

Independent monitoring structures

440. The Committee welcomes the establishment, in 2001, of the National Commission on Human Rights. Nevertheless, the Committee is concerned that the Commission is not yet fully operational and that its mandate does not include the power to receive and address individual complaints of violations of the rights of the child.

441. The Committee encourages the State party to consider the structure and functions of the National Commission on Human Rights, 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 in light of the Committee's General Comment No. 2 on national human rights institutions, to enable it to monitor and evaluate progress in the implementation of the Convention at the national and, if appropriate, at the local level. In addition, the institution should be empowered to receive and investigate complaints about violations of child rights in a child-sensitive manner and address them effectively. To this end, the Committee recommends that the State party allocate sufficient financial and human resources to the National Commission on Human Rights and encourages the State party to seek technical assistance from, among others, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and UNICEF.

Resources for children

442. The Committee welcomes the priority given to the allocation of resources to health and education, especially in the State budget for 2002, and notes with concern the chronic budget deficits in spite of aid plans established through international cooperation, the World Bank, United Nations agencies and bilateral donors.

443. While recognizing the difficult economic conditions, the Committee recommends that the State party:

(a) **Make every effort to increase the proportion of the budget allocated to the realization of children's rights to the "maximum extent ... of available resources" and, in**

this context, to ensure the provision, including through international cooperation, of appropriate human resources and to guarantee that the implementation of policies relating to social services provided to children remain a priority;

(b) Develop ways to assess the impact of budgetary allocations on the implementation of children's rights, and to collect and disseminate information in this regard;

(c) Undertake a study on the impact of structural adjustment programmes on the right of children to social services.

Data collection

444. The Committee welcomes the plans for a permanent system of data collection, but is concerned at the lack of systematic and comprehensive collection of disaggregated data for all areas covered by the Convention and in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

445. 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, including child victims of abuse, neglect or ill-treatment, children with disabilities, children belonging to ethnic groups, refugee and asylum-seeking children, children in conflict with the law, working children, adopted children, street children, and children living in urban areas. It further encourages the State party to use these indicators and data to formulate policies and programmes for the effective implementation of the Convention

Training/dissemination of the Convention

446. The Committee is aware of the measures undertaken to promote widespread awareness of the principles and provisions of the Convention and welcomes the establishment of a Ministry for the Promotion of Human Rights. The Committee is of the opinion that these measures need to be strengthened by providing the necessary resources. 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.

447. In line with its previous recommendations (ibid., para. 16), the Committee recommends that the State party:

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

(b) Systematically involve community leaders in its programmes in order to fight against customs and traditions which impede the implementation of the Convention, and adopt creative measures of communications for illiterate people;

(c) **Undertake systematic education and training in 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;**

(d) **Make sure that the new Ministry for the Promotion of Human Rights is paying adequate attention to children's rights and their implementation throughout the State party;**

(e) **Further promote human rights education, including the rights of the child, in school curricula, beginning in primary school, as well as in the curricula for teacher training;**

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

2. Definition of the child

448. The Committee is concerned at the practice of forced and early marriage, which is still widespread. In addition, the Committee is concerned at the difference between the minimum age of employment (14 years) and the age for the end of compulsory education (16 years).

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

(a) **Ensure respect for the minimum age of marriage set up in the Code of the Individual and the Family (art. 238) and amend article 376 of the Penal Code in that regard, and develop sensitization programmes involving community and traditional leaders and society at large, including children themselves, to curb the practice of early and forced marriage;**

(b) **Take all necessary measures to ensure that employment of children does not interfere with their right to education.**

3. General principles

Non-discrimination

450. While noting that discrimination is prohibited under the Constitution, that acts of discrimination are an offence under the new Penal Code and that several measures have been taken to promote the rights of girls and women (establishment of the Ministry for the Advancement of Women and of the Department for the Promotion of Girls' Education, etc.), the Committee is concerned at the persistence of de facto discrimination in the State party. In particular, the Committee is concerned at the disparities in the enjoyment of rights, e.g. in education, experienced by children belonging to the most vulnerable groups, among others, girls, children with disabilities, children born out of wedlock, children born of incest and children living in rural areas.

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

(a) Make greater efforts to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2;

(b) Prioritize and target social services to children belonging to the marginalized and most vulnerable groups through a proactive and comprehensive strategy;

(c) Ensure effective law enforcement, undertake studies and launch comprehensive public information campaigns to prevent and combat all forms of discrimination, where needed within the framework of international cooperation.

452. **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).**

Respect for the views of the child

453. While welcoming the establishment of a Children's Parliament, the Committee is concerned that, owing to traditional attitudes, respect for the views of the child remains limited within the family, in schools, in the courts before administrative authorities and in society at large.

454. **The Committee encourages the State party to pursue its efforts:**

(a) To promote and facilitate, within the family, the schools, the courts and administrative bodies, through the adoption of legislation, respect for the views of children and their participation in all matters affecting them, in accordance with their age and maturity and in light of article 12 of the Convention;

(b) To provide educational information to, among others, parents, teachers, government administrative officials, the judiciary, traditional leaders and society at large on children's rights to participate and to have their views taken into consideration;

(c) To promote the activities, and take duly into consideration the decisions, of the Children's Parliament and take care that all groups of children are represented.

4. Civil rights and freedoms

Birth registration

455. While noting the obligation to officially register all births, the Committee remains concerned at the large number of children whose birth is not being registered, that no specific measures have been taken to raise awareness concerning the need to register all newborns, and at the difficulties of obtaining a birth certificate.

456. In 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, and to consider facilitating the procedures governing birth registration and for obtaining birth certificates.

Ill-treatment

457. The Committee is concerned at the poor conditions of detention of children in police or gendarmerie stations, amounting in many instances to cruel, inhuman or degrading treatment as spelled out in article 37 (a) of the Convention. In addition, the Committee is concerned at methods used by law enforcement officials which may jeopardize the life of children.

458. The Committee urges the State party to take all necessary measures to improve the conditions of detention of children, particularly in police and gendarmerie stations, and to ensure that each case of violence and abuse is duly investigated, that perpetrators are brought to justice without undue delay and that victims receive compensation.

5. Family environment and alternative care

Recovery of maintenance

459. While domestic legislation includes provisions for maintenance allowance, the Committee is concerned at the lack of implementation of these provisions, owing mainly to widespread ignorance of the law.

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

(a) Make widely known the provisions of domestic legislation concerning maintenance allowance, especially to mothers who are illiterate, and support them if necessary in understanding legal actions;

(b) Ensure that professional groups dealing with this issue are adequately trained and that courts are stricter regarding the recovery of maintenance from solvent parents who refuse to pay;

(c) Take the necessary measures to ensure as much as possible the maintenance of children born out of wedlock and children of single-parent families by their parents, particularly their fathers;

(d) Undertake a study on the economic and social situation of children of polygamous marriages and how this affects their rights.

Adoption

461. While noting the ratification by the State party of the Hague Convention on the Civil Aspects of International Child Abduction, of 1980, and the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, of 1993, the Committee is concerned at the very little interest in formal adoption in the State party, which may lead to the practices of *confiage* and customary adoption and to an increase in intercountry adoptions with no adequate monitoring mechanism.

462. The Committee recommends that the State party urgently take all necessary measures aiming at ending the practices of *confiage* and customary adoption and at improving the regular periodic review of the placement of children with adoptive families. In addition, the Committee recommends that the State party undertake efforts to enhance its capacities to monitor intercountry adoptions.

Protection from abuse and neglect

463. While noting that child abuse is prohibited under the Penal Code, the Committee is concerned at the incidence of abuse, including sexual abuse, and neglect of children in the State party and that insufficient efforts have been made to protect children. In addition, the Committee is concerned at the lack of statistical data and a comprehensive plan of action, as well as the insufficient infrastructure.

464. The Committee recommends that the State party:

(a) Undertake a study on violence, including sexual violence, against children within the family, at school and in other institutions in order to assess the scope, nature and causes of this practice with a view to adopting and implementing a comprehensive plan of action and effective measures and policies, in conformity with article 19 of the Convention, and to changing attitudes;

(b) Take all necessary steps to introduce the legal prohibition of the use of corporal punishment in schools and other institutions and at home;

(c) 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, having due regard to guaranteeing the right to privacy of the child;

(d) Establish an appropriate complaint procedure and inform children about this mechanism;

(e) **Provide services for the physical and psychological recovery and social reintegration of victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and take measures to prevent the criminalization and stigmatization of victims;**

(f) **Take into consideration the recommendations of the Committee adopted at its days of general discussion on violence against children (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745);**

(g) **Seek technical assistance from, among others, UNICEF and WHO.**

6. Basic health and welfare

465. While taking note of the adoption of several national programmes relating to child survival, the Committee is deeply concerned at the high infant and under-5 mortality rates and low life expectancy in the State party. The Committee also remains concerned that health services in the local areas continue to lack adequate resources (both financial and human). In addition, the Committee is concerned that the survival and development of children in the State party continue to be threatened by early childhood diseases, infectious diseases, diarrhoea and malnutrition. Concern is also expressed at the poor state of sanitation and at the insufficient access to safe drinking water, especially in rural areas.

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

(a) **Reinforce its efforts to allocate adequate resources and develop and implement comprehensive policies and programmes, including the strengthening of the expanded programme of immunization, to improve the health situation of children, particularly in rural areas;**

(b) **Facilitate greater access to primary health services, reduce the incidence of maternal, child and infant mortality, prevent and combat malnutrition and malaria, especially among vulnerable and disadvantaged groups of children, and promote proper breastfeeding practices;**

(c) **Take the necessary measures to deal with emergency situations, including to combat epidemics of diseases such as meningitis;**

(d) **Pursue additional avenues of cooperation and assistance for the improvement of child health with, among others, WHO and UNICEF.**

Adolescent health

467. The Committee notes the establishment of children's centres, but remains 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 particular situation of girls, given, for instance, the very high percentage of early marriages, which can have a negative impact on their health.

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

(a) **Undertake a comprehensive study to assess the nature and extent of adolescent health problems, with the full participation of children and adolescents, and use this study as a basis for the formulation of 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

469. While noting the establishment of a National Anti-AIDS Committee and of the National Youth Forum to Fight against HIV/AIDS, and the efforts of the State party in that respect (e.g. agreement with pharmaceutical companies to secure access to low-priced AIDS drugs), the Committee remains extremely concerned at the high incidence and increasing prevalence of HIV/AIDS amongst adults and children and the resulting number of children orphaned by HIV/AIDS.

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

(a) **Increase its efforts to prevent HIV/AIDS, taking into consideration the recommendations of the Committee adopted on its day of general discussion on children living in a world with HIV/AIDS (CRC/C/80, para. 243);**

(b) **Urgently consider ways of minimizing 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) **Seek further technical assistance from, among others, UNAIDS.**

Traditional harmful practices

471. While welcoming the prohibition of female circumcision under the new Penal Code and the new structure of the National Committee to Combat Female Circumcision, the Committee is concerned that female circumcision is still widely practised in the State party. In addition, the Committee is concerned at the use of other traditional harmful practices, such as food taboos.

472. **The Committee urges the State party to continue its efforts to end the practice of female genital mutilation and to combat food taboos which negatively affect the health of children, inter alia, through enforcement of legislation and implementation of programmes sensitizing the population to their harmful effects.**

Children with disabilities

473. While noting the plans for a national rehabilitation policy and a national plan of action, the Committee is concerned at the lack of statistical data on children with disabilities in the State party, at the situation of children with physical and mental disabilities and, in particular, at the limited specialized health care, education and employment possibilities available to them. The Committee is concerned further that poor health conditions and poverty are leading to an increase in the number of children with disabilities.

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

(a) Ensure the use of adequate and comprehensive data in the development of policies and programmes for children with disabilities;

(b) Review the situation of these children 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) Strengthen policies and programmes of inclusion in regular education, train teachers and make schools accessible;

(f) Carry out studies to assess the causes of disabilities in the State party in order to establish a strategy to prevent disabilities;

(g) Sensitize the population to the human rights of children with disabilities;

(h) Seek assistance from, among others, UNICEF and WHO.

Standard of living

475. The Committee notes the challenging socio-economic situation, the adoption in 2000, of the Poverty Reduction Strategy Paper and the comprehensive debt reduction package recently agreed under the International Monetary Fund/World Bank Enhanced Heavily Indebted Poor Countries Initiative. However, it is concerned about the increasingly large number of children who do not enjoy their right to an adequate standard of living, including children belonging to poor families, AIDS orphans, street children and children living in remote rural and other underdeveloped areas.

476. **In accordance with article 27 of the Convention, the Committee recommends that the State party:**

- (a) Reinforce its efforts to provide support and material assistance to economically disadvantaged families and to guarantee the right of children to an adequate standard of living;**
- (b) Pay particular attention to the rights and needs of children in the Poverty Reduction Strategy Paper and in all programmes intended to improve the standard of living in the country;**
- (c) Cooperate and coordinate its efforts with civil society and local communities.**

7. Education, leisure and cultural activities

477. The Committee notes with appreciation the adoption of the 1996 Education Act, the increase in budget allocations for education, the adoption of the 10-year Development Plan for Basic Education (2001-2010), the focus put on education in the Poverty Reduction Strategy Paper and the creation of “satellite schools”, but remains deeply concerned at the high illiteracy rate in the State party, which affects more women than men, the lack of pre-school education, the still low enrolment in primary and secondary education, the very high percentage of repeaters and dropouts in primary education, the low quality of education, the high pupil-teacher ratio, the very low percentage of children who complete primary education and the important regional disparities. In addition, the Committee is concerned that primary education is not totally free and that parents have still to pay for supplies. The Committee also welcomes the efforts undertaken by the State party to increase the school enrolment of girls, but remains concerned at the disparities in school enrolment between boys and girls. These and other concerns which are related to the state of education in the State party are reflected in the following recommendations.

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

- (a) Ensure that all children, especially girls, wherever they live, including the least developed areas, have equal access to educational opportunities;**
- (b) Take all necessary measures to make primary education completely free;**
- (c) Provide resources to help children go to secondary school;**
- (d) Take the necessary measures to identify the causes of the high rate of repetition and dropout in primary schools and take steps to address the situation;**
- (e) Establish bridges between formal and non-formal education;**
- (f) Take the necessary measures to improve the quality and management of education;**

- (g) Raise awareness about the importance of early childhood education and develop programmes to increase enrolment at the pre-school level;**
- (h) Take measures to enable children with disabilities to have access to regular schools and to ensure that these children have access to formal and vocational educational opportunities;**
- (i) Orient education towards the aims mentioned in article 29, paragraph 1, of the Convention and in the Committee's General Comment No. 1 on the aims of education;**
- (j) Provide teachers with adequate training and encourage more women to become teachers;**
- (k) Implement the ban on corporal punishment in schools and train teachers in the use of alternative measures of discipline;**
- (l) Encourage the participation of children at all levels of school life;**
- (m) Seek technical assistance from, among others, UNESCO and UNICEF.**

8. Special protection measures

Economic exploitation, including child labour

479. While noting with appreciation the ratification by the State party of ILO Conventions No. 138 concerning the Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and the ongoing programme with the International Programme for the Elimination of Child Labour (ILO/IPEC) the Committee is deeply concerned at the fact that child labour in the State party is widespread and that children may be working long hours at young ages, which has a negative effect on their development and school attendance.

480. The Committee encourages the State party to continue its collaboration with ILO/IPEC. In addition, the Committee recommends that the State party strengthen the implementation of its labour laws and increase the number of labour inspectors.

Sale, trafficking and abduction

481. While welcoming the efforts undertaken by the State party to combat child trafficking through a national programme and, in particular, the adoption of a travel document with five other countries of the region, the Committee is deeply concerned at the number of trafficked children who are exploited in the State party and in neighbouring countries.

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

- (a) Take measures to prevent and combat the sale and trafficking of children, including an awareness-raising campaign and educational programmes, particularly for parents;**
- (b) Facilitate the reunification of child victims with their families and provide adequate care and reintegrative programmes for them;**
- (c) Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;**
- (d) Continue to seek assistance from ILO/IPEC.**

Street children

483. The Committee notes the pilot project involving UNICEF and non-governmental organizations to deal with the issue of street children, but 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 assistance.

484. **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, protection from police brutality and services for reconciliation with their families;**
- (c) Undertake a study on the causes and scope of this phenomenon and develop a comprehensive strategy to address the increasingly large number of street children, with the aim of preventing and reducing this phenomenon.**

Commercial sexual exploitation and pornography

485. The Committee is concerned about the increasing number of child victims of commercial sexual exploitation, including prostitution and pornography. Concern is also expressed at the insufficient programmes for the physical and psychological recovery and social reintegration of child victims of such abuse and exploitation.

486. **In 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 scope of commercial sexual exploitation of children, including prostitution and pornography, and implement appropriate policies and programmes to prevent this practice and for the**

recovery and reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.

Administration of juvenile justice

487. The Committee is concerned at the absence of juvenile courts and juvenile judges, and at the limited number of social workers and teachers working in this field. In addition, the Committee is deeply concerned at the possibility that children of 16 and 17 years of age are treated like adults and can be subjected to the death penalty or life imprisonment, which is a serious violation of article 37 of the Convention; the failure to separate children from adults in jails (with the exception of the jails in Ouagadougou and Bobo Dioulasso); the poor conditions of detention; the frequent recourse to and excessive length of pre-trial detention (often because of the long time needed for inquiries); the absence of a formal obligation to inform parents about the detention; the possibility for children to appeal only through their parents; the very limited possibilities for the rehabilitation and reintegration of juveniles following judicial proceedings; and the sporadic training of judges, prosecutors and prison staff.

488. **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 Vienna Guidelines for Action on Children in the Criminal Justice System.**

489. **As part of this reform, the Committee particularly recommends that the State Party:**

(a) **Ensure that persons of 16 and 17 years of age are not treated like adults and enjoy the full protection of the Convention;**

(b) **Undertake all necessary measures to ensure that juvenile courts are established and trained juvenile judges appointed in all regions of the State party;**

(c) **Consider deprivation of liberty only 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;**

(d) **Provide children with legal and other assistance at an early stage of the procedure;**

(e) **Amend legislation to allow children to appeal a decision without their parents;**

- (f) **Provide children with basic services (e.g. schooling);**
- (g) **Protect the rights of children deprived of their liberty and improve their conditions of detention and imprisonment, notably by establishing special prisons for children with conditions suitable to their age and needs and by ensuring the presence of social services in all detention centres in the country, and in the meantime by ensuring that they are separated from adults in all prisons and in pre-trial detention places throughout the country;**
- (h) **Ensure that children remain in regular contact with their families while in the juvenile justice system, notably by informing parents when their child is detained;**
- (i) **Introduce regular medical examination of children by independent medical staff;**
- (j) **Establish an independent, child-sensitive and accessible complaint system for children;**
- (k) **Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;**
- (l) **Make every effort to establish a programme of rehabilitation and reintegration of juveniles following judicial proceedings;**
- (m) **Take into consideration the recommendations of the Committee made at its day of general discussion on juvenile justice (CRC/C/46, paras. 203-238);**
- (n) **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

490. The Committee notes that the State party has signed, but not yet 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.

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

10. Dissemination of documentation

492. **Finally, in 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, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations. The Committee recommends that the State party request international cooperation in this regard.

11. Periodicity of submission of reports

493. **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 is to ensure that the Committee on the Rights of the Child 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 in full compliance with the Convention the Committee invites the State party to submit its combined third and fourth periodic reports by 29 February 2007, the date on which the fourth periodic report is due.**

Concluding observations: Poland

494. The Committee considered the second periodic report of Poland (CRC/C/70/Add.12), submitted on 2 December 1999, at its 827th and 828th meetings (see CRC/C/SR.827 and 828), held on 1 October 2002, and adopted, at its 833rd meeting (CRC/C/SR.833), held on 4 October 2002, the following concluding observations.

A. Introduction

495. 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/POL/2), which gave a clearer understanding of the situation of children in the State party. It further notes with appreciation the cross-sectoral 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

496. The Committee welcomes the State party's adoption of a new Constitution in 1997, which embodies many of the principles of the Convention on the Rights of the Child.

497. The Committee welcomes the State party's establishment in 2000 of the Office of the Ombudsman for Children responsible for monitoring children's rights throughout Poland, and the role of the Supreme Chamber of Control in assessing and evaluating the Government's policy with regard to children's rights and the implementation of the Convention.

498. The Committee welcomes the various legislative measures taken to further implement the Convention, notably the following:

(a) The Act of 24 July 1998 amending the Act on Social Welfare, which established local centres for family assistance;

(b) The Act of 7 January 2000 amending the Acts on Social Welfare and Pensions, which created a coherent system of family protection and childcare within the framework of social welfare based on the local centres for family assistance.

499. The Committee welcomes the State party's ratification of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, of 1993.

500. The Committee also notes the State party's creation of the Office of the Government Plenipotentiary for Family Matters and Equal Status of Men and Women (2001), which replaced the Office of the Plenipotentiary for Family Matters.

C. Factors and difficulties impeding the implementation of the Convention

501. The Committee acknowledges that the State party continues to face economic difficulties and high unemployment rates as a result of the transition to a free market economy. This has led to regional disparities and increased poverty, thereby negatively affecting the welfare and living standards of vulnerable families with children.

D. Principal areas of concern and recommendations

1. General measures of implementation

Reservations and declarations

502. The Committee welcomes the information given by the delegation that the process of considering the withdrawal of the State party's reservations to articles 7 and 38 of the Convention and the declarations on articles 12 to 16 and 24 was resumed in 2001.

503. In light of the Vienna Declaration and Programme of Action (1993), the Committee encourages the State party to continue and complete the process of withdrawing all of its reservations to and declarations on the Convention.

Legislation

504. The Committee, while taking note of the adoption of the new Constitution in 1997 and the subsequent amendments to domestic legislation, nevertheless remains concerned that all domestic laws still do not fully comply with the provisions and principles of the Convention.

505. 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, in particular in the area of juvenile justice, unaccompanied asylum-seekers and sexual exploitation of children.

Coordination

506. The Committee notes the decision of the President of the Council of Ministers to make the Minister for National Education and Sport responsible for the coordination of policy on children and youth and the information given by the delegation that the State party is developing a national plan of action. Yet, the Committee remains concerned that the activities and programmes run by the various ministries and levels of government lack coordination.

507. The Committee recommends that the State party ensure that the Ministry for National Education and Sport is provided with adequate financial, human and material resources to effectively carry out its responsibilities in the coordination of policy, and that appropriate mechanisms for consultation and coordination are set up among the ministries and between all levels of government working with and for children.

Independent monitoring

508. The Committee welcomes, as noted above, the establishment of the Office of the Ombudsman for Children and the role of the Supreme Chamber of Control. Nevertheless, it is concerned at the lack of sufficient resources for the Office of the Ombudsman for Children.

509. The Committee recommends that the State party:

(a) Strengthen the role of the Supreme Chamber of Control as an internal monitoring body for the evaluation of children's issues and establish a comprehensive system for monitoring and self-evaluation of the implementation of the Convention both at the national and local level;

(b) Provide the Ombudsman for Children with sufficient resources to enable him to fulfil his responsibilities;

(c) Collaborate with non-governmental and civil society organizations in monitoring children's rights and policies both at the national and local level.

Allocation of resources

510. The Committee notes with concern that allocations for children from the central budget declined from 2000 to 2001 and are insufficient to respond to national and local priorities for the protection and promotion of children's rights and to overcome and remedy existing disparities between rural and urban areas with respect to services provided to children.

511. While recognizing the difficult economic conditions, 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 “to the maximum extent of ... available resources”. Noting the State party’s efforts at administrative reform and the decentralization of service provision, the Committee recommends that the State party strengthen, to the maximum extent of available resources, the capacity of local governments in rural and urban areas equally to implement the economic, social and cultural rights of children.

Data collection

512. The Committee welcomes the additional statistical data contained in the written replies to the list of issues (CRC/C/Q/POL/2) and the information that a programme called E-Poland will be initiated in order to improve the exchange of data between ministries and facilitate their comparison and analysis. However, the Committee remains concerned that very little data are specifically disaggregated by gender and that data and indicators are not available for all areas covered by the Convention.

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

(a) **Ensure that the current system of data collection and indicators are disaggregated by gender and, where appropriate, by minority and ethnic group, and urban and rural area. The current system of data collection should be expanded, with the assistance of relevant ministries and authorities, to include all areas covered by the Convention, including all aspects of the juvenile justice system and assistance provided to child victims of sexual exploitation or abuse. The system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including child victims of abuse, neglect or ill-treatment, children with disabilities, children belonging to ethnic groups, refugee and asylum-seeking children, children in conflict with the law, working children, children living in the streets, children involved in commercial sexual exploitation and trafficking, and children in rural and economically depressed areas;**

(b) **Use these 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

514. Despite the existence of a vibrant civil society, the Committee is concerned that non-governmental organizations are not fully involved in the Government’s efforts to implement the Convention.

515. **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 involve non-governmental organizations in a more systematic and coordinated manner throughout all stages of the implementation of the Convention, including policy formulation, at the national and local levels.**

Dissemination

516. While noting the initiatives of the State party and the many activities of the Ombudsman for Children to promote awareness of the principles and provisions of the Convention, the Committee is concerned that 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.

517. The Committee recommends that the State party strengthen its awareness-raising efforts and encourages the State party to undertake systematic education and training in the principles and provisions of the Convention, in particular for parliamentarians, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, health personnel, including psychologists, social workers and religious leaders, as well as children and their parents.

2. Definition of the child

518. The Committee is concerned that there is no clear minimum age of criminal responsibility and that, in some cases, children as young as 10 years of age can be sentenced to educational measures.

519. The Committee recommends that, as the 1982 Law on Procedures in Cases Involving Juveniles considers juveniles to be between the ages of 13 and 17 years, the State party establish 13 years as the minimum age for criminal responsibility in all cases, below which children cannot be sentenced to either correctional or educational measures.

3. General principles

Non-discrimination

520. The Committee notes with concern that the principle of non-discrimination is not adequately implemented with respect to certain vulnerable groups of children, including children of the Roma and other ethnic minorities, children living in institutions, children with disabilities, children of poor families and children with HIV/AIDS. In particular, the Committee is concerned about their limited access to adequate health, education and other social services and about reports of racially motivated violence in which police have failed to protect the victims.

521. The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and to adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups.

522. 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, and 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

523. The Committee notes the State party's efforts to require administrative and judicial proceedings to take into account the views of the child, but is concerned that in practice this principle is not always implemented, particularly in proceedings involving unaccompanied children applying for refugee status, juvenile offenders and children placed in institutions, as well as in custody hearings.

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

(a) **Take effective measures, including legislation, to promote and facilitate respect for the views of children, by courts and all administrative bodies and the participation of children in all matters affecting them, in accordance with article 12 of the Convention;**

(b) **Provide educational information to, among others, parents, teachers, government administrative officials, the judiciary, the Roman Catholic Church and other religious groups, and society at large, on children's right to have their views taken into account and to participate in matters affecting them.**

4. Civil rights and freedoms

Freedom of conscience and religion

525. The Committee is concerned that, despite regulations guaranteeing that parents can choose for their children to attend ethics classes instead of religion classes in public schools, in practice few schools offer ethics courses to allow for such a choice and students require parental consent to attend ethics courses.

526. **The Committee recommends that the State party ensure that all public schools permit children, in practice, to choose freely whether to attend religion or ethics classes with parental direction provided in a manner consistent with the child's evolving capacities.**

Ill-treatment and violence

527. The Committee notes the establishment of the "Blue Card" programme to address family violence, but is concerned that child abuse, and violence in the home and in schools, remain a problem in the State party and that there is no national system to receive and address complaints of child abuse and neglect. It is also concerned that victims of abuse and their families receive limited support for recovery and reintegration. Furthermore, the Committee is concerned that corporal punishment is widely practised in the home, in schools and other institutions, such as prisons, and in alternative care contexts.

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

(a) **Establish a national system for receiving, monitoring and investigating complaints, 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) **Set up a comprehensive and nationwide response system designed to provide, where appropriate, support and assistance to both victims and perpetrators of family violence, rather than only intervention or punishment, and which ensures that all victims of violence have access to counselling and assistance with recovery and reintegration, particularly in communities where the local administration does not have sufficient resources to set up a family crisis centre;**

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

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

(e) **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.**

5. Family environment and alternative care

Alternative care

529. The Committee is concerned at the large number of children in the State party living in institutions, a significant proportion of whom are “social” rather than natural orphans.

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

(a) **Ensure periodic review of placement of children in institutions which takes into account the views and best interests of the child while aiming, whenever possible, at reintegrating them into their families, with appropriate counselling and support, or at finding other forms of care than institutionalization;**

(b) **Expand the foster-care system by providing greater financial support to foster families and increasing the counselling and support mechanisms for foster families;**

(c) **Upgrade the capacity and skills of social workers so that they are better able to intervene and assist children in their own environment;**

(d) **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 right to social protection.**

6. Basic health and welfare

531. While encouraged that health indicators of children are good and continuously improving, the Committee is nevertheless concerned at the increase in unhealthy behaviours and lifestyle trends, as well as at the low percentage of mothers continuing to breastfeed.

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

(a) **Improve the effectiveness of health promotion and health education programme, in particular by promoting healthy lifestyles among children and young people;**

(b) **Take steps to encourage and educate mothers on the benefits of exclusive breastfeeding of infants for the first six months and of continued breastfeeding for two years.**

Children with disabilities

533. The Committee is concerned that children with disabilities do not all have the opportunity to attend integrated schools and education programmes, and that in some cases children with disabilities are institutionalized or do not attend school regularly owing to a lack of appropriate programmes close to their homes.

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

(a) **Develop a time-bound plan for reducing the number of children with disabilities living in institutions and integrating them into mainstream education and vocational training programmes, as well as social, cultural and leisure activities;**

(b) **Provide sufficient financial, human and organizational resources to *powiats* to ensure that they all offer integrated educational facilities that are accessible and appropriate to children with disabilities that will ensure their full participation in society.**

Adolescent health

535. The Committee is concerned that:

(a) The rate of teenage pregnancies is relatively high and that adolescents have limited access to reproductive health education or services;

(b) Smoking amongst adolescents is excessive;

(c) The abuse of alcohol, drugs and illicit substances is increasing among teenagers.

536. **The Committee recommends that the State party institute health education and awareness programmes specifically for adolescents on sexual and reproductive health and the dangers of smoking and drug and alcohol abuse in schools, community clubs, family centres and other institutions working with children.**

7. Education

537. The Committee notes the new initiatives to provide textbooks to children from poor families and provide all schools with computers, yet it remains concerned at the increasing disparities in access to education, the material condition of schools and the quality of education between rural and urban areas, particularly with regard to kindergartens and extracurricular programmes and activities.

538. **The Committee recommends that the State party ensure that children in rural areas have equal opportunities for a quality education which provides them with the skills to enter the labour market or university-level education based on their merit, by:**

(a) **Seeking innovative means for promoting the cognitive, social and emotional development of children, through, inter alia, programmes that foster interaction between children and their peers and parental education programmes on the benefits of early childhood education, ensuring that there are sufficient and appropriate kindergarten facilities for all children in rural areas; orienting the education system towards achieving the aims mentioned in article 29, paragraph 1, of the Convention and in the Committee's General Comment No. 1 on the aims of education; and introducing human rights, including children's rights, into the school curricula;**

(b) **Ensuring that rural areas and poorer communities are provided with additional funds to allow them to provide the same quality of education and level of extracurricular programmes as urban schools;**

(c) **Ensuring that students from poor families or those in rural areas have access to scholarships or other forms of financial support that allow them to attend general secondary schools in preparation for university.**

8. Special protection measures

Refugee children and unaccompanied minors seeking asylum

539. The Committee notes the State party's efforts to speed up the processing of refugee cases, but is concerned that the claims of unaccompanied minors are slowed down by cumbersome procedures for appointing a legal representative of such minors applying for refugee status, who is solely responsible for administrative matters and not obligated to act in the best interests of the child. Furthermore, the Committee is concerned that children waiting for their refugee claims to be processed do not have opportunities for education if they are housed in emergency blocks and that, in some cases, they are held together with juvenile offenders.

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

(a) **Amend current legislation on refugee processing so as to ensure that all unaccompanied minors are immediately appointed a legal guardian responsible for them who is obligated to act in their best interest to take their views into account;**

(b) **Ensure that asylum-seeking children temporarily placed in emergency blocks are not held together with juvenile offenders and only remain there for the shortest possible time, and not exceeding the legal maximum of three months;**

(c) **Ensure that all children awaiting processing of their refugee claims in emergency blocks, the refugee reception centre or other forms of care have full access to education.**

Sexual exploitation and trafficking

541. While noting the increased efforts of the State party to cooperate in regional programmes to prevent trafficking and repatriate victims, the Committee is nevertheless concerned that Poland continues to be a country of origin, destination and transit for children trafficked for sexual exploitation.

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

(a) **Proceed with its intention to ratify the Worst Forms of Child Labour Convention (No. 182) of the International Labour Organization (ILO) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and develop a national plan of action on commercial sexual exploitation of children, as agreed at the first and second World Congresses against Commercial Sexual Exploitation of Children, held in Stockholm in 1996 and Yokohama, Japan, in 2001, respectively;**

(b) **Ensure that all persons under 18 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.**

Juvenile justice

543. The Committee is concerned at the high number of juveniles spending extensive periods of time in emergency blocks either as a pre-trial detention measure or as punishment for their actions in the juvenile reform centres. In addition, the Committee is concerned that not all juvenile detention centres guarantee the child's right to maintain contact with his or her family or provide adequate living standards.

544. **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), in light of the Committee's day of general discussion on the administration of juvenile justice, held in 1995;**

(b) **Enforce the regulations allowing a maximum stay of three months in emergency blocks;**

(c) **Use deprivation of liberty only as a measure of last resort and protect the rights of children deprived of their liberty, including those pertaining to conditions of detention.**

Children belonging to minority groups

545. The Committee is concerned that, despite pilot programmes aimed at improving the situation of the Roma in certain provinces, they still suffer from widespread discrimination which has in some instances impeded Romani children's right to education, health and social welfare.

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

(a) **Initiate campaigns at all levels and in all provinces aimed at addressing the negative attitudes towards the Roma in society at large and in particular amongst authorities and professionals providing health, education and other social services;**

(b) **Develop and implement a plan aimed at integrating all Roma children into mainstream education and prohibiting their segregation into special classes, and which includes pre-school programmes for Romani children to learn the primary language of schooling in their communities;**

(c) **Develop curriculum resources for all schools which include Romani history and culture in order to promote understanding, tolerance and respect of Roma in Polish society.**

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

547. The Committee notes that the State party has 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.

548. **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

549. **Finally, in 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 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 non-governmental organizations.**

11. Next report

550. **The Committee, aware of the delay in the State party's reporting, wishes to underline the importance of a reporting practice which is in full compliance with the rules set out in article 44 of the Convention. The Committee in charge of doing so should have the opportunity to regularly examine the progress made in the implementation of children's rights. In this regard, regular and timely reporting by States parties is crucial. In order to help the State party return to full compliance with its obligation under the Convention, the Committee invites the State party, by way of exception, to submit its fourth periodic report before the due date established under the Convention for that report, i.e. 7 July 2008. This report would combine the third and fourth periodic reports.**

Concluding observations: Israel

551. The Committee considered the initial report of Israel (CRC/C/8/Add.44) which was received on 20 February 2001, at its 829th and 830th meetings (see CRC/C/SR.829 and 830) held on 2 October 2002, and adopted at its 833rd meeting (CRC/C/SR.833) held on 4 October 2002, the following concluding observations.

A. Introduction

552. The Committee notes that the initial report (submitted over seven years after it was due) follows the guidelines for reporting, is very elaborate, analytical and, in some parts, self-critical. Given the responsibility of the State party for the implementation of the Convention in the occupied Palestinian territories, the Committee deeply regrets the lack of any information about the situation of children in the occupied Palestinian territories. The Committee appreciates the additional material that was provided prior to and during the discussion and the informative written replies which were submitted. The Committee also appreciates the presence of a well-qualified and cross-sectoral delegation, which contributed to a better understanding of the process of implementation of the Convention in the State party.

B. Positive aspects

553. The Committee welcomes:

- (a) The establishment and work of the Rotlevy Committee on Children and the Law and the various parliamentary committees dedicated to advancing the rights of children, including the Committee on Legislation for Children and the Committee for the Advancement of the Status of the Child, as well as the establishment of local status of children committees at the municipal level;
- (b) The enactment of progressive legislation, including the 2002 law on information regarding the influence of legislation on children's rights, and laws on minor victims' rights and legal assistance for children;
- (c) The prohibition of corporal punishment in homes, schools and other institutions;
- (d) The active involvement of civil society in the promotion and protection of human rights in the State party, including through public-interest litigation, and the many court rulings based upon the articles of the Convention;
- (e) Affirmative-action programmes for education of Israeli Arabs;
- (f) The various measures taken to support families in need (e.g. single-parent families).

C. Factors and difficulties impeding the implementation of the Convention

554. In the present context of violence, the Committee recognizes the difficulties of the State party in fully implementing the Convention. Amidst continuing acts of terror on both sides, especially the deliberate and indiscriminate targeting and killing of Israeli civilians, including children, by Palestinian suicide bombers, the Committee recognizes the climate of fear which persists and the State party's right to live in peace and security. At the same time, the Committee recognizes that the illegal occupation of Palestinian territory, the bombing of civilian areas, extrajudicial killings, the disproportionate use of force by the Israeli Defence Forces, the demolition of homes, the destruction of infrastructure, mobility restrictions and the daily humiliation of Palestinians continue to contribute to the cycle of violence.

D. Principal subjects of concern and recommendations

1. General measures of implementation

555. The Committee emphasizes that a peaceful and stable future for children in the region can only be achieved on the basis of international human rights and humanitarian law, compliance with which is essential to guarantee respect for the equal dignity of all people in Israel and the occupied Palestinian territory.

Legislation

556. The Committee notes the enactment of new legislation in the area of children's rights. However, it is concerned that the implementation of these measures has been impeded by factors, including insufficient budgetary allocations.

557. **The Committee recommends that the State party take all necessary measures, including the allocation of the required resources (human and financial), to ensure and strengthen the effective implementation of existing legislation.**

558. The Committee welcomes the commitment of the various parliamentary committees campaigning to promote children's rights through, among other things, proposals for new legislation (i.e. on implementation of the Convention and on the right to quality education on an equal basis) in the area of children's rights.

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

(a) **To ensure the speedy promulgation of legislation relating to child rights and its effective implementation;**

(b) **To consider the adoption of a comprehensive children's code, which would incorporate the principles and provisions of the Convention;**

(c) **To continue to support the work of these committees through the allocation of adequate resources.**

560. The Committee is concerned that religious laws, particularly in the area of personal status, may not be in compliance with the principles and provisions of the Convention.

561. **The Committee encourages the State party to take all possible measures to reconcile the interpretation of religious laws with fundamental human rights.**

Coordination

562. The Committee is concerned that the absence of a central mechanism to coordinate the implementation of the Convention makes it difficult to achieve a comprehensive and coherent child rights policy.

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

(a) **Establish a central mechanism for intersectoral coordination and cooperation at and between the national and local levels of government;**

(b) **Ensure the preparation and implementation of a national plan of action for children, including the implementation of the Convention, that is comprehensive, human rights based and undertaken through an open, consultative and participatory process.**

Data

564. The Committee welcomes the comprehensive statistical volume provided by the State party, but is concerned that the data are not sufficiently analysed so as to be able to assess progress in the implementation of the Convention, and regrets that no data were provided with respect to children living in the occupied Palestinian territories.

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

(a) **To collect data on all persons under 18 years for all areas covered by the Convention, including the most vulnerable groups (i.e. children living in remote areas) and in the occupied Palestinian territories;**

(b) **Use these data to assess progress and design policies to implement the Convention.**

Monitoring structures

566. While noting the different channels open to children for making complaints (i.e. the Open Line, the Ombudsman of the Ministry of Health, etc.), the Committee is concerned that the responses of these mechanisms are not sufficiently coordinated to ensure the effective implementation of the Convention. Moreover, the Committee is concerned at the absence of an independent mechanism with the mandate to regularly monitor and evaluate progress in the implementation of the Convention.

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

(a) **Improve coordination between the various existing complaints mechanisms to ensure that they effectively contribute to the implementation of the Convention;**

(b) **Consider the establishment of an independent national human rights institution, 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 institution should be adequately resourced, accessible to children and empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner and to address them effectively.**

Resource allocation

568. Against the backdrop of a declining economy, the Committee is concerned that the proposed budget cuts in social spending will negatively affect the economic, social and cultural rights of children belonging to the most vulnerable groups.

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

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

(b) **Continue to prioritize and target budgetary allocation for children belonging to the most vulnerable groups (e.g. Israeli Arab children, Bedouins, children of foreign workers);**

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

Cooperation with civil society

570. Recognizing under the prevailing conditions the important role of civil society, as well as international humanitarian organizations, in the implementation of the provisions of the Convention, particularly in the occupied Palestinian territories, the Committee is concerned at the inadequate efforts by the State party to fully cooperate with and facilitate their efforts.

571. The Committee recommends that the State party strengthen its cooperation with non-governmental and international organizations, including United Nations agencies, and guarantee the safety of their personnel in the course of their work on behalf of children and their access to the children concerned.

Training/dissemination of the Convention

572. The Committee welcomes the efforts by the State party to disseminate the Convention and notes the delegation's acknowledgement of the need to disseminate the Convention more widely throughout the State party.

573. 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 in all official languages among children and parents, civil society and all sectors and levels of government, including initiatives to reach those vulnerable groups who are illiterate or without formal education;

(b) To 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. Definition of the child

574. The Committee is concerned that Israeli legislation discriminates in the definition of the child between Israeli children (e.g. persons under 18 in the 1962 Guardianship and Legal Capacity Law, and the Youth (Trial, Punishment and Modes of Treatment) Law) and Palestinian children in the occupied Palestinian territories (i.e. persons under 16 in Military Order No. 132).

575. The Committee recommends that the State party rescind the provision of Military Order No. 132 concerning the definition of the child and ensure that its legislation conforms to articles 1 and 2 of the Convention in this regard.

3. General principles

Non-discrimination

576. The Committee is concerned that discrimination, contrary to article 2 of the Convention, persists in the State party, and that non-discrimination is not expressly guaranteed under the Constitution. In particular, the Committee is concerned about discrimination against girls and women, especially in the context of religious laws, discrimination on religious grounds, inequalities in the enjoyment of the economic, social and cultural rights (i.e. access to education, health care and social services) of Israeli Arabs, Bedouins, Ethiopians and other minorities, children with disabilities and children of foreign workers, and of the rights and freedoms of Palestinian children in the occupied territories.

577. **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) **Strengthen its efforts with respect to affirmative-action initiatives;**
- (c) **Carry out comprehensive public education campaigns to prevent and combat negative societal attitudes in this regard;**
- (d) **Mobilize religious leaders to support such efforts;**
- (e) **Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (General Assembly resolution 45/158, annex).**

578. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and 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

579. The Committee is concerned that the general principle of the best interests of the child contained in article 3 of the Convention is not incorporated in all legislation concerning children and is not always considered in practice, for example by rabbinical courts.

580. **The Committee recommends that the State party continue its efforts to fully incorporate in legislation and in practice article 3 of the Convention.**

Right to life

581. The Committee deeply regrets the killing and injuring of all children in the State party committed by all actors prior to and during the present armed conflict. It is extremely concerned about the consequences of the climate of terror which seriously harms the development of children.

582. **The Committee strongly urges the State party and all relevant non-State actors:**

- (a) **To take immediate and all necessary measures to end the violence;**
- (b) **To take immediate and all necessary measures to ensure that children are not recruited and do not participate in the conflict;**
- (c) **To investigate immediately and effectively all killings of children and bring the perpetrators to justice;**
- (d) **To take all necessary measures to provide child victims of these human rights violations with possibilities for adequate compensation, recovery and social reintegration.**

583. **Finally, the Committee recommends that the State party include in its second periodic report information about the implementation of the above recommendations.**

Respect for the views of the child

584. The Committee welcomes the efforts by the State party to promote respect for the views of the child, including in Knesset debates, schools and communities, and before the courts (i.e. the Youth (Care and Supervision) Law, and the Youth (Trial, Punishment and Modes of Treatment) Law).

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

- (a) **Continue to promote and facilitate, within the family, the school, institutions, the courts, including rabbinical courts, and administrative bodies (i.e. decision and placement committees), 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, social workers and local officials to help children to express their informed views and opinions and to have them taken into consideration.**

4. Civil rights and freedoms**Protection from torture and inhuman or degrading treatment or punishment**

586. The Committee is seriously concerned at allegations and complaints of inhuman or degrading practices and of torture and ill-treatment of Palestinian children by police officers

during arrest and interrogation and in places of detention (i.e. Ma'ale Adummim, Adorayim, Beit El, Huwarra, Kedumin, Salem and Gush Etzion police station and prisons such as Terza, Ramleh, Megiddo and Telmond).

587. **The Committee strongly recommends that the State party:**

(a) Establish and strictly enforce instructions for full compliance with the principles and provisions of the Convention by all persons involved in the arrest, interrogation and detention of Palestinian and other children in the State party;

(b) Investigate effectively all cases of torture and inhuman or degrading treatment or punishment by police officers or other government officials and bring the perpetrators to justice;

(c) Pay full attention to the victims of these violations and provide them with opportunities for adequate compensation, recovery and social reintegration;

(d) Include in its next report information concerning the above recommendations.

5. Family environment and alternative care

Violence/abuse/neglect/maltreatment

588. The Committee welcomes the many efforts of the State party to prevent and combat all forms of violence and abuse within the family, in schools and in other institutions which care for children, but is concerned at the apparently limited impact of these efforts owing to, among other things, the lack of a comprehensive strategy and adequate resources.

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

(a) Establish a national and comprehensive strategy to prevent and combat violence and abuse within the family, in schools and in other institutions caring for children, which should include, among other things, a study to assess the nature and extent of ill-treatment and abuse of children, and design policies and programmes to address these practices;

(b) 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;

(c) Strengthen procedures and mechanisms to receive, monitor and investigate complaints, including intervening where necessary;

(d) Allocate sufficient resources for the provision of care, recovery and reintegration for victims;

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

590. The Committee notes the efforts (e.g. training and support programmes) of the State party to improve the care provided by foster families, but remains concerned that a relatively high number of children continue to live in residential care.

591. **The Committee recommends the State party further strengthen the foster care system by, among other things, conducting public programmes to increase the number of foster families and providing sufficient financial and other resources.**

6. Basic health and welfare

Children with disabilities

592. The Committee notes the various efforts of the State party to address the rights and special needs of children with disabilities. However, it remains concerned at the large gap between the needs and services provided, and the gap between services provided to Jewish and Israeli Arab children.

593. **The Committee recommends that the State party continue and strengthen its efforts to prioritize and target resources (human and financial) to ensure that the needs of children with disabilities are met and the necessary services provided. Furthermore, it recommends that the State party ensure that Israeli Arab children receive the same level and quality of services as Jewish children.**

Health

594. The Committee is deeply concerned about the serious deterioration of health and health services of children in the occupied Palestinian territories, especially as a result of the measures imposed by the Israeli Defence Forces, including road closures, curfews and mobility restrictions, and the destruction of Palestinian economic and health infrastructure. In particular, the Committee is concerned about the consequent delays of and interference with medical personnel, the shortages of basic medical supplies and malnutrition in children owing to the disruption of markets and the prohibitively high prices of basic foodstuffs.

595. **The Committee recommends that the State party guarantee safe and unconditional access by all Palestinian children to basic needs and health services, including medical supplies and personnel.**

596. The Committee welcomes the information that the National Health Insurance Law covers all citizens of Israel, but remains concerned at the persistent and significant gap in health indicators between Israeli Jews and Arabs.

597. **The Committee recommends that the State party strengthen and increase the allocation of resources to ensure that all citizens benefit equally from available health services.**

Adequate standard of living

598. The Committee notes the State party's activities to improve support for vulnerable families (e.g. single-parent families), but is concerned at the recent cuts in the budget for social welfare and at the very high percentage of children living in poverty, particularly those living in large families, single-parent families and Arab families.

599. The Committee recommends that the State party develop and implement a comprehensive strategy for the eradication of poverty, and provide it with adequate financial and human resources.

600. The Committee is deeply concerned at the large-scale demolition of houses and infrastructure in the occupied Palestinian territories, which constitutes a serious violation of the right to an adequate standard of living for children in those territories.

601. The Committee recommends, with reference to international humanitarian law, notably the Geneva Convention relative to the Protection of Civilian Persons in Time of War, that the State party fully comply with the rules of distinction (between civilians and combatants) and proportionality (of attacks that cause excessive harm to civilians) and thus refrain from the demolition of civilian infrastructure, including homes, water supplies and other utilities. It further recommends that the State party provide the victims of such demolitions with support for the rebuilding of their houses and with adequate compensation.

7. Education**Education**

602. The Committee is concerned about the serious deterioration of access to education of children in the occupied Palestinian territories as a result of the measures imposed by the Israeli Defence Forces, including road closures, curfews and mobility restrictions, and the destruction of school infrastructure.

603. The Committee recommends that the State party guarantee that every Palestinian child has access to education, in accordance with the Convention. As a first step, the State party should ensure that restrictions on mobility are lifted throughout the occupied Palestinian territories during school hours.

604. The Committee welcomes the information that the budget for education has been protected from recent cuts in spending, but is concerned that investment in and the quality of education in the Israeli Arab sector is significantly lower than in the Jewish sector.

605. The Committee recommends that the State party continue and strengthen its affirmative-action programmes and further increase the budget allocated for education in the Arab sector.

606. The Committee is concerned that the aims of education outlined in article 29 of the Convention, including the development of 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.

607. The Committee recommends that the State party and all relevant non-State actors, including the Palestinian Authority, taking into account the Committee's General Comment No. 1 on the aims of education, include human rights education, including children's rights, in the curricula of all primary and secondary schools, particularly with regard to the development of respect for human rights, tolerance and equality of the sexes and religious and ethnic minorities. Religious leaders must be mobilized in this effort.

8. Special measures of protection

Armed conflict

608. The Committee is seriously concerned about the impact of terrorism on the rights of children in the State party, as well as the impact of military action on the rights of children in the occupied Palestinian territories. Moreover, the Committee is concerned about the insufficient cooperation of the State party in relation to demining efforts in southern Lebanon and the lack of redress available to the child victims of Israeli Defence Forces operations there.

609. The Committee recommends that the State party and other non-State actors:

(a) Establish and strictly enforce rules of engagement for military and other personnel which fully respect the rights of children as contained in the Convention and protected under international humanitarian law;

(b) Refrain from using and/or targeting children in the armed conflict and comply fully with article 38 of the Convention, and as much as possible with the Optional Protocol on the involvement of children in armed conflict;

(c) Provide full support and cooperation for demining efforts in southern Lebanon, and possibilities for adequate compensation, recovery and rehabilitation to the child victims of Israeli Defence Forces actions in southern Lebanon;

(d) Ratify and fully implement the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, of 1997.

Sexual exploitation

610. The Committee notes the establishment of an inter-ministerial and inter-organizational committee to combat the commercial sexual exploitation of minors, its activities, and the involvement of non-governmental organizations in this area. However, the Committee is concerned that these and other efforts have so far had a limited impact.

611. **The Committee recommends that the State party take all necessary measures to increase the effectiveness of these efforts to address the commercial sexual exploitation of minors by, among other things, providing the necessary financial and other resources.**

Administration of juvenile justice

612. The Committee is concerned about:

(a) The differential application of law concerning children, such as with respect to the definition of a child in Israel and in the occupied Palestinian territories;

(b) The practice relating to the arrest and interrogation of children in the occupied Palestinian territories;

(c) Military Orders Nos. 378 and 1500, as well as all other military orders which may allow prolonged incommunicado detention of children, and which do not provide due process guarantees, access to legal assistance and family visits.

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

(a) **Ensure that the provisions of the Convention, in particular articles 37, 39 and 40, are fully integrated into the legislation and practice of the system of juvenile justice, along with 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;**

(b) **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;**

(c) **Ensure that children have access to legal aid and independent and effective complaint mechanisms;**

(d) **Train professionals in the area of rehabilitation and social recovery of children;**

(e) **Rescind all provisions in the military orders which violate international standards on the administration of juvenile justice.**

9. Optional Protocols

614. **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.**

10. Dissemination of the report

615. In 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 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 non-governmental organizations.

616. In light of the recommendation on reporting periodicity adopted by the Committee and described in the report on its twenty-ninth session (CRC/C/114), the Committee, 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 parties' responsibilities to children under the Convention is to ensure that the Committee on the Rights of the Child 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 initiating timely and regular reporting. As an exceptional measure, in order to help the State party catch up with its reporting obligations in full compliance with the Convention, the Committee invites the State party to submit its second, third and fourth 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.

III. INTERSESSIONAL ACTIVITIES OF THE COMMITTEE

617. During the session, the Committee was informed by members about various meetings in which they had participated.

618. Ms. Awa N'Deye Ouedraogo participated from 13 to 19 June 2002 in a training workshop on breastfeeding and HIV transmission in Ouagadougou. This meeting was organized jointly by the regional office of WHO and International Food Baby Action Network (IFBAN) West Africa.

619. Three members of the Committee (Ms. Judith Karp, Mr. Jakob Egbert Doek and Mrs. Marilia Sardenberg) attended the First Inter-Committee Meeting of the human rights treaty bodies in Geneva from 26 to 28 June 2002 (see HRI/ICM/2002/3).

620. Between 30 and 31 May 2002, Ms. Judith Karp represented the Committee at a review meeting on global guidelines for the prevention of child abuse and neglect, organized in Geneva by WHO. This meeting reflected the partnership between WHO and the International Society for the Prevention of Child Abuse and Neglect. The aim of the meeting was to further the development of a set of comprehensive guidelines for the prevention of child maltreatment which would reflect an integrated multi-sectoral approach.

621. Ms. Karp and Mr. Doek attended from 12 to 16 August 2002 the meeting of the Steering Committee and seminar of the International Institute for Child Rights and Development at the Centre of Global Studies of the University of Victoria, Canada. The Committee's perspectives were discussed in relation to the work of the Centre, NGOs and youth organizations. The seminar was followed by a one-day special session (19 August) with British Columbia Ministry of Family and Development.

622. Between 1 and 5 August 2002, Ms. Karp was invited by local NGOs to visit Belfast, Northern Ireland, and Edinburgh, Scotland. She met with various ministers and NGO representatives, including from the Irish traveller community and children. In Scotland, Ms. Karp met with various public officials from the Scottish Executive Branch, parliamentarians, NGOs and young people. These visits took place in the context of the consideration of the second periodic report of the United Kingdom of Great Britain and Northern Ireland for which Ms. Karp was the country rapporteur.

623. Ms. Marilia Sardenberg represented the Committee on the Rights of the Child in the CEE/CIS and the Baltic States Ombudspersons for Children Seminar, entitled "Challenges and Opportunities for the Promotion and Protection of the Rights of the Child in Central and Eastern Europe", held in Warsaw from 24 to 26 June 2002. The seminar which was opened by the First Lady of Poland, Jolanta Kwasniewska, was hosted by the Ombudsman for Children in Poland, Mr. Pawel Jaros, and organized jointly with UNICEF, with the purpose of addressing common concerns relating to the work of national independent human rights institutions in the region. As Vice-Chairperson of the Committee, Ms. Sardenberg gave the keynote address of the meeting, when, in stressing the importance of translating the Convention into action, she affirmed the crucial role of national independent human rights institutions in monitoring implementation, not by substituting government action but rather by serving as a watchdog of the State, in such activities as promoting the rights of children within Governments and civil society, influencing policy, providing a forum for children's views, reviewing children's access to a complaints system and effectively responding to individual complaints.

624. Ms. Marilia Sardenberg was also invited to visit Uruguay from 15 to 17 July 2002, where she held meetings with a coalition of national non-governmental organizations involved in the implementation of the Convention in the country and in the preparation of the State party's next periodic report to the Committee. She had an audience with the Vice-President of Uruguay, Mr. Hierro Lopez, who headed the Uruguayan delegation to the United Nations General Assembly Special Session on Children (UNGASS), in New York, addressed the Senate Commission on Law and Codes (*Comisión de Legislación y Códigos de la Cámara de Senadores*), which is currently considering a draft Code on Children, and made a statement at the *Universidad de la Republica* in the framework of the third session of the UNESCO Chairs for Human Rights. Ms. Marilia Sardenberg was also invited to represent the Committee at the senior-level NGO Consultation on follow-up to the 2002 UNGASS on Children and the "World Fit for Children" Commitments, held by UNICEF from 25 to 26 July 2002 in New York. In discussing the way forward from UNGASS, Ms. Sardenberg emphasized the importance of adopting a rights-based approach to the follow-up of the outcome document and of its necessary linkages with the implementation and reporting process for the Committee on the Rights of the Child.

IV. COOPERATION WITH UNITED NATIONS AND OTHER COMPETENT BODIES

625. 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.

626. On 10 June 2002 members of the Committee met with a group of young people from the United Kingdom to discuss the situation of children's rights in their country. This meeting took place in view of the consideration of the second periodic report of the United Kingdom by the Committee.

627. On 11 June 2002 the Committee held a meeting with Mr. William Duncan and Mr. Hans van Lon, Deputy Secretary-General and Secretary-General of the Hague Conference on Private International Law, respectively. Both parties discussed the strong positive interrelationships between the Convention on the Rights of the Child and the three Hague Conventions dealing with children's issues, namely on intercountry adoption, abduction and child protection.

628. On 12 June, Mr. Miloon Kothari, Special Rapporteur on adequate housing, met with members of the Committee. This meeting was a follow-up to the one held during its twenty-seventh session in June 2001. The Special Rapporteur updated the Committee on recent developments falling within his mandate. The Chairperson of the Committee, Mr. Doek, invited the Special Rapporteur to participate in the Committee's coming day of general discussion on "The private sector as service provider and its role in implementing child rights". Mr. Kothari informed the Committee that he intended to dedicate one of his reports specially to the rights of children to adequate housing.

V. FUTURE DAY OF GENERAL DISCUSSION

629. At its 832nd meeting, held on 3 October 2002, the Committee decided to organize during its thirty-fourth session (September-October 2003) a day of general discussion "The rights of indigenous children". An outline for the discussion day will be adopted by the Committee at its thirty-second session (January 2003).

VI. DAY OF GENERAL DISCUSSION

630. On 20 September 2002, the Committee held a day of general discussion on the theme "The private sector as service provider and its role in implementing child rights".

Summary of the discussion

631. In accordance with rule 75 of its provisional rules of procedures, the Committee has decided to devote periodically one day of general discussion to a specific article of the Convention or to a child rights theme in order to enhance understanding of the contents and implications of the Convention.

632. At its twenty-ninth session, held in January 2002, the Committee decided to devote the day of general discussion in 2002 to the theme “The private sector¹ as service provider and its role in implementing Child Rights”.

633. In an outline prepared to guide the general discussion (for the full text of the outline, see CRC/C/114, annex VIII), the Committee pointed out that the aim of the day of discussion would be the impact of increasing participation of non-State actors in the provision and funding of State-like functions on the implementation of the Convention. The Committee emphasized that while it was fully aware that the business sector could impact children’s rights in a wide variety of ways, it had chosen to focus on exploring the various issues emerging from privatization and the assumption by non-governmental organizations or businesses of traditional State functions relating, among others, to the health and education sectors, the provision of institutional care and legal assistance, and treatment of victims, given the high relevance of this trend to the work of the Committee.

634. Despite numerous references to the responsibilities of States parties to international human rights treaties vis-à-vis the private sector activities, the Committee noted that the implementation of the rights guaranteed in the Convention was often impeded by the inability or unwillingness of States to adopt measures under article 4 to ensure respect for the provisions of the Convention by actors in the private sphere. It considered it thus useful to explore possibilities for guiding both private actors and Governments in the implementation of the Convention by private actors involved in the provision of services that have traditionally been provided by States parties and fall within the realm of their obligations under the Convention. The main objectives of the day of general discussion therefore were as follows:

Scope of action of private actors

To explore different types of public-private partnerships in services of particular relevance to the implementation of the Convention, and to assess their direct and indirect, positive and negative impact on the full realization of the rights of the child. Discussions will include, but are not limited to, accessibility and affordability, quality, sustainability and reliability, safety, privacy, etc.

Legal obligations

(a) To specify the obligations of States parties in the context of privatization and/or private sector funding in terms of positive obligations, ensuring non-discrimination with regard to access, equitable and affordable access, especially for marginalized groups, as well as assuring quality and sustainability of service provision. Obligations with respect to the regulation and monitoring of the activities of the private sector, including the adoption of a rights-based approach to service provision, will be specified. Finally the availability of remedies for rights holders, i.e. children, will be identified;

¹ In this context, the private sector encompasses businesses, non-governmental organizations and other profit-making and non-profit-making private associations.

(b) To identify and strengthen awareness of the responsibilities and obligations of private service providers, both for profit and not for profit, under the Convention.

Governance

To assess the implications of private sector involvement in service provision for governance issues, in particular participation, accountability, transparency and independence. One key issue is how the increasing role of civil society in providing these services can enhance participation in governance. A second concern is how to maintain and improve accountability and transparency when services are partially or entirely funded by non-State actors. The question of whether private entities involved in service provision, either directly or indirectly, are, or can be made, accountable through the political process, could be addressed.

Models and guidelines

To identify possible models of implementation for States parties with regard to private actors, and to develop guidelines which would include standard-setting for private service providers, as well as monitoring and regulation by States parties and accountability of organizations in the private sector.

635. The Committee further decided to structure the day of general discussion in the form of two working groups dealing with issues of partnership/programme management, accountability and governance. The two working groups were to discuss these three main topic areas from the perspective of actors contracting out services (i.e. Governments, donors) and the perspective of private service providers.

636. As in previous thematic discussions, the Committee invited representatives of United Nations organs, bodies and specialized agencies, as well as other competent bodies, including non-governmental organizations, research and academic organizations and individual experts, to contribute to the discussion. States parties were also invited to attend and encouraged to participate actively. In view of the theme of the day of general discussion, representatives of the private sector, particularly businesses, as well as international financial institutions, were particularly encouraged to participate.

637. A series of background papers had been submitted on the topic over the previous few months by a variety of NGOs, academic institutions, independent experts and United Nations agencies, which were circulated prior to the event and ranged from theoretical analyses of stakeholder responsibilities to case studies on private service provision in areas such as health, education and water, as well as the privatization of prisons. A list of the contributions made is contained in annex II to the present report.

638. Representatives of the following countries, organizations and bodies participated in the day of general discussion:

Permanent Missions to the United Nations Office at Geneva

Bangladesh, Canada, Chile, Costa Rica, Côte d'Ivoire, Czech Republic, Egypt, Estonia, Germany, Ghana, Jordan, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Nigeria, Pakistan, Slovenia, Sri Lanka, Switzerland, Syrian Arab Republic, Turkey and United Arab Emirates.

United Nations entities and specialized agencies

International Labour Organization, United Nations Population Fund, United Nations Children's Fund, World Bank and World Health Organization.

Non-governmental organizations and the private sector

3d Associates, Amnesty International, Bertarelli Foundation, Bureau international catholique de l'enfance, Central Union for Child Welfare, Finland, Center for Human Evolution Studies, Italy, Centre international de référence pour la protection de l'enfant dans l'adoption, Service Social International, Centre on Housing Rights and Evictions, Child Rights Information Network, Children's Rights Alliance for England, Coordination des ONG pour les droits de l'enfant, Defence for Children International, and its Swiss section, ECPAT International, Elimination of Child Labour in Tobacco Foundation, Federation for the Protection of Children's Human Rights, Japan, Fundación Intervida, Spain, Humanitarian Accountability Project, Initiative for Public-Private Partnerships, Institut international des droits de l'enfant, Institute for Child Rights and Development, Canada, International Association for the Child's Right to Play, International Federation Terre des Hommes, International Youth Foundation/Global Alliance for Workers and Communities, MEDACT and Health Counts, Ministry of Social Affairs and Housing, Suriname, National Service for Minors (SENAME), Chile, Netherlands Institute for Care and Welfare (NIZW), Organisation internationale pour le développement de la liberté d'enseignement, Switzerland, Organisation des volontaires acteurs du développement - Action Plus, Togo, Rebound Group 4, Save the Children Alliance, including affiliates from the United Kingdom, Sweden, South Asia and Italy, Scottish Alliance for Children's Rights, SOS-Kinderdorf International, Vaccine Fund, WEMOS Foundation, World Organization Against Torture, World Vision International.

Other organizations and individuals

Bruce Abramson, Judith Bueno de Mesquita, Human Rights Centre, University of Essex, UK; Uche Ewelukwa, University of Arkansas, School of Law, USA; Perrine Lhuiller, University of Essex, UK; Steven Malby, Stelle Malcher de Macido Vieira, Alison Mawhinney, Institute of Governance, Queen's University, Belfast; Prof. David Price, University of Northumbria, UK; Manisha Solanki, London School of Economics, UK, as well as the Specialized Commission on Family, Switzerland.

639. The meeting was opened by the United Nations High Commissioner for Human Rights, who, inter alia, suggested that participants may wish to reflect particularly on the role that public-private partnerships could play in societies emerging from war, such as East Timor or Kosovo, as well as in poverty alleviation. The important question was not whether the provision of services by public or private actors was better, but rather how we can ensure that the appropriate services are delivered to all children. Emphasizing that this day of discussion must lead to concrete results regarding the welfare of children, the High Commissioner also noted the shockingly low level of awareness of the majority of the public about human rights treaties such as the Convention on the Rights of the Child.

640. The Chairperson of the Committee, Mr. Jaap Doek, subsequently pointed out that the theme of the day of general discussion does not naturally flow from the Convention, given that the parties to the Convention are States, and not private actors. He said that, nevertheless, realities on the ground are different. In this context, he emphasized that while the Committee welcomed the role of non-State actors, including NGOs and businesses, it was increasingly concerned at the growing trend of privatization, including in the provision of services addressing basic needs, including health, education and water. He underlined that those developments gave rise to a lot of questions which are difficult and complex and had not yet been fully addressed. In fact, these questions had never been addressed by a human rights treaty body before.

641. The first part of the morning meeting was devoted to a presentation by Paul Hunt, a member of the Committee on Economic, Social and Cultural Rights (CESCR), and the Special Rapporteur on the right to health, on the legal obligations of the State in the context of service provision for children by private actors. Mr. Hunt drew primarily on the experience of CESCR, though he noted that he was speaking in a personal capacity. He pointed out that the difference between the Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child may require a different approach, but that the topic was very much a work in progress for everyone. He further noted that international human rights law was neither for nor against privatization of service provision. In particular, he highlighted General Comment No. 14 of CESCR, which provides the fullest examination of how CESCR understands the nature and the scope of States' obligations under the Covenant. While focusing on the right to health, he intended to shed light on generic issues revolving around States' obligations in the context of service provision. The main areas highlighted included the need to clarify the normative content of the right to health. In this context, four elements had been identified, namely availability, accessibility, acceptability and good quality. He noted that the main legal obligations arising from that normative content were the three obligations to respect, protect and fulfil. In sum, he noted that a State could not privatize its international human rights obligations, and must take reasonable measures to ensure that privatized services were consistent with international human rights - for instance, non-discriminatory and within the reach of all sectors of society. He further emphasized the need to ensure accountability, and the corresponding requirement of adequate monitoring and setting of indicators and benchmarks. Finally, he noted that national policies, including privatization, should be preceded by an independent, objective and publicly available assessment of the impact on the right in question. Private-sector delivery should, therefore, involve explicit regard and respect for international human rights law at all stages, including policy formulation, monitoring and accountability arrangements.

642. The participants then divided into two working groups for the rest of the morning meeting to address the issue of how legal obligations under the Convention translate into practical steps on the ground from the perspective of actors contracting out services for children (i.e. Government, donors), as well as from the perspective of private service providers. Working group I was facilitated by John Hilary, Save the Children UK, who also served as rapporteur. Working group II was facilitated by Agnes Callamard, Humanitarian Accountability Project. The Rapporteur was Jaap Doek. Both working groups focused on three main issues, namely partnership/programme management, accountability and governance, from both perspectives. Most of the issues discussed are reflected in the recommendations adopted by the Committee. It was particularly welcomed that several States parties participated actively in the discussion.

643. The discussion in working group I concentrated heavily on the business sector and the responsibility of the State for regulating and monitoring its operations. The prevailing view was that the ultimate goal of service provision and the motive for it, i.e. profit or non-profit, were of crucial importance. In this context, it was equally highlighted that public services had in many cases not fulfilled the obligation to provide services to all appropriately. The discussion was guided by a focus on two main areas, namely the scope of action applicable when the State involves the private sector in service provision and whether or not such involvement would be in the best interests of the child and, if so, under what circumstances, as well as the issue of regulation, what forms it should take and how accountability should be ensured, for instance through national legislation, international codes, remedies and other means, as appropriate. Consideration was also given to restrictions on the ability of States parties to regulate, for instance in the context of loan agreements with international financial institutions and international cooperation in the context of the World Trade Organization and the General Agreement on Trade in Services.

644. Participants pointed out that as a result of privatization, cross-subsidization, which is an essential element of public service provision, would be rendered difficult, thus increasing the vulnerability of groups unable to pay for services themselves. Furthermore, it was pointed out that service provision by non-State actors limits the State's ability to plan the overall provision of services in one sector. It was noted that there was a need for the State to always maintain a basic capacity in order to work in partnership with the private sector, in addition to maintaining its decision-making power and its monitoring responsibilities. The primary focus should thus be on how the State can manage the process of privatization in a way that ensures child rights and whether it can ensure that non-State actors respect the Convention in all phases of the process: programming, budgeting, delivery, contracting, monitoring, and, when necessary, remedy.

645. There was general agreement amongst the participants in working group I that in addition to the four general principles of the Convention (arts. 2, 3, 6 and 12), article 4 is a fundamental provision to be considered by States parties when dealing with non-State service providers.

646. Moreover, in the context of accountability, the need for both national and international regulatory frameworks was raised, seeing that self-regulation was insufficient. In this context, the complexity of financing, which makes scrutiny more difficult, was discussed. Aside from the need for regulations, a system of enforcement of such regulations through, inter alia, inspectors, as well as the need for an independent monitoring body, were equally highlighted. It was suggested that the provisions of the Convention be incorporated into national legislation so that

laws and policies could be challenged on that basis. Examples of private sector regulation were provided, again highlighting the importance of strict monitoring.

647. The policies of the international financial institutions and the lack of integration of human rights or child rights into their programme or in the assessment process was raised by several participants. Based on the experience of CESCR, it was suggested that the Committee on the Rights of the Child be more proactive by making sure in its dialogue with both recipient States parties and donor Governments that human rights are included in assessments, negotiations and programming. It was pointed out, however, that even if a State party does not take human rights into account when negotiating with international financial institutions, it nevertheless remains bound by its legal obligations under the Convention and has to ensure compliance through other means.

648. Other issues that received heightened attention included the question of corruption and its paralysing effect on government and public services, including in the areas of education, health and water, as well as participation and involvement of civil society as an essential element in privatization. The importance of such involvement called for clear guidelines on participation. It was suggested that participation from the child's perspective be further addressed.

649. The discussions in working group II were centred on non-State actors themselves, for profit and not for profit, with a strong focus on the possible existence of accountability gaps to beneficiaries and the identification of mechanisms to increase accountability, i.e. through self-regulation initiatives. While taking a similar view as working group I on the insufficiency of self-regulation arrangements for private service providers, the working group nevertheless believed that in situations where the Government's role was weak or non-existent, owing to factors such as the emergence from armed conflict and violence, disasters, or situations where international donors/actors directly subcontract non-State actors without any Government involvement, self-regulation was indispensable. Therefore, there was a clear awareness of the need for the private sector itself to ensure that service provision is carried out in accordance with international standards, particularly those of the Convention.

650. Several participants provided examples of how their respective service provision is being regulated, for instance through various partnership arrangements. Several criteria which should form an integral part of self-regulation frameworks were developed, including the adoption of a "Code of Ethics" or similar document, which should reflect and complement the Convention and its four general principles, and should be developed collectively amongst the various stakeholders. The need for monitoring the implementation of the Code of Ethics, if possible by independent experts, as well as the development of a system of sanctions for non-compliance, was considered of utmost importance. Accordingly, indicators and benchmarks should be developed as a prerequisite for establishing accountability. Participants furthermore felt that the institution of a system enabling various partners to challenge each other was a vital element in the successful functioning of monitoring systems. Finally, the establishment of a complaints mechanism, so as to render self-regulation more accountable, including to beneficiaries, was considered essential, particularly in the light of the general principles setting forth the right of the

child to express his or her views freely, and have those views be given due weight, in accordance with the age and maturity of the child (art. 12). The issue of accountability of United Nations specialized agencies as well as donors was raised in this context, however, without leading to any specific recommendations.

651. At the same time, whenever possible, States parties were recommended to conclude very specific contracts and to ensure independent monitoring of implementation, as well as transparency of the entire process when privatizing/contracting out services. Highlighted in this context was the role of corruption as well as the need to build the capacity of States parties to enter into and monitor collaboration agreements with the various non-State actors, inter alia, in the light of the Convention. The concept of partnership and the importance of creating alliances and building bridges with different partners assumed primary importance throughout the discussions. Expectations on the part of non-State actors from States parties focused on the provision of a supportive and protective environment. The importance for the Committee to further elaborate on the principle of child participation, as provided for in the Convention, was highlighted. Recommendations also included for the Committee on the Rights of the Child to develop a model statement for NGOs and other non-State actors expressing their commitment to respect the rights of the child as enshrined in the Convention.

652. During the afternoon, the working groups met again to further discuss the relevant issues and develop several theses and practical proposals which were presented and opened for discussion in plenary in the afternoon. Working group I emphasized the continuing responsibility of States parties for the implementation of the Convention, including policy choices regarding the presence and increased involvement of private service providers, as well as the need for participatory assessments. A second point referred to the need to include children's rights in negotiations with international financial institutions. Finally, the issue of accountability and the insufficiency of self-regulation was considered of primary importance. Working group II presented the outcomes of its work and while agreeing with the assessment regarding the insufficiency of self-regulation emphasized the need for private actors themselves to take measures to make themselves more accountable. The criteria which should form an integral part of self-regulation frameworks were presented accordingly. Its conclusions as to its expectations from States parties, i.e. with regard to providing a supportive and protective environment, were further elaborated. The above topics were discussed at the ensuing plenary discussion after a brief presentation by the World Bank representative about the *World Development Report 2004* the main topic of which will be "Making Services Work for Poor People".

653. Based on the findings of the working groups and the plenary discussion, the Committee adopted the following recommendations:

Legal obligations

1. The Committee recognizes that States parties to the Convention on the Rights of the Child have the primary responsibility for compliance with its provisions with regard to all persons within its jurisdiction. They have a legal obligation to respect and ensure the rights of children as stipulated in the Convention, which includes the obligation to ensure that non-State service providers operate in

accordance with its provisions, thus creating indirect obligations on such actors. The State continues to be bound by its obligations under the treaty, even when the provision of services is delegated to non-State actors.

2. Under article 4 of the Convention, States parties have an obligation to undertake all appropriate legislative, administrative and other measures for the implementation of the rights in the Convention and to devote the maximum amount of available resources to the realization of economic, social and cultural rights of the child. The obligations under article 4 remain even when States rely on non-State service providers.
3. The Committee would like to re-emphasize that, in accordance with article 3 of the Convention, “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” (para. 1) and that “State parties shall ensure that institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision” (para. 3). Thus, article 3 clearly establishes the obligation of the State party to set standards in conformity with the Convention and to ensure compliance by appropriate monitoring of institutions, services and facilities, both public and private.
4. Likewise, the general principle of non-discrimination as enshrined in article 2, as well as the right to life and to maximum survival and development (art. 6), assume particular importance in the context of the current debate, with the State party equally being obliged to create standards consistent and in conformity with the Convention. For instance, privatization measures may have a particular impact on the right to health (art. 24), and the right to education (arts. 28 and 29), and States parties have the obligation to ensure that privatization does not threaten accessibility to services on the basis of criteria prohibited, especially under the principle of non-discrimination. Such obligations of the State party are also applicable in the context of article 4.
5. Furthermore, article 25 of the Convention specifically calls for a periodic review of the treatment and the circumstances of children who have been placed by the authorities for the purpose of care, protection or treatment of their health, including private facilities, thus establishing obligations for the State party for the setting of standards and monitoring vis-à-vis the private sector.
6. The Committee recognizes that responsibilities to respect and ensure the rights of children extend beyond the State to include individuals, parents, legal guardians, and other non-State actors. In this context, the Committee refers to General Comment No. 14 of the Committee on Economic, Social and Cultural Rights on the right to the highest attainable standard of health, paragraph 42 of which states that “While only States are parties to the Covenant and are thus ultimately

accountable for compliance with it, all members of society - individuals, including health professionals, families, local communities, intergovernmental and non-governmental organizations, civil society organizations, as well as the private business sector - have responsibilities regarding the realization of the right to health. States parties should therefore provide an environment which facilitates the discharge of these responsibilities.”

7. In the context of its reporting obligations, the State party should specify the amount and proportion of the State budget spent on children through public and private institutions or organizations in order to evaluate the impact of the expenditure in terms of the accessibility, the quality and the effectiveness of the services provided to children in the various sectors, and should include such information in its initial and periodic reports.

Recommendations to States parties

8. The Committee recommends that States parties take appropriate legislative measures and establish a permanent monitoring mechanism aimed at ensuring that non-State service providers respect the relevant principles and provisions of the Convention, especially article 4. In particular, all service providers must incorporate and apply to their programmes and services all the relevant provisions of the Convention, as well as each of the four general principles set out in the provisions concerning non-discrimination (art. 2), the best interests of the child (art. 3), the right to life, survival and development (art. 6), and the right of the child to express his or her views freely and have those views be given due weight in accordance with the age and maturity of the child (art. 12). Particular importance should also be attached to the principle of child participation, as stipulated in articles 12 to 17, with regard to service provision. The Committee recommends that States parties regularly evaluate services provided by non-State service providers - irrespective of whether the service has been specifically contracted by the State - in terms of availability, accessibility, acceptability and quality and overall compliance with the Convention and condition funding on, inter alia, compliance with the Convention. (Note: The Committee defines accessibility in the same manner as the Committee on Economic, Social and Cultural Rights in its General Comment No. 14, that is non-discrimination, physical accessibility, economic accessibility and information accessibility.)
9. The Committee further encourages all Governments to ensure that for all service sectors, beneficiaries, in particular children, have access to an independent monitoring body and, where appropriate, judicial recourse, that can ensure the implementation of their rights and provide them with effective remedies in case of violations.
10. Furthermore, the Committee recommends that States parties provide a supportive and protective environment which enables non-State actors providing services to children whether or not for profit to continue to do so in full compliance with the Convention.

11. The Committee recommends that States parties, when considering contracting out services to an international or local non-State provider, whether or not for profit, undertake a comprehensive and transparent assessment of the political, financial and economic implications and the possible limitations on the rights of beneficiaries in general and children in particular. Such assessments should determine in particular the manner in which the availability, accessibility, acceptability and quality of the services will be affected. Similar assessments should also be undertaken for services provided by non-State providers that may not have been specifically contracted by States parties.
12. In order to ensure that assessments adequately address both financial and non-financial issues, the Committee recommends that such assessments include the Ministries of Health, Education, Justice, Social Welfare, Finance and other relevant ministries, as well as any mechanism for the coordination of policy on children, Ombudspersons or national human rights institutions, non-governmental organizations, corporations and other relevant civil society actors. Furthermore, the Committee recommends that States parties also facilitate the participation of the local communities using the services in the assessment process, with a particular focus on children, families and vulnerable groups.
13. The Committee further recommends that States parties undertake assessments of the potential impact of global trade policies concerning the liberalization of trade in services on the enjoyment of human rights, including children's rights. In particular, the Committee recommends that these assessments be undertaken prior to making commitments to liberalize services within the context of WTO or regional trade agreements. Furthermore, if commitments to liberalize trade in services are made, the effects of such commitments on the enjoyment by children of their rights should be monitored and the results of monitoring included in the States parties reports to the Committee.
14. The Committee recommends that States parties, when privatizing or contracting out services to non-State actors, enter into detailed agreements with the service providers and ensure independent monitoring of implementation as well as transparency of the entire process, so as to contribute to the process of accountability. States parties are encouraged to seek technical assistance, as required, in order to build their capacity to enter into and monitor the implementation of the relevant collaboration and partnership agreements.
15. The Committee also reminds States parties of its previous recommendations adopted on the day of the commemorative meeting of the tenth anniversary of the Convention, in which the Committee recommended that "in any decentralization or privatization process, the Government retains clear responsibility and capacity for ensuring respect of its obligations under the Convention".

Recommendations to non-State service providers

16. The Committee calls on all non-State service providers to respect the principles and provisions of the Convention on the Rights of the Child. It further recommends that all non-State service providers take into account the provisions of the Convention when conceptualizing, implementing and evaluating their programmes, including when subcontracting other non-State service providers, in particular the four general principles set out in the provisions concerning non-discrimination (art. 2), the best interests of the child (art. 3), the right to life, survival and development (art. 6), and the right of the child to express his or her views freely and have those views be given due weight in accordance with the age and maturity of the child (art. 12).
17. To that end, the Committee encourages non-State service providers to ensure that service provision is carried out in accordance with international standards, especially those of the Convention. It further encourages non-State service providers to develop self-regulation mechanisms which would include a system of checks and balances. To that end, the Committee recommends that, when developing self-regulation mechanisms, the following criteria be included in the process:
 - (i) The adoption of a code of ethics, or similar document, which should reflect the principles of the Convention and which should be developed jointly by the various stakeholders and in which the four general principles of the Convention should figure prominently;
 - (ii) The establishment of a system for monitoring the implementation of such a code, if possible by independent experts, as well as the development of a system of transparent reporting;
 - (iii) The development of indicators/benchmarks as a prerequisite for measuring progress and establishing accountability;
 - (iv) The inclusion of a system enabling the various partners to challenge each other regarding their respective performance in implementing the code;
 - (v) The development of an effective complaints mechanism with a view to rendering self-regulation more accountable, including to beneficiaries, particularly in the light of the general principle that provides for the right of the child to express his or her views freely and have those views be given due weight in accordance with the age and maturity of the child (art. 12).
18. Furthermore, the Committee encourages non-State service providers, particularly for profit service providers, as well as the media, to engage in a continuing process of dialogue and consultation with the communities they serve and to create alliances and partnerships with the various stakeholders and

beneficiaries in order to enhance transparency and involve community groups in decision-making processes and, where appropriate, in service provision itself. Service providers should collaborate with communities, particularly in remote areas, or with communities composed of minority groups, in order to ensure that services are provided in compliance with the Convention, and in particular in a manner that is culturally appropriate and in which availability, accessibility and quality are guaranteed for all.

General recommendations

19. The Committee recommends that States parties, intergovernmental organizations, civil society organizations as well as all types of non-State service providers, continue to review experiences in relation to service provision, consider best practices and assess the impact of the different types of providers in specific service sectors on children's rights.
20. The Committee encourages all international organizations or donors providing services or financial support to service providers, particularly in complex emergencies or politically unstable situations, to act in compliance with the provisions of the Convention and to ensure compliance by their partners delivering the services. In particular, organizations and donors providing financial support to service providers should regularly evaluate the services provided in terms of availability, accessibility, adaptability and quality and ensure that all beneficiaries, in particular children and their families, have access to remedies.
21. The Committee recommends that policies and programmes for service provision, undertaken as part of economic or fiscal reforms initiated at the national level or called for by international financial institutions, do not in any way compromise the possibility of public or non-State service provision. The Committee further encourages States parties and the International Monetary Fund, the World Bank and regional financial institutions or banks to take fully into account the rights of children, as enshrined in the Convention and other relevant international instruments when negotiating loans or programmes.
22. While emphasizing the importance of good governance and inter-sectoral transparency, the Committee is aware of the risk of corruption inherent in the privatization process and therefore recommends that States parties effectively address such risk when contracting out services to non-State providers. In this regard, the Committee also recommends that States parties take measures to prevent the establishment of monopolies by non-State service providers.
23. The Committee further recommends that, in order to ensure economic accessibility, policies on services, in particular health care and education services, be so formulated as to reduce the financial burden on low-income groups, particularly the poor, for example by reducing and eliminating user fees for those groups that cannot afford them, especially the poor. This can be done either by

introducing alternative pre-payment mechanisms, such as national insurance or general taxation, or by introducing non-discretionary, equitable and non-stigmatizing measures to reduce user fees for such groups.

24. The Committee welcomes the work of the special rapporteurs of the Commission on Human Rights and treaty bodies in exploring the impact of service provision by the private sector on human rights, and encourages all international human rights mechanisms and procedures, in particular other treaty bodies and the Special Rapporteurs on housing, health and education, to explore further such impact.
25. It has further been suggested that the Committee on the Rights of the Child elaborate a model statement for non-State actors so as to encourage and facilitate their work in formulating commitments to respect the rights of the child, as enshrined in the Convention, irrespective of their relationship with the State and whether or not they seek profit.

VII. OTHER MEETINGS

654. The Third Meeting of the United Nations Coordination Panel, held in Geneva on 12 and 13 September 2002, was hosted by the Office of the United Nations High Commissioner for Human Rights (OHCHR). The meeting was attended by representatives of the Committee on the Rights of the Child (Ms. Judith Karp), OHCHR, the Office for Drug Control and Crime Prevention, UNICEF, NGOs, including the World Organization Against Torture, Amnesty International, Terre des hommes and the International Network for Juvenile Justice. At this meeting, the Panel, among other things, reviewed the status of technical activities, agreed upon at the Second Meeting, in the Philippines, Yemen, Lebanon and Uganda. It also reviewed the background paper to OHCHR 2003 International Expert Workshop on Juvenile Justice (see below), which was drafted by Ms. Carolyn Hamilton, Essex University. The Panel decided that there was a need:

- (a) To re-establish and reaffirm the commitments of the members, specifically United Nations organizations, at a high-level meeting;
- (b) For organizations to identify focal points, with a mandate to establish a permanent secretariat for the Panel.

655. The Panel also discussed preparations for the meeting of the International Expert Workshop on Juvenile Justice, to be organized by OHCHR during the Spring of 2003. The Workshop will focus on two main themes:

1. Data collection/analysis methodology

656. Although the Committee has received significant information on legislation relating to child offenders in the many countries it has examined, the actual picture of juvenile justice is often unclear because of unavailable, sparse and/or unreliable data.

2. The role of popular perceptions in juvenile justice policy

657. Notwithstanding the international legal obligations of States, it is clear from available research that there is little political or public enthusiasm for reform to implement the rights of children in conflict with the law; public opinion is generally against the implementation of standards perceived as “soft” on juvenile offenders.

658. Data about juvenile crime and the size and characteristics of juvenile offender populations play an important role in influencing popular attitudes and government policy. But even accurate data on their own may not be sufficient to effectively counter public misperceptions. The problem is compounded by the failure of many to adequately inform and educate their citizens about the level and nature of juvenile offending, the current state of the administration of juvenile justice, and the success and failure of attempts to address offending and rehabilitate offenders. The implications for the international community, namely the United Nations agencies, are that while regularly advocating the implementation of international norms and providing technical assistance in this regard (i.e. legislative reform, police training, etc.), they have largely ignored these basic factors in the design and evaluation of their juvenile justice activities. Using the Convention on the Rights of the Child and other relevant international instruments as the underlying framework, the Workshop sets out to discuss these issues and suggest effective and concrete solutions, including through technical assistance and cooperation.

659. From 12 to 13 September 2002, OHCHR organized an expert consultation to review the first draft of a general comment of the Committee on HIV/AIDS and child rights. Participants included two members of the Committee (Ms. Ghalia Al-Thani and Mr. Jaap Doek) and representatives of UNAIDS, WHO, UNICEF and UNFPA, as well as independent experts working in the area of HIV/AIDS at the local level in different capacities and regions. The purpose of the consultation was to review the first draft of a general comment and to receive feedback/input by concerned United Nations agencies and experts. The consultation was part of an attempt by the Committee to make the elaboration of general comments an open and transparent process for partners, including agencies, experts and NGOs. In the same vein, the draft had been circulated to all human rights treaty bodies.

VIII. WORKING METHODS

660. At its 806th meeting, held on 16 September 2002, the Committee discussed its working methods in relation to the consideration of initial reports under the Optional Protocols to the Convention on the Rights of the Child. At the same meeting, it also considered a first draft of new reporting guidelines for the submission of periodic reports under the Convention.

IX. GENERAL COMMENTS

661. At its 806th and 820th meetings, the Committee considered the draft general comment on “The role of national human rights institutions in promoting and protecting children’s rights”. The General Comment was adopted by the Committee at its thirty-first session on 4 October 2002.

662. At its 832nd meeting, the Committee considered the draft general comment on “HIV/AIDS and the rights of children”.

X. PROVISIONAL AGENDA FOR THE THIRTY-SECOND SESSION

663. The following is the draft provisional agenda for the thirty-second 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.

XI. ADOPTION OF THE REPORT

664. At its 833rd meeting, held on 4 October 2002, the Committee considered the draft report on its thirty-first 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

Day of General Discussion

“The private sector as service provider and its role in implementing child rights”

List of submissions received (original language(s) only, available on www.crin.org)

1. Office of the United Nations High Commissioner for Human Rights, “The issue of private service provision in the United Nations human rights system”.
2. Luigi Citarella, member of the Committee on the Rights of the Child, “International responsibility and privatization”.
3. Paul Hunt, Rapporteur of the Committee on Economic, Social and Cultural Rights; Special Rapporteur on the Right to Health; Director of the Human Rights Centre, University of Essex, UK, “The international human rights treaty obligations of States parties in the context of service provision”.
4. World Vision International, “Preventing the privatization of responsibility: the need to build regulatory linkages between State commitments and providers of services”.
5. Save the Children (Sweden), “Social service provision through civil society organizations”.
6. Alison Mawhinney (Queen’s University, Belfast), “Harmonizing governance and human rights”.
7. Action for the Rights of Children (ARCH), “Implications for the rights of the child of private sector involvement in education”.
8. Elizabeth Deuchrass and Associates Ltd. (EDAL), “Education business partnerships”.
9. Partners New Zealand, “Growing the Future”.
10. Bruce Abramson, “Child-rearing vs. Child Care”.
11. SOS Kinderdorf International, “Private childcare services working with the State on quality standards and on implementing the rights of the child”.
12. University College London, “Public private partnership in the UK - the private finance initiative, Health Policy and Health Services Research Unit”.
13. Children’s Rights Alliance for England, “The private sector as service provider and its role in implementing child rights”.

14. Save the Children (UK), “The private sector as service provider and its role in implementing child rights”.
15. Save the Children (South Asia), “Private sector involvement in education: A perspective from Nepal and Pakistan”.
16. WaterAid (UK), “Water and sanitation services”.
17. International Association for the Child’s Right to Play, “The private sector as service provider and its role in implementing children’s rights, applied to the right to play”.
18. Bruce Abramson, “Who has legal obligations under the CRC?”.
19. UNICEF, “The private sector as service provider and its role in implementing child rights”.
20. World Organization Against Torture, “Privatization of basic services, public order and law enforcement within the context of the rights of the child”.
21. Theophilus Kofi Gokah (Cardiff University), “The private sector as service provider and its role in implementing child rights”.

Letters or statements submitted directly to the Committee, or circulated at the discussion day (not available on the Internet):

22. Permanent Mission of Slovenia to the United Nations Office at Geneva.
23. Permanent Mission of Pakistan to the United Nations Office at Geneva.
24. The Howard League for Penal Reform, United Kingdom.
25. Asociación Nacional de Defensa de la Adopción y el Acogimiento de Menores (DAGA), Spain.
26. ONG Tomorrow Children, Benin.
27. First Foundation Project, New Zealand.
28. International Food Baby Action Network (IFBAN).
