



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-eighth session

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

Concluding observations: Togo

1. The Committee considered the second periodic report of Togo (CRC/C/65/Add.27), submitted on 6 January 2003, at its 1017th and 1018th meetings (see CRC/C/SR.1017 and 1018), held on 24 January 2005, and adopted at its 1025th meeting (see CRC/C/SR.125), held on 28 January 2005, the following concluding observations:

A. Introduction

2. The Committee welcomes the submission of the State party's second periodic report despite the delay in its submission, its shortness and the little information it contained, as well as the detailed written replies to its list of issues (CRC/C/Q/TGO/2). It further notes with appreciation the presence of a high-level delegation sent by the State party and welcomes the frank dialogue that allowed for a better understanding of the situation of children's rights in Togo.

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

3. The Committee welcomes the recent ratification by the State party of a number of important human rights instruments, such as the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2004, ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in 2000, the African Charter on the Rights and Welfare of the Child in 1998 and the United Nations Convention against Transnational Organized Crime in 2004, as well as the drafting of a children's code.

4. The Committee is encouraged by:

- (a) The translation and relatively wide publication and distribution of the Convention on the Rights of the Child and of the previous concluding observations of the Committee;
- (b) The creation of the *Comités régionaux* for the implementation of the Convention;
- (c) The adoption of a strategy on education in 1998;
- (d) The adoption in 1998 of a law prohibiting female genital mutilation.

C. Factors and difficulties impeding the implementation of the Convention

5. The Committee notes that the State party is among the group of least developed countries and that a large part of the population lives below the poverty line.

D. Principal areas of concern and recommendations

1. General measures of implementation

The Committee's previous recommendations

6. The Committee regrets that many of the concerns and recommendations (CRC/C/15/Add.83) it made upon consideration of the State party's initial report (CRC/C/3/Add.42) have been insufficiently addressed, especially those regarding coordination among governmental bodies (para. 32), the development of a data-collection system (para. 33), the persistence of discriminatory practices (para. 36), birth registration (para. 39), corporal punishment (para. 40), child abuse, including ill-treatment within the family (para. 44) and harmful traditional practices (para. 48).

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

Legislation

8. The Committee welcomes article 140 of the Constitution of 1992, giving primacy to international conventions over domestic laws and regulations. However, the Committee remains concerned that the draft *Code de l'enfant*, as finalized in 2001, still contains a number of discrepancies with the Convention.

9. While noting the revision under way of the *Code de l'enfant*, the Committee recommends that the State party:

- (a) Revise, as a matter of priority, domestic law and especially the draft *Code de l'enfant* through a participatory process, involving various ministries, children, civil society and international agencies in order to ensure full compliance with the Convention;**

(b) **Following such revision, ensure speedy adoption and implementation of the revised Code;**

(c) **Working together with the different districts, undertake a comprehensive review of the existing legislation in order to identify areas where legal reform is required to bring all laws into full conformity with the Convention.**

Coordination

10. While noting the mandate of coordination given to the National Committee for the Promotion and Protection of Children's Rights (CNE) and to the *Direction générale de la protection de l'enfance*, the Committee is concerned at the lack of clear structures and mechanisms for the effective coordination of measures of implementation of the Convention.

11. **The Committee recommends that the State party strengthen the coordination, at all levels, of the implementation of the Convention:**

(a) **By providing a designated coordinating body within the governmental structure, such as CNE if it is reinforced, with a clear mandate and with adequate human and financial resources for its coordinating role;**

(b) **By involving civil society, in particular non-governmental organizations (NGOs), in the process.**

The State party is encouraged to seek technical assistance from, among others, the United Nations Children's Fund (UNICEF).

Independent monitoring

12. The Committee is concerned at the lack of an independent monitoring body for the implementation of the Convention as well as at the lack of independence and resources for the *Commission nationale des droits de l'homme*.

13. **The Committee recommends that the State party, in accordance with the Committee's general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, establish an efficient and independent body with a clear mandate for monitoring and evaluating progress made in the implementation of the Convention. If the *Commission nationale des droits de l'homme* is entrusted with this mandate, the Committee recommends that the State party:**

(a) **Take appropriate measures to ensure the independence and impartiality of the *Commission nationale des droits de l'homme*;**

(b) **Strengthen the financial and human resources of the *Commission nationale des droits de l'homme*;**

(c) **Ensure the accessibility to children of the *Commission nationale des droits de l'homme*, in particular by ensuring that it is able to receive, investigate and address**

complaints by children, in a manner which is child-sensitive and ensures the privacy and protection of victims, as well as to undertake monitoring, follow-up and verification activities.

14. The State party is further encouraged to seek technical cooperation in this regard from, among others, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and UNICEF.

National Plan of Action

15. The Committee is concerned at the lack of a mid- and long-term comprehensive national policy and plan of action for the promotion and protection of the rights of all children in the State party.

16. The Committee strongly recommends that the State party adopt and implement, in consultation and cooperation with relevant partners, including civil society, a national plan of action and a national policy for the implementation of the Convention, with mid- and long-term targets, that covers all areas of the Convention and takes into account the outcome document “A World Fit for Children”, adopted by the General Assembly at its special session on children held in 2002, and provides for adequate follow-up mechanisms. The State party is encouraged to ensure that adequate resources are available for the implementation of the National Plan of Action and to seek international assistance in this respect, including from OHCHR and UNICEF.

Resources for children

17. The Committee is concerned by reports of widespread corruption, which has a negative impact on the level of resources available for the implementation of the Convention. It is also concerned at the sharp decrease in public expenditure on education and health. It is further concerned at the lack of funds available for children living below the poverty line and for those who are in need of alternative care.

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

(a) Prioritizing budgetary allocations to ensure implementation of the economic, social, cultural and other rights of children;

(b) Establishing an integrated poverty reduction programme that incorporates the rights of children.

Data collection

19. The Committee regrets the lack of statistical data in the State party’s report and is concerned at the lack of an adequate data-collection mechanism within the State party to permit the systematic and comprehensive collection of quantitative and qualitative data for all areas covered by the Convention allowing for disaggregated data analysis.

20. **The Committee recommends that the State party continue to improve its system of data collection to cover all areas of the Convention and ensure that all data and indicators are used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention. The State party is further encouraged to strengthen its technical cooperation with, among others, UNICEF and the United Nations Development Programme to ensure the speedy establishment of a centralized system for data collection and analysis.**

Dissemination of the Convention

21. The Committee notes with appreciation the efforts undertaken by the State party to translate and disseminate the Convention into national languages. The Committee is, however, of the opinion that these measures are insufficient and need to be further strengthened and implemented in an ongoing, comprehensive and systematic manner.

22. **The Committee recommends that specific measures be taken to make the Convention available to and known by children, parents, teachers, the police, health and social workers, local leaders and other professionals working with children.**

Cooperation with NGOs

23. The Committee is concerned about the little involvement of civil society and NGOs in the implementation of the Convention, in particular at the policy-making level.

24. **The Committee recommends that the State party strengthen its cooperation with NGOs by involving more systematically NGOs and other sectors of civil society working with and for children throughout all stages of the implementation of the Convention.**

2. General principles

Discrimination

25. While noting the efforts made by the State party to address the issue, the Committee notes with concern that societal discrimination persists against vulnerable groups of children, in particular girls and children with disabilities. In particular, the Committee reiterates the concern of the Human Rights Committee (CCPR/CO/75/TGO of 28 November 2002) and of the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.61 of 21 May 2001) about “continuing discrimination against ... girls with respect to access to education, employment and inheritance”.

26. **With reference to the recommendations made in this regard by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the Committee urges the State party to undertake an in-depth review of all its legislation, including the Individuals and Family Code and the Nationality Code of 1998, in order to fully guarantee the application of the principle of non-discrimination in domestic laws and 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, especially girls and children with disabilities, and children living in remote areas.**

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

Best interests of the child

28. The Committee is concerned that in actions concerning children, the general principle of the best interests of the child, as contained in article 3 of the Convention, is not a primary consideration, including in matters relating to family law (e.g. custody under the law is determined by the child's age rather than the child's best interests).

29. **The Committee recommends that the State party review its legislation and administrative measures to ensure that the principle of the best interests of the child is explicitly incorporated therein and that it is a primary consideration in all decisions, programmes and policies concerning children, at the national and local level, in courts, in schools and other institutions, in the family and in society at large.**

Right to life

30. The Committee is deeply concerned about reports of killing, in certain areas, of children born with disabilities, malformations, skin discoloration, as well as of children born with teeth, or from mothers who died during delivery.

31. **While taking note of the discussions that took place with the authors of these killings, the Committee urges the State party urgently to take all necessary measures to prevent the occurrence of such killings, to prosecute those responsible for such crimes and to raise awareness among the population at large of the need to eradicate such practices.**

Respect for the views of the child

32. The Committee welcomes the fact that children may be heard in court hearings and that awareness-raising campaigns for parents have been undertaken. It also welcomes the activities of the National Children's Parliament. However, the Committee remains concerned that opportunities for the child to express his/her own views in the family, in schools and in the community are still scarce and rarely go beyond the step of representation.

33. **The Committee recommends that the State party review its legislation and administrative measures to ensure that article 12 of the Convention is duly reflected and taken into consideration in courts, in schools and other institutions, in the family, in local communities and in society at large. In particular, the Committee recommends that the State party:**

(a) **Evaluate and assess the functioning of the Children's Parliament and its impact on decision-making, and provide guidance and support for the continuation of its activities in a democratic manner;**

(b) Conduct awareness-raising activities with a view to increasing understanding of the values of a meaningful child and youth participation;

(c) Develop an effective child and youth participation strategy.

3. Civil rights and freedoms

Birth registration and right to nationality

34. The Committee is concerned that mothers cannot pass their nationality to their children, and that children born out of wedlock or children with foreign fathers may, in some instances, be denied Togolese citizenship and/or left stateless.

35. The Committee, while noting the various efforts made by the State party in this regard, is concerned at the low rate of registration of birth, largely due to the lack of awareness on the part of the population of the registration procedure, to high fees and to long distances to the civil registry service centres.

36. The Committee recommends that the State party reform its citizenship laws, including the Nationality Code of 1998, in order to ensure the transmission of citizenship through both the maternal and paternal line, in accordance with article 32 of the Constitution of 1992.

37. The Committee also recommends that the State party strengthen its efforts and enact appropriate legislation, supported by awareness-raising campaigns concerning the importance of birth registration and by a reorganization of civil registry services in local communities, in order to achieve 100 per cent birth registration at the earliest time possible, and to ensure the registration of children who had not been registered at birth. Meanwhile, children who have no birth registration certificates should be allowed access to basic services, such as health and education, while preparing to be registered properly.

Corporal punishment

38. The Committee is deeply concerned that corporal punishment of children remains legally and socially accepted, and consequently is common in families and schools and other institutions for children, despite the Committee's previous recommendations (CRC/C/15/Add.83) and the Order of the Ministry of Education issued in 1980.

39. The Committee recommends that the State party:

(a) Adopt a law effectively prohibiting all forms of corporal punishment of children in the family, in schools, in detention centres, in other forms of childcare institutions and in the community;

(b) Take effective measures to prohibit the use of violence against children, including corporal punishment, by parents, teachers and other caregivers;

(c) Undertake well-targeted public awareness campaigns on the negative impact of corporal punishment on children, and provide teachers and parents with training on non-violent forms of discipline as an alternative to corporal punishment.

Access to information

40. The Committee is concerned that access to information and material from a diversity of national and international sources is very limited for persons under 18 years of age in the State party. The Committee is further concerned at the little protection provided to children from viewing offensive and pornographic materials.

41. The Committee recommends that the State party take appropriate measures to allow access to appropriate information from a diversity of sources, especially those aimed at the promotion of the child's social, spiritual and moral well-being and physical and mental health.

4. Family environment and alternative care

Adoption

42. The Committee is concerned about the vague adoption procedures, the occurrence of informal adoption and the absence of mechanisms to review, monitor and follow-up adoption, especially intercountry adoptions.

43. The Committee recommends that the State party take all necessary measures to protect adopted children even in the extended family, including by establishing a system to monitor and supervise effectively the system of adoption of children, in the light of article 21 of the Convention. The Committee further recommends that the State party consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993.

Family support and recovery of maintenance

44. The Committee is concerned that many children live with single mothers or in a vulnerable socio-economic family environment, and that recovery of maintenance from fathers is weak.

45. The Committee recommends that the State party take all necessary measures:

(a) To provide children in single-parent families or other vulnerable socio-economic environment with adequate support, counselling or other services;

(b) To strengthen the legal and other instruments for an effective recovery of maintenance and develop international cooperation in this regard.

Abuse, neglect and violence against children

46. The Committee is concerned at the large number of children victims of violence, abuse and neglect, including sexual abuse, in schools, in detention centres, in public places and in the family.

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

(a) **Adopt a law effectively prohibiting all forms of violence, abuse and neglect of children;**

(b) **Expand current efforts to address the problem of child abuse and neglect, including sexual abuse;**

(c) **Ensure that there is a national and local system for receiving, monitoring and investigating complaints, and when necessary prosecuting cases, in a manner which is child-sensitive and ensures the privacy and protection of victims;**

(d) **Ensure that all victims of violence, abuse and neglect have access to counselling, redress and assistance with recovery and social reintegration;**

(e) **Provide children with alternative protection and care, and ensure that institutionalization is used only as a measure of last resort.**

5. Basic health and welfare**Children with disabilities**

48. While noting the installation of access ramps in hospitals for disabled and the promulgation on 23 April 2004 of the Act 2004/005 on the social protection of persons with disabilities, the Committee is concerned that children do not have access to health-care services in the first place. In addition, the Committee is concerned that:

(a) Only very few children with disabilities have access to education and employment services;

(b) Education programmes do not prioritize services for disabled children;

(c) There is no policy for the integration of children with disabilities.

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

(a) **Take all necessary measures, including appropriate allocation of human and financial resources, to ensure the thorough implementation of the Act 2004/005 on the protection of persons with disabilities;**

(b) **Ensure the collection and use of adequately disaggregated and comprehensive data in the development of policies and programmes for children with disabilities;**

(c) Review the situation of these children in terms of their access to suitable health care, education services and employment opportunities;

(d) Adopt an integration policy, allocate adequate resources to strengthen services for children with disabilities, support their families and train professionals in the field;

(e) Take note of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96 of 20 December 1993, 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);

(f) Seek assistance in this regard from, among others, UNICEF and the World Health Organization (WHO).

Health services

50. While acknowledging the improvements in the health-care sector, in particular the establishment of clinics in rural areas and the activities implemented to improve the nutrition of children, the Committee is particularly concerned at the increasing infant mortality rate, the high child and maternal mortality rates, the low birth weight, child malnutrition, the low breastfeeding rate, the low rate of immunization, the prevalence of infectious diseases, mosquito-born diseases, including malaria, and the lack of access to safe drinking water and sanitation. The Committee is further concerned about the disparity between the number of health centres in rural and urban areas.

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

(a) Develop and implement a long-term comprehensive policy with a strong emphasis on early childhood development and community health in which measures will be taken:

- (i) To decrease reduce significantly infant and maternal mortality rates;**
- (ii) To ensure universal access to maternal and child health-care services and facilities, including in rural areas;**
- (iii) To strengthen its efforts to ensure that all children have access to basic health care, in both urban and rural areas;**
- (iv) To prioritize the provision of safe drinking water and sanitation services, especially in rural areas;**
- (v) To prevent malnutrition, malaria and other mosquito-born diseases;**
- (vi) To immunize as many children and mothers as possible;**
- (vii) To promote exclusive breastfeeding until the age of 6 months;**

(b) Seek in this regard technical assistance from, among others, UNICEF.

HIV/AIDS

52. While noting the measures taken to prevent the transmission of HIV/AIDS from mothers to children and the creation of the National Committee on HIV/AIDS Prevention, the Committee is concerned about the prevalence of HIV/AIDS and that no education for youth on HIV/AIDS exists.

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

(a) **Increase its efforts to prevent HIV/AIDS, taking into account, inter alia, the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37);**

(b) **Strengthen its measures to prevent mother-to-child transmission, inter alia, by combining and coordinating it with the activities to reduce maternal mortality, and take adequate measures to address the impact on children of the HIV/AIDS-related deaths of parents, teachers and others, in terms of children's reduced access to family life, adoption, emotional care and education;**

(c) **Strengthen its efforts to raise awareness of HIV/AIDS among adolescents, particularly among those belonging to vulnerable groups and among the population at large, notably to reduce discrimination against children infected with or affected by HIV/AIDS;**

(d) **Seek further technical assistance from, among others, UNICEF, WHO and UNAIDS.**

Adolescent health

54. While noting the existence of a family planning information programme, the Committee remains concerned at the large number of early pregnancies. The Committee is further concerned that this issue remains a problem for adolescents and that there is no organized system of reproductive health counselling and services, nor education on sexually transmitted infections for youth.

55. **The Committee recommends that the State party develop a comprehensive policy on adolescent health that promotes collaboration between State agencies and NGOs in order to establish a system of formal and informal education on HIV/AIDS and sexually transmitted infections, and ensures access to reproductive health counselling and services for all adolescents, even when married.**

Harmful traditional practices

56. The Committee welcomes the promulgation of Act No. 98-106 prohibiting female genital mutilation. However, the Committee is deeply concerned at its persistence along with other practices harmful to the health of children, particularly the girl child, including forced and early marriages, dowry disputes, initiation rites such as scarification, and rites regarding girls training in voodoo priesthood.

57. While noting the measures taken to combat harmful traditional practices, the Committee recommends that the State party:

(a) Evaluate the campaign against female genital mutilation undertaken in 1998 in collaboration with the Division for the Advancement of Women and UNICEF;

(b) Strengthen existing measures and adopt further measures, including by establishing and implementing international and bilateral agreements and programmes with neighbouring States and by working with traditional and religious leaders, to ensure that harmful traditional practices are effectively banned;

(c) Using the media, raise awareness within the family and extended family and among traditional and religious leaders of the harmful impact of female genital mutilation and other harmful traditional practices on the psychological and physical health and welfare of the girl child as well as her future family;

(d) Assist and empower practitioners of female genital mutilation to find an alternative source of income;

(e) Continue discussions with voodoo priests to ensure that the best interests of the girl child are protected at all times;

(f) Continue and strengthen its cooperation in this regard with, among others, UNICEF and the Division for the Advancement of Women.

6. Education, leisure and cultural activities

58. The Committee is concerned that public spending on education is low, that primary education is not free and that the enrolment rate, especially of girls, is low. The Committee is also concerned that, despite the waiving or reducing of fees for girls and economically disadvantaged children, education is not free, that secondary education is not affordable to many children, and consequently that universal compulsory free education has not been achieved.

59. The Committee is further concerned about:

(a) The high repetition and dropout rates;

(b) The high illiteracy rate;

(c) The low level of qualification of teachers;

(d) The very high number of pupils per teacher;

(e) The lack of pre-school and day-care centres;

(f) Reports of sexual harassment by teachers of their pupils.

60. The Committee is concerned about the lack of leisure and play areas and activities available to children.

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

(a) **Ensure, as a matter of priority, that at least primary education is compulsory and free;**

(b) **Ensure that girls and boys, from urban and rural areas, all have equal access to educational opportunities, without any financial obstacles;**

(c) **Ensure that teachers are adequately trained and paid;**

(d) **Take the necessary measures to prevent and punish the abuse of school pupils by teachers, including sexual harassment and economic exploitation, inter alia, by promoting the hiring of female teachers;**

(e) **Improve teaching and learning methods to lower repetition and dropout rates and encourage children to continue education through secondary school;**

(f) **Take appropriate measures to introduce human rights, including children's rights, into the school curricula;**

(g) **Implement additional and effective measures to promote early childhood education and continue its efforts to reduce illiteracy rates;**

(h) **Continue and strengthen cooperation with the United Nations Educational, Scientific and Cultural Organization, UNICEF and other partners in improving the education sector.**

62. **In the light of article 31 of the Convention, the Committee recommends that the State party take the necessary measures to set up appropriate playgrounds and leisure activities for children.**

7. Special protection measures

Economic exploitation

63. The Committee welcomes the ratification by the State party of ILO Conventions No. 138 concerning Minimum Age for Admission to Employment in 1984 and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in 2000 and the strategies implemented to prevent and combat child labour. Nevertheless, it remains concerned at the large number of children working in the informal sector, in factories, as domestic servants, and on the streets.

64. **The Committee recommends that the State party further strengthen the implementation of the Programme on the Elimination of Child Labour launched in 2001 by the Ministry of the Civil Service, Labour and Employment and ensure that the Programme establishes mechanisms to reach and to protect children employed in the informal sector.**

65. **The Committee recommends that the State party continue its efforts to eliminate child labour, in particular by addressing the root causes of child economic exploitation**

through poverty eradication and access to quality education, as well as by developing a comprehensive child labour monitoring system in collaboration with NGOs, community-based organizations, law enforcement personnel, labour inspectors and ILO-IPEC.

Drug abuse

66. The Committee welcomes the adoption on 18 March 1998 of Act No. 98/008 on drugs control and the setting up in 1996 of the National Anti-Drug Committee (CNAD) and in 2000 of the National Anti-Drugs Plan. However, the Committee remains concerned about the large number of children, in particular street children, using and selling drugs.

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

(a) **Provide children with accurate and objective information about substance use, including tobacco use, and protect them from harmful misinformation through comprehensive restrictions on tobacco advertising;**

(b) **Develop recovery services for children who are victims of substance abuse;**

(c) **Seek cooperation with and assistance from, among others, WHO and UNICEF.**

Street children

68. The Committee is concerned at the large number of children living and working on the streets, at the vulnerability of these children to various forms of violence, including sexual abuse and economic exploitation, at the lack of a systematic and comprehensive strategy to address the situation and protect these children, and at the very poor registration and tracing of missing children by the police.

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

(a) **Develop a comprehensive strategy to address the root causes of the large number of street children, with the aim of reducing and preventing this phenomenon, including by strengthening the capacities of the families;**

(b) **Ensure that street children are provided with adequate nutrition and shelter as well as with health care and educational opportunities in order to support their full development;**

(c) **Provide street children with adequate protection from abuse and violence, and with assistance when they are victims of such violence;**

(d) **Facilitate the recovery and social reintegration, especially through strengthening family relationships, of street children;**

(e) **Ensure adequate registration and effective tracing of missing children;**

- (f) **Provide psychosocial support to street children when they return to their families;**
- (g) **Seek technical cooperation in this regard from, among others, UNICEF.**

Sexual exploitation and prostitution

70. While noting the efforts made by the State party to prevent and combat sexual exploitation of children, the Committee is concerned that:

- (a) Little data is available on the extent and patterns of sexual exploitation and prostitution of children;
- (b) Existing legislation intended to protect children from sexual exploitation and prostitution is neither sufficient nor effective;
- (c) Child victims of sexual exploitation often do not receive adequate protection and/or recovery assistance.

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

- (a) **Undertake a national study on the extent and pattern of the phenomenon;**
- (b) **Enact a law providing adequate protection to children victims of sexual exploitation, including trafficking, child pornography and prostitution;**
- (c) **Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute cases, in a child-sensitive manner that protects the child victims and respects their privacy;**
- (d) **Prioritize recovery assistance and ensure that education and training as well as psychosocial assistance and counselling are provided to victims, and ensure that victims who cannot return to their families are not institutionalized.**

Sale, trafficking and abduction

72. The Committee welcomes the adoption of the National Plan of Action on the fight against child trafficking for commercial exploitation and labour in 2001 as well as the establishment of the *Comités de vigilance*. However, the Committee is concerned that the Plan of Action did not sufficiently involve civil society and is not efficiently implemented. It is further concerned that trafficking of children is not a separate offence under the law, despite the prevalence of the phenomenon. The Committee is further concerned at the lack of measures taken to combat and protect children from sale, trafficking and abduction.

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

- (a) **Establish trafficking of children as a separate offence;**

(b) Upgrade its system of data collection to cover sale, trafficking and abduction of children, and ensure that all data and indicators are used for the formulation, monitoring and evaluation of policies, programmes and projects;

(c) Ensure effective programmes for child protection, prosecution of offenders, repatriation, recovery and preventive programmes for victims;

(d) Take effective measures to strengthen law enforcement, including immigration laws, intensify efforts to raise awareness among communities of the sale, trafficking and abduction of children, and prosecute the perpetrators;

(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;

(f) Continue its efforts to establish bilateral and multilateral agreements with neighbouring countries to prevent the sale, trafficking and abduction of children, to facilitate their protection and safe return to their families and to implement reintegration programmes for the victims.

Juvenile justice

74. The Committee is concerned about the absence of a juvenile justice system compatible with the provisions and principles of the Convention, particularly about:

- (a) The very limited number of qualified judges for juveniles;
- (b) The long pre-trial detention periods;
- (c) The lack of alternatives to detention for persons under 18 in conflict with the law;
- (d) The lack of access to free legal advice;
- (e) The fact that persons under 18 are often detained with adults and in very poor conditions.

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

- (a) **Take immediate measures to ensure that deprivation of liberty is used only as a last resort and for the shortest appropriate period of time and in appropriate conditions;**
- (b) **Develop alternative measures to deprivation of liberty;**
- (c) **In cases where deprivation of liberty is unavoidable:**
 - (i) **Improve procedures of arrest and conditions of detention;**
 - (ii) **Ensure that persons under 18 are not detained with adults;**
 - (iii) **Ensure that children are only detained for the shortest time possible;**
- (d) **Establish special units within the police for the handling of cases of persons under 18 in conflict with the law;**
- (e) **Guarantee availability of legal advice and of specialized judges for juveniles in all jurisdictions;**
- (f) **Establish rehabilitation and reintegration programmes;**
- (g) **Collect and analyse systematically information on the juvenile justice system and on cases of persons under 18 in situations of conflict with the law, with a view to obtaining reliable statistics and data;**
- (h) **Seek technical cooperation from, among others, OHCHR and UNICEF.**

8. Optional Protocols to the Convention

76. The Committee welcomes the ratification by the State party of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the signing of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

77. **The Committee recommends that the State party consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. It further invites the State party to submit its initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in due time, i.e. on 2 August 2006.**

9. Follow-up and dissemination

Follow-up

78. **The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations, inter alia, by transmitting them to members of the Council of Ministers, the Parliament and to provincial authorities for appropriate consideration and further action.**

Dissemination

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

10. Next report

80. **The Committee, aware of the delay in the State party's reporting, wishes to underline the importance of a reporting practice that is in full compliance with the rules set out in article 44 of the Convention. Children have the right that the Committee in charge of regularly examining the progress made in the implementation of their rights, does have the opportunity to do so. In this regard, regular and timely reporting by States parties is crucial. As an exceptional measure, in order to help the State party catch up with its reporting obligations so as to be in full compliance with the Convention, the Committee invites the State party to submit its third and fourth periodic reports in one consolidated report by 1 September 2007, date on which the fourth periodic report is due. The State party should consider seeking technical assistance in this regard from OHCHR and UNICEF. The consolidated report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.**
