



Convention on the Rights of the Child

Distr.: General
3 April 2020

Original: English

Committee on the Rights of the Child

Concluding observations on the second periodic report of the Federated States of Micronesia*

I. Introduction

1. The Committee considered the second periodic report of the Federated States of Micronesia (CRC/C/FSM/2) at its 2465th and 2466th meetings (see CRC/C/SR.2465 and 2466), held on 4 March 2020, and adopted the present concluding observations at its 2469th meeting, held on 6 March 2020.

2. The Committee welcomes the submission of the second periodic report of the State party and the written replies to the list of issues (CRC/C/FSM/RQ/2), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

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

3. The Committee welcomes the various legislative, institutional and policy measures undertaken to implement the Convention, in particular the adoption of the Kosrae Family Protection Act, the Pohnpei Family Safety Act, the Trafficking in Persons Act; the national gender policy, the national youth policy, and the national disability policy.

4. The Committee also welcomes the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2012, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2015, the Convention on the Elimination of All Forms of Discrimination against Women, in 2004, and the Convention on the Rights of Persons with Disabilities, in 2016.

5. The Committee notes with appreciation the progress achieved in reducing mortality rates among infants and children under 5 years of age, achieving gender parity in primary education and improving access for children to sanitation facilities.

III. Main areas of concern and recommendations

6. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention and the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of**

* Adopted by the Committee at its eighty-fourth extraordinary session (2–6 March 2020).



children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals, insofar as they concern children.

A. General measures of implementation (arts. 4, 42 and 44 (6))

Legislation

7. While noting with appreciation the adoption of the Kosrae Family Protection Act and the Pohnpei Family Safety Act, as well as the intention of the State party to adopt comprehensive child protection legislation, the Committee is concerned about the lack of family protection legislation in Yap and Chuuk.

8. **The Committee recommends that the State party adopt family protection laws in Yap and Chuuk and allocate appropriate human, technical and financial resources for their implementation.**

Comprehensive policy and strategy

9. The Committee notes the adoption of the national youth policy, 2017–2023, and of family protection strategies in Kosrae and Pohnpei. Nonetheless, the Committee is concerned about the lack of a comprehensive national policy to specifically promote and protect children's rights.

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

(a) **Develop and adopt a comprehensive policy on children that encompasses all areas covered by the Convention and, on the basis of that policy, develop a strategy for its application that is supported by sufficient human, technical and financial resources;**

(b) **Ensure that policies concerning children, including the national youth policy, are developed with the full participation of children and civil society organizations;**

(c) **Ensure that the specific needs and views of children are taken into consideration in the development of the national development plan that succeeds the strategic development plan, 2004–2023.**

Coordination

11. The Committee notes that the Division of Social Affairs, under the Department of Health and Social Affairs, is the government entity responsible for the implementation of the Convention, but it is concerned about the insufficient coordination of all activities related to the implementation of the Convention across all sectors, at the State and municipal levels, especially given that the National Advisory Council for Children is no longer active and the absence of other coordinating bodies.

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

(a) **Establish an appropriate coordinating body at the interministerial level, with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention across all sectors, at the national, state and local levels;**

(b) **Ensure that the coordinating body is provided with the human, technical and financial resources necessary for its effective operation.**

Allocation of resources

13. The Committee notes that the majority of budgetary spending on the implementation of the Convention is allocated to the health and education sectors, but it is concerned that

there are no budget allocations for child protection and no assessment of the effectiveness or efficiency of the national budget. It is also concerned about the heavy reliance on donor funding and the possible implications on the welfare of children of the expiration of the financial provisions of the Compact of Free Association with the United States of America, in 2023, if the Compact is not renewed.

14. In the light of its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party:

(a) Take a child rights-based approach in the elaboration of the State budget by implementing a tracking system for the allocation and use of resources for children throughout the budget;

(b) Increase budgetary resources specifically for children to the maximum extent possible, in accordance with article 4 of the Convention, and thereby take measures to reduce reliance on foreign assistance;

(c) Define specific budget lines for children with disabilities and child protection, as well as for addressing birth registration and violence against children.

Data collection

15. The Committee notes that a number of agencies and organizations at the national, state and municipal levels collect data on the situation of children, which are then compiled into national reports, in cooperation with United Nations agencies. Nevertheless, the Committee is concerned that the collection of data on the status of children's rights remains weak and does not allow for disaggregation or analysis.

16. In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party:

(a) Strengthen its efforts to develop a comprehensive system of data collection that allows for disaggregation by relevant factors, incorporating all the areas covered by the Convention and covering all children, including children with disabilities and those living in the outer islands, especially in the areas of birth registration, child marriage, health, education, child labour and child justice;

(b) Allocate sufficient human, technical and financial resources to the national statistical office to ensure continuous data collection;

(c) Ensure that the data and indicators are shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention.

Independent monitoring

17. The Committee is concerned about the absence of a national human rights mechanism in the State party with a mandate to monitor children's rights and to receive complaints about violations of children's rights.

18. In the light of its 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, the Committee recommends that the State party:

(a) Establish an independent mechanism for monitoring children's rights that is able to receive, investigate and address complaints by children in a child-friendly manner;

(b) Guarantee the independence of such a monitoring mechanism, including with regard to its funding, mandate and immunities, so as to ensure full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Dissemination, awareness-raising and training

19. The Committee welcomes the various awareness-raising activities to promote community dialogue and the dissemination of information on children's rights, which have led to the adoption of legislative measures to protect children's rights in Chuuk, Kosrae and Pohnpei. The Committee remains concerned, however, that children, parents and professionals working with and for children are not sufficiently aware of the Convention.

20. **Recalling its previous recommendations (CRC/C/15/Add.86, paras. 28–29), the Committee recommends that the State party:**

(a) **Strengthen community programmes to raise awareness of the Convention in a child-friendly manner, promoting the active involvement of children in public outreach activities and ensuring targeted measures for parents, law enforcement officials, religious leaders and professionals working with and for children;**

(b) **Engage with communities and parents in discussions on children's rights, in particular on issues such as violence against children, child marriage and sexual and reproductive health.**

B. Definition of the child (art. 1)

21. The Committee is seriously concerned about the following:

(a) The definition of a child in Yap state is not in line with the definition in the Convention;

(b) Marriage of those under 18 years of age is not prohibited in national legislation;

(c) The minimum age of marriage is still set at 16 years of age for girls in Chuuk, Kosrae and Yap;

(d) Customary marriages, which have no minimum age limit, are still valid.

22. **The Committee urges the State party to:**

(a) **Ensure that the definition of a child in all national and state laws is in line with the definition set out in the Convention;**

(b) **Explicitly prohibit by law all marriage, including customary marriages, for boys and girls under 18 years of age and ensure that the minimum age of marriage is established in law at 18 years of age for both girls and boys, in all states, including in the outer islands.**

C. General principles (arts. 2, 3, 6 and 12)**Non-discrimination**

23. The Committee welcomes the information provided during the dialogue that the State party has undertaken legislative measures to expand the grounds on which discrimination is prohibited. It notes that the Federal Constitution and state constitutions of the State party provide for equality and equal protection of the law and that discrimination on the grounds of race, sex, language, national, ethnic or social origin and property is prohibited. The Committee is concerned, however, that discrimination on all explicit grounds covered under the Convention, including disability and religion, is not prohibited. The Committee is also concerned about de facto discrimination against children on the basis of gender and economic status.

24. **Taking note of target 10.3 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Prohibit, by law, discrimination against children on all grounds covered under the Convention, including religion and disability;**

(b) **Take active measures to end all forms of discrimination against children, in particular girls and children living in poverty.**

Best interests of the child

25. The Committee notes with appreciation the information provided during the dialogue that considering the best interests of the child is part of the life of communities in the State party and that, under the Federal Code, the right of the child to have his or her best interests taken as a primary consideration in legal proceedings is recognized, in particular in divorce, child custody and child support cases. The Committee is concerned, however, about the effective implementation of that right and its application beyond the sphere of family law, health and child justice.

26. **In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party develop procedures and criteria to provide guidance to all relevant persons in authority in order to ensure that the best interests of the child is a primary consideration in all areas covered by the Convention.**

Right to life, survival and development

27. The Committee notes with appreciation the measures taken by the State party to protect children's right to life, survival and development, including with regard to vaccination and addressing child mortality, as well as the important role played by programmes such as the personal responsibility education programme for children between 10 and 14 years of age. The Committee is concerned, however, about the rates of teen suicide and drowning and other accidents that affect children's right to life, survival and development.

28. **The Committee recommends that the State party take urgent action to strengthen its efforts to prevent suicide among children, including those with disabilities, by ensuring the availability of psychological counselling services in schools and communities. The State party should also strengthen its efforts to address drowning and other accidents among children.**

Respect for the views of the child

29. The Committee is concerned about the limited recognition of the right of the child to be heard and have his or her views given due consideration in law and in practice.

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

(a) **Ensure that children are heard and that their views are given due consideration in relevant administrative and judicial proceedings in respect of all rights covered by the Convention;**

(b) **Promote the meaningful and empowered participation of all children within the family, communities and schools and include children in decision-making on all matters related to children, including environmental matters;**

(c) **Develop mechanisms for the systematic participation of children in the development and implementation of laws, policies and programmes relating to children.**

D. Civil rights and freedoms (arts. 7, 8 and 13–17)

Birth registration

31. The Committee welcomes the fact that the State party has undertaken successful measures to ensure that most children are registered at birth in health facilities, but it is concerned about children who are not yet registered, in particular those in the outer islands, and the cases in which inadequate information provided at birth leads to cases of non-registration.

32. Taking note of target 16.9 of the Sustainable Development Goals, the Committee recommends that the State party strengthen its efforts to register all children, including children born in the outer islands, by, among other measures, introducing mobile registration units in the outer islands, raising awareness among the general public of the importance of birth registration and improving the completeness and accuracy of information collected at birth.

Right to privacy

33. The Committee notes that the Federal Constitution guarantees the right to privacy and protection from interference with that right by the Government, but it is concerned that, as indicated in the State party report, children's right to privacy is not protected against violations by private individuals or entities.

34. **The Committee recommends that the State party take measures to fully protect the right of the child to privacy by amending legislation to explicitly protect children from interference with their right to privacy by private individuals or entities and developing guidelines for parents, teachers and professionals working with and for children to ensure that they understand and respect the right of the child to privacy.**

Access to appropriate information

35. **The Committee recommends that the State party ensure access for children to appropriate information from a diversity of sources, including the Internet, and that children are adequately protected from information and material harmful to their well-being.**

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Corporal punishment

36. The Committee welcomes the State party's acceptance of the recommendation made in the context of the second cycle of the universal periodic review, in 2015, to prohibit all forms of corporal punishment of children in all settings. However, the Committee is seriously concerned that, although corporal punishment is prohibited as a sentence for crime, it is not prohibited in the home, schools, childcare institutions, alternative care settings or penal institutions.

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

(a) **To explicitly prohibit, as a matter of priority, corporal punishment in law in all settings, including in the home, schools, childcare institutions, alternative care settings and penal institutions;**

(b) **To develop teacher training on alternative, non-violent forms of discipline and ensure that it is part of pre-service and in-service training programmes;**

(c) **To provide children with a complaint mechanism, especially in schools, to safely and confidentially report teachers and others who use corporal punishment;**

(d) **To conduct awareness-raising programmes for parents and professionals working with and for children to promote attitudinal change, within the family and at the community level, with regard to corporal punishment and to encourage the use of alternative, non-violent forms of discipline.**

Abuse, neglect and sexual exploitation and abuse

38. The Committee is seriously concerned about the following:

(a) The reportedly high level of abuse of children, including domestic violence, emotional abuse and sexual abuse, and the significant underreporting of such cases, owing to stigma and other reasons;

(b) The fact that domestic legislation protects children only from physical abuse;

(c) The fact that the legal age of sexual consent in Yap is 13 years of age, which exposes children to a greater risk of sexual abuse and sexual violence, whereas in Chuuk and Pohnpei it is 18 years of age, which may subject adolescents who engage in consensual sexual acts with each other before that age to unwarranted legal sanctions;

(d) The absence of child-friendly mechanisms to report abuse and the insufficient awareness among children of existing laws;

(e) The inadequate measures in place to support children who are victims of violence, such as psychological, recovery and reintegration services, and the lack of special court procedures for obtaining evidence from children;

(f) The shortage of specialized personnel, including social workers, and the absence of a police unit specialized in handling children who are victims;

(g) The absence of a prohibition in legislation of the use of children for prostitution or pornographic purposes.

39. In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and targets 5.2 and 16.2 of the Sustainable Development Goals, the Committee urges the State party to:

(a) With the participation of children, strengthen community-based awareness-raising and education programmes aimed at preventing and tackling domestic violence, child abuse and sexual exploitation, targeting, in particular, children, families, communities and schools;

(b) Amend legislation to ensure that children are protected from all forms of violence and abuse, including mental, verbal and emotional abuse;

(c) Harmonize the minimum age of sexual consent in all states and ensure that adolescents who engage in consensual sexual acts with each other are not criminalized;

(d) Establish confidential, child-friendly mechanisms, procedures and guidelines to ensure mandatory reporting of all cases of abuse against children and ensure that all cases are promptly investigated and prosecuted and that the perpetrators are duly punished;

(e) Provide children who are victims with child-friendly and multisectoral remedies and comprehensive support, including psychological, recovery and social integration assistance, and encourage courts to make use of the child-friendly and multi-agency arrangements for obtaining testimony from children;

(f) Consider designating a specialized police unit to handle cases of violence against and the sexual exploitation and abuse of children and ensure specialized personnel for dealing with such cases;

(g) Prevent the revictimization of children who are victims or witnesses of crime by ensuring safe, child-friendly and closed-circuit criminal proceedings involving children, with particular emphasis placed on their protection and confidentiality, and taking into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime;

(h) Criminalize the sale and exploitation of children for prostitution and child sexual abuse material, in line with articles 2 and 3 of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography, which the State party ratified in 2012.

Harmful practices

40. The Committee is seriously concerned about reports of customary marriages involving girls as young as 13 years of age.

41. In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, the Committee

urges the State party to take all measures necessary to eliminate child marriage and raise awareness of the harmful effects of child marriage on the physical well-being and mental health of girls.

Helplines

42. The Committee notes that there are two helplines to assist children who are victims of abuse or trafficking.

43. **The Committee recommends that the State party consider consolidating the helplines into a single, three-digit, toll-free, child-friendly national helpline operating 24 hours, 7 days per week, in the interest of greater efficiency, promote awareness of how children can access the helpline, including by collaborating with relevant non-governmental organizations and religious leaders, and provide the necessary human, financial and technical resources for its effective functioning.**

F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))

Children deprived of a family environment

44. The Committee notes that, in the absence of social welfare services, most children who cannot stay with their families are placed with extended family members. However, it is concerned about the absence of temporary, safe care options available in cases in which the extended family does not take care of children and about the discriminatory stereotypes regarding the roles and responsibilities of women and men in the family.

45. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee recommends that the State party:**

(a) **Establish a functioning social welfare service and a network of services for children;**

(b) **Provide temporary, safe care alternatives and establish a system of foster care for children who cannot stay with their families;**

(c) **Provide all necessary social welfare services and support to families and alternative care providers;**

(d) **Establish quality standards for all available forms of alternative care options and take children's views into consideration in any decision about alternative care;**

(e) **Ensure the periodic review of the placement of children in alternative care settings and monitor the quality of care therein;**

(f) **Promote, in a continuous and sustained manner, the equal parental responsibilities of fathers and mothers.**

Adoption

46. The Committee notes that most adoptions in the State party are undertaken by extended family members or through customary adoption and that there are no proper guidelines for the adoption process.

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

(a) **Develop guidelines for the adoption process and establish an adequately resourced unit to oversee the formal adoption process;**

(b) **Increase awareness of formal adoption at the community level;**

(c) **Establish mechanisms to register, regulate and monitor all adoptions, including those undertaken by extended family members and through customary adoption.**

G. Children with disabilities (art. 23)

48. The Committee takes note of the national policy on disability, 2009–2016, the special education programme and the children with special health-care needs programme, as well as the fact that Kosrae, Pohnpei and Yap have passed a Disability Act. However, the Committee is concerned about the following:

- (a) The fact that the applicability of the national policy on disability expired in 2016 and has not yet been extended;
- (b) The limited access of children with disabilities to inclusive education, transportation, public spaces, rehabilitation and service delivery in all areas;
- (c) The lack of funding and technical support provided to service providers for children with disabilities or the parents of such children.

49. **In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party:**

- (a) **Adopt a national policy on disability aimed at strengthening health-care services for children with disabilities and ensuring that all children with all types of disabilities enjoy inclusive education;**
- (b) **Increase the budget for and expenditure on children with disabilities;**
- (c) **Improve access for children with disabilities to all public and private buildings, spaces, service delivery and transportation, in all areas, especially in the outer islands;**
- (d) **Ensure that all schools have specialized teachers and professionals providing individual support and that teaching staff are adequately trained;**
- (e) **Expand community-based rehabilitation, early identification and referral programmes to cover all children with disabilities and provide the necessary human, technical and financial support to service providers and families of children with disabilities.**

H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

Health and health services

50. The Committee welcomes the measures taken by the State party to reduce mortality rates among infants and children under 5 years of age and the incidence of anaemia, as well as to improve vaccination coverage. However, it is concerned about the following:

- (a) The insufficient access to health-care services for children living in the outer islands and remote villages;
- (b) The high mortality rates among infants and children under 5 years of age, due to preventable causes such as low birthweight, respiratory infections, undernutrition, prematurity, pneumonia, sepsis and diarrhoea;
- (c) The low level of vaccination coverage, which has even declined in recent years, and the wide disparities among states, with particularly low coverage in Pohnpei and Chuuk;
- (d) The high prevalence of anaemia among pregnant women and newborns and of tuberculosis;
- (e) The lack of data on health issues affecting children, including malnutrition, stunting, obesity, mental health, teenage pregnancy, substance abuse and breastfeeding practices;
- (f) The insufficient information on the scope of the baby-friendly hospital initiative.

51. In the light of its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and taking note of target 3.8 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Increase efforts to improve access to basic health-care services for all children, in particular in the outer islands and remote villages, and provide resources for the establishment of mobile clinics;

(b) Strengthen measures to reduce mortality rates among infants and children under 5 years of age due to preventable causes and to prevent and treat anaemia, tuberculosis and the stunting, wasting and undernourishment of children;

(c) Scale up immunization, in particular in the outer islands, and provide sufficient investment in suitable technologies, such as drone delivery, and human resource capacities for the delivery of immunization services;

(d) Collect data on chronic malnutrition, stunting and obesity, ensure the availability of essential micronutrients, including vitamin A and iron, and iodized salt, to children under 5 years of age and strengthen preventive measures, including raising awareness of nutrition issues and proper feeding practices and providing nutritional support for breastfeeding mothers;

(e) Fully incorporate the standards of the International Code of Marketing of Breast-milk Substitutes and implement the baby-friendly hospital initiative throughout the country;

(f) Implement and apply the technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31) of the Office of the United Nations High Commissioner for Human Rights.

Mental health

52. The Committee is seriously concerned about the lack of a legal framework or policy on mental health and the insufficient attention given to the mental health of children, as well as the absence of child psychiatrists, psychologists, clinical social workers and other specialized personnel.

53. Taking note of target 3.4 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Promote the development of mental health legislation and a mental health policy for children that are adequately resourced;

(b) Establish mental health services and programmes for children and ensure that qualified personnel, including child psychiatrists, psychologists, clinical social workers and other specialized personnel, are available in all states.

Adolescent health

54. The Committee notes with appreciation the measures taken by the State party to address substance abuse among adolescents, including awareness-raising programmes. However, it is concerned about the following:

(a) The high rate of teenage pregnancy and sexually transmitted infections among adolescents;

(b) The criminalization of abortion in all cases except where the life of the pregnant girl is at risk;

(c) The limited access to safe reproductive and sexual health-care services, education and contraceptives, especially in the outer islands, due to the limited supply, cultural attitudes and fear of stigmatization;

(d) The prevalence of substance abuse among adolescents, due to the lack of law enforcement of alcohol sales to children and the lack of a legal framework for the sale of *sakau*.

55. In the light of its general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, and taking note of targets 3.7 and 5.6 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Ensure that sexual and reproductive health education is part of the mandatory school curriculum and is targeted at adolescent girls and boys, with special attention placed on preventing early pregnancy and sexually transmitted infections;

(b) Decriminalize abortion in all circumstances and ensure access to safe abortion and post-abortion care services for adolescent girls, making sure that their views are always heard and given due consideration as a part of the decision-making process;

(c) Improve access for adolescents to reproductive health-care and related services and increase support to reproductive health-care and family planning services, including the provision of contraceptives, especially in the outer islands;

(d) Strengthen measures to provide children and adolescents with accurate and objective information on the harmful effects of alcohol, drug and substance abuse, as well as life-skills education on preventing substance abuse, including tobacco and alcohol dependence, enforce legislation regarding the sale of alcohol to children, establish a legal framework for the sale of *sakau* and develop accessible and youth-friendly drug dependence treatment and harm reduction services.

Impact of climate change on the rights of the child

56. While welcoming the enactment of the Climate Change Law in 2013, the Committee is concerned that the State party has not integrated the specific vulnerabilities and needs of children into its policies and programmes addressing climate change and disaster risk management.

57. Taking note of targets 13.2, 13.3 and 13.b of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Ensure that the special vulnerabilities and needs of children, as well as their views, are taken into account in developing policies and programmes addressing the issues of climate change and disaster risk management;

(b) Increase awareness among children of, and their preparedness for, climate change and natural disasters by incorporating it into the school curriculum and teacher-training programmes and increasing the physical safety and resilience of school infrastructure;

(c) Review emergency protocols to ensure that they include assistance and other support for all children, in particular those with disabilities, during emergencies and natural disasters;

(d) Improve data collection and assessments so as to have an evidence base for risk reduction and preparedness, in particular for the distinct needs and priorities of children with disabilities.

I. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

58. The Committee notes with appreciation that primary education is free and compulsory for all children and that the education goals in the strategic development plan were revised in 2015 in order to focus on improving the quality of education. Nevertheless, the Committee is concerned about the following:

- (a) The decreasing enrolment and completion rates in primary and secondary schools, as well as the increasing dropout rates among both boys and girls;
- (b) The regional disparities in the quality of education, due to a shortage of qualified teachers and learning resources, in particular in the outer islands;
- (c) The lack of measures in place to ensure that pregnant girls and adolescent mothers can remain in school.

59. **Taking note of targets 4.1 and 4.2 of the Sustainable Development Goals, the Committee recommends that the State party:**

- (a) **Ensure that all girls and boys complete equitable and quality primary and secondary education leading to relevant and effective learning outcomes;**
- (b) **Enhance efforts to improve the accessibility and quality of education throughout the State party, including by allocating adequate human, financial and technical resources, increasing the number of secondary schools, providing continuous training to teachers and improving school equipment, infrastructure and learning materials, with particular emphasis on the outer islands;**
- (c) **Analyse the root causes for the drop in enrolment rates in primary and secondary schools and implement appropriate actions to remedy it, including the development and promotion of quality vocational training to enhance the skills of children who drop out of school;**
- (d) **Take measures to keep pregnant girls and adolescent mothers in mainstream schools by providing counselling in parenting skills and childcare facilities;**
- (e) **Allocate sufficient financial resources for the expansion of early childhood education.**

Human rights education

60. The Committee notes that a draft curriculum on human rights has been developed, but it is concerned that human rights education has not yet been incorporated into school curricula or in the training of teachers and other education professionals and staff.

61. **Taking note of target 4.7 of the Sustainable Development Goals, the Committee recommends that the State party ensure that human rights education and the principles of the Convention are integrated into school curricula and into the training programmes for teachers and education professionals, taking into account the framework of the World Programme for Human Rights Education.**

Rest, leisure, recreation and cultural and artistic activities

62. The Committee takes note of the measures taken by the State party to promote cultural, sport and recreational activities in schools but is concerned about the lack of information on access for children to rest, leisure and recreational activities on a regular basis and that access for girls to sports is limited due to household responsibilities.

63. **In the light of its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party:**

- (a) **Strengthen its efforts to guarantee the right of the child to rest and leisure, to engage in age-appropriate recreational activities, sports, cultural life and the arts and to have access to safe and accessible playground spaces;**
- (b) **Ensure that access for girls to recreational activities, including sports, is not hindered by household responsibilities.**

J. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

Economic exploitation, including child labour

64. The Committee is concerned that there is no legislation prohibiting child labour or establishing the minimum age for admission to hazardous and non-hazardous work and no programmes to prevent child labour or support children involved in the practice.

65. **Taking note of target 8.7 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Establish a minimum age for admission to employment or work, with clear regulations on working hours, and develop and adopt a policy on child labour;**

(b) **Explicitly prohibit the employment of children in harmful or hazardous work and develop a list of hazardous work explicitly prohibited for children;**

(c) **Ensure that no child engages in hazardous work and put into place social programmes aimed at the elimination of or prevention of child labour, especially the worst forms thereof;**

(d) **Determine the conditions in which light work may be permitted and the number of hours during which such employment of children may be undertaken, ensuring that children have sufficient leisure time and do not miss school;**

(e) **Consider ratifying the Worst Forms of Child Labour Convention, 1999 (No. 182), and the Minimum Age Convention, 1973 (No. 138) of the International Labour Organization.**

Sale, trafficking and abduction

66. The Committee welcomes the adoption of legislation and an action plan on combating trafficking, as well as the training of law enforcement and government officials on combating trafficking. However, it is concerned that current legislation does not explicitly criminalize the sale and abduction of children and that there are no formal procedures to identify children who are victims of trafficking. It is also seriously concerned about reports of the trafficking of girls and their exploitation in prostitution, including in foreign fishing vessels.

67. **Taking note of target 8.7 of the Sustainable Development Goals and the Committee's guidelines on the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/156), the Committee recommends that the State party:**

(a) **Criminalize the sale and abduction of children and apply appropriate sanctions commensurate with the gravity of such crimes;**

(b) **Develop and implement procedures for the proactive identification of children who are victims of trafficking, sale and abduction;**

(c) **Continue to investigate all cases of the trafficking of children and the sexual exploitation of children and bring perpetrators to justice;**

(d) **Conduct awareness-raising activities in order to make both parents and children aware of the dangers of trafficking.**

Children in situations of migration

68. **Noting that international migration in the context of climate change and natural disasters may increasingly affect children, the Committee recommends that the State party consider developing legislation, policies and programmes governing the international migration of children that take into account the rights and needs of children.**

Administration of child justice

69. The Committee notes with appreciation that the Federal Code and state codes set out a number of provisions on child justice which provide for “flexible” procedures for legal proceedings involving children accused of criminal offences, including informal hearings in closed sessions and legal representation for such children. However, the Committee is seriously concerned about the following:

- (a) The low minimum age of criminal responsibility in the state codes, which is set at 10 years of age;
- (b) The lack of specialized judges for children;
- (c) The absence of legislation governing the administration of child justice;
- (d) The absence of provisions that limit the duration of pretrial detention and provide for detention to be used only as a measure of last resort and for the shortest possible period of time;
- (e) The limited use of non-judicial and non-custodial measures;
- (f) The absence of any statistical data on children alleged as, accused of or recognized as having infringed criminal law.

70. **In the light of its general comment No. 24 (2019) on children’s rights in the child justice system, the Committee urges the State party to bring its child justice system fully into line with the Convention and to:**

- (a) **Raise the minimum age of criminal responsibility in all states to at least 14 years of age, adopt legislation for the administration of child justice and ensure that all children under 18 years of age are accorded all proper legal safeguards;**
- (b) **Designate specialized judges for children and ensure that such judges, as well as prosecutors, police officers and other professionals, receive training on the provisions of the Convention;**
- (c) **Avoid the use and limit the duration of pretrial detention by ensuring that children arrested and deprived of their liberty are promptly brought before a competent authority to examine the legality of the deprivation of liberty or its continuation and expedite trials involving children;**
- (d) **Ensure that detention is used as a measure of last resort and for the shortest possible period of time and is reviewed on a regular basis with a view the withdrawal of such orders;**
- (e) **Ensure that, in cases where detention is unavoidable, children are not detained together with adults and that the conditions of detention comply with international standards, including with regard to access to education and health-care services;**
- (f) **Promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences and, wherever possible, the use of non-custodial sentences for children, such as probation or community service;**
- (g) **Collect data on the number of children deprived of their liberty, including on the number and nature of offences committed by children.**

K. Ratification of the Optional Protocol on a communications procedure

71. The Committee recommends that the State party, in order to further strengthen the fulfilment of children’s rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

L. Ratification of international human rights instruments

72. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments, to which it is not yet a party:

- (a) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- (b) International Covenant on Civil and Political Rights;
- (c) International Covenant on Economic, Social and Cultural Rights;
- (d) International Convention on the Elimination of All Forms of Racial Discrimination;
- (e) International Convention for the Protection of All Persons from Enforced Disappearance;
- (f) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

73. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, as the related reports have been overdue since 26 November 2018 and 23 May 2014, respectively.

M. Cooperation with regional bodies

74. The Committee recommends that the State party cooperate with, among others, regional organizations such as the Pacific Community and the Pacific Islands Forum.

IV. Implementation and reporting

A. Follow-up and dissemination

75. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the second periodic report, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

B. National mechanism for reporting and follow-up

76. The Committee recommends that the State party strengthen the Universal Periodic Review and Human Rights Task Force and ensure that it has a mandate to coordinate and prepare reports to international and regional human rights mechanisms and to coordinate and track national follow-up to and implementation of the treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that the Task Force should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with civil society.

C. Next report

77. The Committee invites the State party to submit its combined third to seventh periodic reports by 3 June 2025 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the

Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

78. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.
