



Convention on the Rights of the Child

Committee on the Rights of the Child

Concluding observations on the initial report of Niue, adopted by the Committee at its sixty-second session (14 January–1 February 2013)

1. The Committee considered the initial report of Niue (CRC/C/NIU/1 and CRC/C/NIU/1/Add.1) at its 1768th meeting (see CRC/C/SR.1768), held on 22 January 2013, and adopted, at its 1784th meeting, held on 1 February 2013, the following concluding observations.

I. Introduction

2. The Committee welcomes the submission of the initial report of the State party (CRC/C/NIU/1) and the written replies to its list of issues (CRC/C/NIU/1/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee welcomes the constructive dialogue with the State party successfully held through videoconferencing, a method that suited the limited resources of the State party.

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

3. The Committee welcomes as positive the adoption of the 2007 Family Law Code.

4. The Committee also welcomes the adoption of the 2009-2013 Niue Youth Policy in consultation with children, and the 2011-2017 Niue Policy on Disability.

III. Factors impeding the implementation of the Convention

5. The Committee notes the challenges faced by the State party, including the very small population and small number of children of the State party, the very limited human, financial and technical resources, and the massive destruction of infrastructure by Cyclone Heta in 2004, all of which have impacted on the development and implementation of legislation, policies and programmes for children in the State party. However, the Committee recalls that all children are entitled to the full realization of their rights and that these challenges faced by the State party should not limit its efforts to progressively and fully implement the Convention on the Rights of the Child. The Committee encourages the State party to seek the necessary technical and financial assistance, including from relevant international, regional and bilateral partners, to implement the Convention.

IV. Main areas of concern and recommendations

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

Legislation

6. The Committee takes note that the State Party has consolidated all child-related laws into the 2007 Family Law Code, initiated a review of the Code's conformity with the Convention and is currently developing a Family Protection Bill. The Committee is, however, concerned at the delay of the review and adoption process of the said laws resulting in the persistence of legislation in contradiction with the Convention, including discriminatory laws and major legal gaps in the protection of children's rights.

7. With reference to its general comment No. 5 on general measures of implementation of the Convention on the Rights of the Child (CRC/GC/2003/5), the Committee recommends that the State party expedite the legislative review process of its laws, immediately repeal discriminatory laws and provisions and ensure that the Family Law Code and the Family Protection Bill be brought in to full conformity with the Convention.

Comprehensive policy and strategy

8. The Committee notes that there are several sectoral policies and action plans related to children, including the National Education Plan, the Department of Health Annual Plan, the Department of Community Affairs Plan and the 2009-2013 Niue Youth Policy elaborated in consultation with young people. The Committee is, however, concerned at the absence of a comprehensive national policy on children.

9. The Committee recommends that the State party develop and implement a comprehensive national policy on children, which would bring together all sectoral plans that address children's issues into one holistic policy, and include the information in the next periodic report.

Coordination

10. The Committee appreciates that a National Coordinating Committee for the Convention on the Rights of the Child (NCCCRC), composed of representatives from relevant government departments and the communities, has been established since 1998 to deal with the State party's obligations under the Convention. The Committee, however, regrets the lack of information on the mandate and budget allocation to NCCCRC and expresses concern that NCCCRC has been operating on an ad hoc basis.

11. The Committee recommends that the State party further strengthen NCCCRC by providing a clearly defined mandate with a special focus on the implementation of the Convention and coordination of government policies and programmes relating to children, and sufficient human, financial and technical resources to carry out its mandate with efficiency throughout the State party .

Allocation of resources

12. While noting as positive the allocation of resources for free education and health services for children, the Committee regrets the lack of information on overall resources allocated for the implementation of the Convention and on the measures in place to monitor and assess the impact of such resources.

13. The Committee recommends, in the light of its recommendations resulting from its 2007 Day of General Discussion on "Resources for the Rights of the Child – Responsibilities of States" , that the State party:

(a) Utilize a child - rights approach in the State budget, conduct a comprehensive assessment of the budget needs of children and allocate adequate budgetary resources in accordance with article 4 of the Convention for the implementation of the rights of children , and increase the budget allocated to social sectors, including to the education sector and address the disparities on the basis of indicators related to children ' s rights ; and

(b) Ensure a transparent and participatory budgeting system through public dialogue, especially with children and for proper accountability by local authorities.

Data collection

14. While noting that data and information on health and education are collected, the Committee expresses concern that there is no comprehensive data collection system and that there are many inconsistencies and gaps which exist in relation to data collection. The Committee also notes that a national task force was established for data collection and analysis under the United Nations Educational, Scientific and Cultural Organization (UNESCO) global movement on Education for All. However, the Committee regrets that the initial exercise of the established National Task Force could not be completed due to lack of funding.

15. The Committee recommends that the State party develop a comprehensive system for the collection of data with the support of its partners . It is essential to analyse such collected data as a basis for assessing progress achieved in the realization of children's rights , which would help design policies and programmes to implement the Convention. The data should be disaggregated by age, sex, geographic location, ethnicity and socio economic background to facilitate analysis on the situation of all children.

Independent monitoring

16. The Committee expresses concern that there is no mechanism to independently monitor the implementation of the Convention and to receive and address complaints from children.

17. Drawing attention to its general comment No. 2 on the role of independent national human rights institutions in the promotion and protection of the rights of the child (CRC/GC/2002/2), the Committee recommends that the State party make all possible efforts to set up a mechanism to independently and impartially monitor the implementation of the Convention and to receive and address complaints from children and to seek technical assistance from the Office of the United Nations High Commissioner for Human Rights (OHCHR) .

Dissemination and awareness-raising

18. The Committee notes with appreciation the translation of the State party's national report into local languages and its distribution to the public. The Committee also notes as positive the measures taken by NCCCRC to promote knowledge about the Convention in the State party. The Committee nevertheless regrets that public awareness and understanding of the Convention and children's rights still remain very low.

19. The Committee recommends that the State party enhance public awareness of the Convention , especially among families , communities and children themselves . The Committee also encourages the State party to take advantage of the reporting process to raise public awareness of the Convention and to draw the public's attention to the implementation of the Convention through wide consultations with stakeholders and children .

Training

20. The Committee is concerned that insufficient training on the Convention, particularly on key principles of the Convention such as the best interests of the child and the views of the child to be heard, has been provided to public officials and professionals working

with and for children.

21. The Committee recommends that the State party ensure that all professionals working with and for children, in particular law enforcement officials, teachers, health professionals and social workers, are adequately and systematically trained on the rights of the child, and incorporate the Convention in their professional training programmes. The Committee encourages the State party to seek technical assistance from OHCHR and the United Nations Children's Fund (UNICEF).

B. Definition of the child (art. 1 of the Convention)

22. The Committee is concerned that the State party does not have a clearly defined age of majority. It further expresses concern that the minimum age of marriage for girls is 15 years.

23. The Committee recommends that the State Party establish the age of majority and raise the age of marriage for girls to 18 years .

C. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

24. The Committee is deeply concerned that there is no explicit prohibition of discrimination in the Constitution and other laws and that children, particularly girls, children with disabilities, children born out of wedlock, adopted children and migrant children are discriminated in laws and in practice. The Committee is particularly concerned that girls, children born out of wedlock and adopted children do not have the same right to inherit family land as other children and that migrant children are often discriminated in the enjoyment of their rights to education, health and social security.

25. The Committee urges the State party to explicitly prohibit all forms of discrimination and repeal all legislation in respect of discrimination against girls, children with disabilities, children born out of wedlock, adopted children and migrant children. The Committee also recommends that the State party take active measures to ensure the full realization of the principle of non-discrimination in practice and to bring about change in discriminatory social attitudes towards children.

Best interests of the child

26. While noting that the principle of the best interests of the child is partly reflected in laws and policies on education, health care and adoptions as well as some court decisions, the Committee remains concerned that the principle of the "best interests of the child" has not been incorporated in all legislative, administrative and judicial proceedings nor in all policies, programmes and projects relevant to children. The Committee is also concerned that interests of families, communities or adults often prevail over the best interests of the child as is the case notably concerning teenage pregnancy.

27. The Committee urges the State party to strengthen its efforts to ensure that the principle of the best interests of the child is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings as well as in all policies, programmes and projects relevant to children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance for determining the best interests of the child in every area, and to disseminate these to the public, including traditional and religious leaders, and private social welfare institutions, courts of law, administrative authorities and legislative bodies .

Respect for the views of the child

28. The Committee notes the indication given during the dialogue with the State party that in practice, children have the opportunity to express themselves in court cases related to adoption, guardianship, access and custody. The Committee further notes that the Youth Parliamentarian Project was successfully implemented in 2009. The Committee is, however, concerned that there are no specific laws or regulations establishing explicitly the right of the child to be heard in any judicial and administrative proceedings affecting her or him. The Committee is also concerned that the right of children to express themselves freely in all matters affecting them is not fully recognized in families and communities.

29. In the light of its general comment No. 12 on the right of the child to be heard (CRC/C/GC/12, 2009), the Committee urges the State party to :

(a) Strengthen initiatives for children to express themselves, such as the Youth Parliament project, to have their views taken into account in the formulation of policies and legislation affecting them; and

(b) Ensure that the right of children to be heard in any judicial and administrative proceedings affecting them be included in the legislation .

D. Civil rights and freedom (arts. 7, 8, 13–17, 19 and 37 (a) of the Convention)

Name

30. The Committee notes with concern that the Niue Island Births and Deaths Registration Regulations (1984) allow a parent to change a child's name without her or his consent up to the age of 21 years.

31. The Committee urges the State party to amend the provisions of the Niue Island Births and Deaths Registration Regulations (1984) related to the child's name and ensure that the views of the child be always sought and heard in accordance with their maturity .

Child's right to privacy

32. The Committee notes the information provided by the State party that in recent hearings judges have closed court sessions due to the sensitive nature of some cases. The Committee, however, remains concerned that the decision to proceed behind closed doors is a discretionary prerogative of judges rather than an established procedure.

33. The Committee recommends that the State party put in place a procedure to protect the right to privacy of children involved in court hearings.

E. Violence against children (arts. 19, 37 (a) and 39 of the Convention)

Corporal punishment

34. The Committee expresses concerns that there is no explicit legal prohibition of corporal punishment in the State party and that provisions against violence and cruelty in the Niue Act 1966 are not interpreted as prohibiting corporal punishment. The Committee is also concerned about the provision on the defence of reasonable chastisement (art. 238 of this Act). The Committee is furthermore concerned that corporal punishment is still commonly practised in schools and in the home and that violent punishment, mockery, ridicule, public humiliation and verbal abuse of children are widely accepted as valid forms of discipline.

35. In the light of its general comment No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (CRC/C/GC/8, 2007), the Committee urges that the State party:

(a) Ensure that corporal punishment is explicitly prohibited in the home, schools and any other settings, including through explicit repeal of the common-law defence of reasonable chastisement ;

(b) Introduce public education on the harmful effects of corporal punishment with a view to changing the general attitude towards this practice ; and promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment; and

(c) Provide information in the next periodic report on the legislative and concrete measures taken to eliminate corporal punishment .

Abuse and neglect

36. While noting that the State party has put in place some legislative measures to address violence against children, it is however concerned that domestic violence is pervasive in the State party, with children often experiencing and witnessing physical and psychological abuse in the home. The Committee is also concerned that abuse and neglect are regarded as family matters and therefore not reported, and that teachers and the police rarely intervene even when abuse and neglect are obvious.

37. The Committee urges the State party to take all necessary measures to prevent domestic violence and protect children from all forms of abuse and neglect. In particular, the Committee urges that the State party :

(a) Conduct a nationwide awareness-raising campaign, particularly targeting parents , communities and religious leaders, on the negative impact of domestic violence on children's development;

(b) Develop adequate methods of identification, systematic reporting and investigation of cases of abuse and neglect and provide remedies to child victims ;

(c) Train all professionals working with and for children, including teachers, religious and community leaders and social workers, to identify child victims and to effectively report instances of abuse and neglect ; and

(d) Make information available to children and the public on how they can report abuse and neglect and where they can obtain support in doing so.

Sexual abuse

38. The Committee expresses concern that the State party does not fully recognize the occurrence of sexual abuse against children, particularly girls and sexual abuse within the family, in the State party. The Committee is further concerned that:

(a) Rape of boy children is not legally prohibited;

(b) Punishment for sexually abusing children is very low (maximum of three years of imprisonment for sexual intercourse with girls between 12-15 years);

(c) Reports on sexual abuse, including incest, are hardly ever made to the relevant authorities and, if made, are often dropped as a result of which perpetrators of child sexual abuse are almost never brought to justice; and

(d) Child victims of sexual violence do not receive proper medical treatment, counselling and remedy.

39. The Committee urges the State party to better assess the prevalence of child sexual abuse in the State party and to take all the necessary measures to prevent and protect children from sexual abuse. In particular, the Committee urges that the State party:

- (a) Prohibit explicitly rape of boy children in the legislation;
- (b) Ensure that penalties for sexual abuse against children, including incest, are commensurate with the gravity of the crime, prosecute and sanction all perpetrators of sexual abuse, and ensure that judicial and law-enforcement authorities take all necessary measures to bring the perpetrators to justice;
- (c) Establish a mechanism for child victims of sexual abuse to lodge complaints and ensure that children are properly informed of the existence of such a mechanism;
- (d) Ensure that child victims of sexual abuse receive all the necessary support for their physical and psychosocial recovery and full social integration and have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible; and
- (e) Take into account the recommendations of the United Nations study on violence against children of 2006 (A/61/299) and the outcome documents adopted at the 1996, 2001 and 2008 World Congress against Commercial Sexual Exploitation of Children held in Stockholm, Yokohama, Japan, and Rio de Janeiro, Brazil.

Freedom of the child from all forms of violence

40. The Committee is deeply concerned that various forms of violence against children are prevalent in the State party. The Committee is particularly concerned at the absence of a comprehensive national policy and/or strategy to prevent such violence and to protect children from violence, and of institutional mechanisms mandated to deal with individual cases and to provide necessary treatments and assistance to child victims, as well as at the lack of coordination between government agencies and civil society.

41. Recalling the recommendations of the United Nations study on violence against children of 2006 (A/61/299), the Committee recommends that the State party prioritize the elimination of all forms of violence against children. The Committee further recommends that the State party take into account its general comment No. 13 on the right of the child to freedom from all forms of violence (CRC/C/GC/13, 2011), and in particular:

- (a) Develop a comprehensive national strategy to prevent and address all forms of violence against children;
- (b) Adopt a national coordinating framework to address all forms of violence against children;
- (c) Pay particular attention to and address the gender dimension of violence; and
- (d) Cooperate with the Special Representative of the Secretary-General on violence against children and other relevant United Nations institutions.

Helpline

42. The Committee recommends that the State party establish a three-digit toll-free helpline staffed with trained personnel, available to all children at the national level, and promote awareness of how children can access the helpline. The Committee further recommends that the State party seek technical assistance in this regard from, inter alia, UNICEF and Child Helpline International.

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

Family environment

43. The Committee welcomes the child allowance provided by the State party for parents to fulfil their child-rearing responsibilities and takes note of the existence of an extended family system that provides solidarity in case parents cannot fulfil their responsibilities. However, it regrets the lack of information on the equal sharing of responsibilities among parents for the upbringing of their children and on how the State party promotes equal parental responsibility.

44. The Committee urges the State party to ensure that mothers and fathers share equally the legal responsibilities for their children, in accordance with article 18, paragraph 1, of the Convention in the context of the upcoming Family Protection Bill and to develop and conduct awareness-raising programmes on parents' equal responsibilities in child rearing.

Children deprived of a family environment

45. While noting that, in accordance with the Niue Act 1966, a child can be removed from his or her family and provided with alternative care, the Committee notes with concern that there are no alternative care institutions in the State party and that the State party depends exclusively on extended families for the alternative care of children.

46. The Committee recommends that the State party develop an alternative care system, including foster care, for children deprived of a family environment, particularly child victims of abuse at home, and, in so doing, ensure effective

monitoring and assessment of placement of children, including those taken within the extended family in line with the Guidelines for the Alternative Care of Children annexed to United Nations General Assembly resolution 64/142 of 18 December 2009.

Adoption

47. The Committee notes that the 1968 Niue Amendment Act regulates legal adoption, and ensures the mandatory consent of the child's parents and the child above 12 years. The Committee also takes note of the existence of customary adoption (*tama taute*). However, the Committee remains concerned that there is no mechanism in place to monitor the situation of adopted children in enjoying their rights.

48. The Committee recommends, in the light of article 21 of the Convention, that the State party introduce adequate measures to ensure the registration and monitoring of all adopted children, particularly under the Niuean customary adoption arrangement (*tama taute*).

F. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)

Children with disabilities

49. The Committee welcomes the measures taken by the State party, such as the adoption of the Niue National Policy on Disability (2011) as well as the off-island care in New Zealand given to children with physical disabilities, and welfare benefits given to children with disabilities. The Committee, however, expresses concern that:

- (a) The Niue Act utilizes derogatory language identifying girls with disabilities as "idiots, imbeciles or of unsound mind";
- (b) Criminal sanctions for sexual violence committed against children with disabilities are lesser, compared to sexual violence committed against children without disabilities; and
- (c) There is a lack of professionals trained to support children with disabilities, sufficient means are lacking for early detection of children with disabilities, and the statistics and information provided by the State party are not consistent with regard to the situation of children with disabilities.

50. Recalling its general comment No. 9 on the rights of children with disabilities (CRC/C/GC/9 and Corr.1, 2006), the Committee urges the State party to adopt a human rights-based approach to disability and specifically recommends that the State party:

- (a) Review without delay all disability-related laws and policies with a view to fully protecting the rights of children with disabilities, expunge the derogatory language and repeal all derogatory and discriminatory provisions against children with disabilities from the Niue Act;**
- (b) Immediately repeal legal provisions which provide for lower sanctions for sexual crimes committed against children with disabilities;**
- (c) Train professionals to work with children with disabilities, particularly those with intellectual and learning disabilities, take all necessary measures for early detection of children with disabilities, facilitate their rehabilitation, update statistics and information on the situation of children with disabilities in the next periodic report, and in so doing, seek technical and financial assistance and resources from, inter alia, UNICEF and the World Health Organization (WHO).**

Health and health services

51. The Committee notes as positive developments in the health sector, including the provision of free medical services for children, the 100 per cent immunization coverage, the allocation of public health officers for the public hygiene and regular school clinics, and a satisfactory hygiene level with WHO safety standards. The Committee, however, remains concerned at the recent United Nations estimates of child mortality showing the deteriorating situation in the State party and that the recruitment and retention of skilled health professionals is a major challenge for continuing to provide adequate health services to the public, including children. The Committee regrets the lack of updated information on the medical outreach programme to outer villages and limited access within the country for emergency curative care for children and during a pregnancy.

52. The Committee encourages the State party to continue its efforts to provide free medical services and to maintain high public hygiene standards. The Committee urges the State party to take all necessary measures to curb child mortality and to establish a policy to secure necessary health professionals and to seek technical and financial assistance from, inter alia, UNICEF and WHO in this regard and to take necessary measures to continue to improve the quality of decentralized services to outer villages while also providing emergency care for children and mothers when in need.

Mental health

53. While noting the elaboration of a Mental Health Bill, the Committee remains concerned at the slow pace of its adoption. The Committee also regrets the lack of information and data on mental health issues, which hinders the State party from developing effective policies to address the issue.

54. The Committee urges the State party to expedite the adoption of the Mental Health Bill and collect the relevant information and data for the development of effective policies on mental health issues, paying particular attention to children.

Adolescent health

55. The Committee welcomes the Non-Communicable Disease Plan for 2009-2013 and health education programmes through radio and community outreach activities. However, the Committee is concerned at:

- (a) The prevalence of non-communicable diseases (NCDs) in the State party and its serious impact on adolescent health due to unhealthy eating habits and lifestyle;
- (b) The lack of comprehensive information on key health issues affecting adolescents, including reproductive health and teenage pregnancy, alcohol and substance abuse, HIV/AIDS and sexually transmitted infections (STIs); and
- (c) Adolescents' limited access to sexual and reproductive health education and to confidential reproductive services and information.

56. Referring to its general comment No. 4 on adolescent health and development in the context of the Convention (CRC/GC/2003/4), the Committee recommends that the State party:

- (a) Implement the Non-Communicable Disease Plan for 2009-2013 to enhance its health education programmes, using information technologies, and to promote healthy lifestyles, particularly among children and adolescents;**
- (b) Fully assess the health status of adolescents in the State party and identify key health issues affecting adolescents, including reproductive health and teenage pregnancy, alcohol and substance abuse, HIV/AIDS and STIs with the view to addressing them;**
- (c) Incorporate sexual and reproductive health education in the school curriculum and ensure confidential reproductive health and counselling services;**
- (d) Enhance public awareness-raising on adolescent reproductive health issues; and**
- (e) Seek technical and financial assistance from the United Nations Population Fund (UNFPA), UNICEF and WHO among others.**

Breastfeeding

57. The Committee is concerned that the breastfeeding rate drops sharply after three months when mothers have to go back to work. The Committee further expresses concern that mothers working in the private sector do not enjoy the same maternity rights as those in the public sector, which also affects breastfeeding of a child.

58. The Committee recommends that the State party provide mothers with adequate facilities for breastfeeding at work and take necessary steps for working mothers in the private sector to enjoy the same maternity rights as those in the public sector.

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

Education, including vocational training and guidance

59. The Committee welcomes the fact that education is free and compulsory from the age of 3 years and 9 months up to 16 years, and schools take initiatives to encourage students to stay in school. The Committee, however, is concerned that:

- (a) The Education Act is currently being reviewed with the implication of lowering the age of completing compulsory education;
- (b) With no established minimum age of labour, children may run the risk of leaving school before the completion of school, and the minimum age for marriage for girls (15 years) is lower than the age for compulsory education (16 years);
- (c) Schools have not been refurbished for a long time due to lack of sufficient resources and as a result school buildings and facilities remain old and in poor condition; and
- (d) Young people are given very limited opportunities for further education, vocational training and employment in the State party after completing compulsory education.

60. The Committee recommends that the State party:

- (a) Ensure that the completion age of compulsory education is not lowered under any circumstance ;**
- (b) Establish the minimum age of labour and strengthen the measures of retaining children , particularly girls, at school until the completion of compulsory education;**
- (c) Secure sufficient resources to refurbish school buildings and facilities; and**
- (d) Prepare a policy and strategy to create more working opportunities for young people and to obtain vocational skills and technologies more applicable and suitable to the market.**

Early childhood development

61. While noting that early childhood education is free and compulsory from the age of 3 years and 9 months and currently 38 children are taken care of by five teachers in pre-school, the Committee regrets the lack of detailed information on the early childhood education programmes provided by the State party and it remains concerned at the insufficient resources allocated to early childhood education.

62. The Committee recommends that the State party allocate sufficient resources for early childhood education and provide updated and detailed information on early childhood education in the next periodic report.

H. Other special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)

Economic exploitation, including child labour

63. The Committee notes that employment of a child under the age of 16 years is prohibited in the public sector and that children help their families in their farming, fishing and other businesses. However, the Committee is concerned at the information given by the State party that the minimum age for labour has not been established and that there is no legal protection for working children and no mechanism put in place to monitor the working conditions and overall situation of working children. The Committee also regrets the lack of clear information on the situation of child labour in the State party.

64. The Committee recommends that the State party provide legal protection to children from labour exploitation and, in particular, adopt legal provisions providing for a clear definition of minimum age for labour and take measures for monitoring the working conditions and situation of working children. The Committee also encourages the State party to seek technical assistance from international organizations, inter alia, the International Labour Organization (ILO) and UNICEF, in this regard.

Administration of juvenile justice

65. While noting the information provided by the State party that the number of juvenile crimes and juvenile offenders is very small and that community-based rehabilitation programmes are often employed when young offenders are involved, it remains deeply concerned that:

(a) The minimum age of criminal responsibility is as low as 10 years;

(b) A juvenile justice system has not yet been put in place, no qualified public defender is available for young offenders, particularly in court proceedings, and judges and police officers are not given proper training to effectively deal with juvenile offenders and child victims in a child-sensitive manner; and

(c) Statistics are not kept on children's cases in a systematic way.

66. The Committee urges the State party to bring its juvenile justice system fully in line with the Convention, in particular articles 37, 39 and 40, and its general comment No. 10 on children's rights in juvenile justice (CRC/C/GC/10, 2007). In particular, the Committee urges the State party to:

(a) **Raise the minimum age of criminal responsibility in the Niue Act 1966 to an internationally accepted age and, under no circumstances, under 12 years;**

(b) **Put in place a juvenile justice system adequate for the situation of Niue and ensure particularly that court cases involving juveniles be held in camera and that the court be reconfigured to conform with international norms for juvenile courts, assign a qualified public defender for young offenders, and ensure that judges and law enforcement officials receive specific training on how to deal with child-sensitive cases and use deprivation of liberty as a means of last resort;**

(c) **Ensure that statistics are kept on children's cases in a systematic way; and**

(d) **Seek technical assistance in the area of juvenile justice from, among others, the United Nations Interagency Panel on Juvenile Justice and its members and make use of the tools developed by the Panel, including OHCHR, UNICEF, the United Nations Office on Drugs and Crime (UNODC) and non-governmental organizations (NGOs).**

Child victims and witnesses of crimes

67. The Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all child victims and/or witnesses of crimes, such as child victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, are provided with the protection required by the Convention and that the State party take fully into account the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20).

I. Ratification of international human rights instruments

68. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, become a State party to international human rights instruments to which it is not yet a party, namely the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and pornography, the

Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of Persons with Disabilities.

J.Cooperation with regional and international bodies

69. The Committee recommends that the State party continue and strengthen its cooperation with regional and international organizations to enhance the implementation of the Convention.

K.Follow-up and dissemination

70. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented by, inter alia, transmitting them to the Head of State, Parliament, relevant ministries, the High Court and local authorities for appropriate consideration and further action.

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

L.Next report

72. The Committee invites the State party to submit its next combined second to fifth periodic report by 18 January 2018 and to include in it information on the implementation of the present concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr. 1) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the guidelines. In the event a report exceeding the page limitations is submitted, the State party will be asked to review and resubmit the report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, translation of the report for purposes of examination of the treaty body cannot be guaranteed.

73. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).