



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-sixth session

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

Concluding observations: VENEZUELA (BOLIVARIAN REPUBLIC OF)

1. The Committee considered the second periodic report of the Bolivarian Republic of Venezuela (CRC/C/VEN/2) at its 1274th and 1275th meetings (see CRC/C/SR.1274 and CRC/C/SR.1275), held on 28 September 2007, and adopted at its 1284th meeting, held on 5 October 2007 the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's second periodic report despite the considerable delay as well as the detailed written replies to its list of issues (CRC/C/VEN/Q/2/Add.1) submitted in a timely manner, and regrets the technical problems with ensuring that the replies were translated on time. The Committee appreciated the dialogue with the high-level, multisectoral delegation. The Committee notes that the State party's report did not fully comply with the guidelines for the submission of the reports.

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

3. The Committee notes with appreciation the adoption of many legislative (and programmatic) measures taken with a view to implementing the Convention, including:

- (a) Articles 75, 76, 78 (1999) of the Constitution recognizing children as subjects of rights;
- (b) The Child and Adolescent Protection Act (LOPNA) (2000);
- (c) The Special Computer Crime Law (2001);

- (d) The Organized Crime Act (2005);
- (e) The Law for the Protection of Children and Adolescents in Places for Internet, Videogames and other Multimedia Uses (2006);
- (f) The Community Council Law (2006);
- (g) The Right of Women to a Life Free of Violence Act (2006);
- (h) The Organic Law for Handicapped People or Persons with Special Needs (2007).

4. The Committee also wishes to welcome the ratification of or accession to:

- (a) The Rome Statute of the International Criminal Court on 7 June 2000;
- (b) The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography on 8 May 2002;
- (c) The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict on 23 September 2003;
- (d) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime on 13 May 2002;
- (e) ILO Convention on the Worst Forms of Child Labour, 1999 (No. 182) on 26 October 2005.

C. Main subjects of concern and recommendations

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

The Committee's previous recommendations

5. The Committee notes that several concerns and recommendations made upon the consideration of the State party's initial report (CRC/C/15/Add.109) have been addressed. However, it regrets that some of its concerns and recommendations have been insufficiently or only partly addressed, including those related to discrimination, definition of the child, data collection and cooperation with NGOs.

6. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the initial report that have not yet been implemented or sufficiently implemented, particularly in relation to discrimination, definition of the child, data collection and cooperation with NGOs, and to provide adequate follow-up to the recommendations contained in the present concluding observations on the second periodic report.

Legislation and implementation

7. The Committee welcomes the adoption of the Child and Adolescent Protection Act (LOPNA) in 2000 and the establishment of the National Council for the Rights of Children and Adolescents (CNDNA), but is seriously concerned that the current reform of the LOPNA might prove incompatible with the principles and provisions of the Convention and that strengthening the competence of the Federal States could weaken the system of protection as a result of increased centralization.

8. **The Committee urges the State party to adopt a revised LOPNA as soon as possible, to ensure that it complies with the Convention taking into account, in particular, the Committee's General Comment No. 5 regarding the General Measures of Implementation (2003), and to use the opportunity of reform to strengthen protection and participation for children.**

9. **The Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes, e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking as well as witnesses of such crimes, are provided with the protection required by the Convention, and take fully into account the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).**

National Plan of Action

10. The Committee regrets that there is no comprehensive plan of action specifically dedicated to children and the implementation of the Convention.

11. **The Committee encourages the State party to elaborate a comprehensive National Plan of Action for children in consultation with civil society representatives specialized in the area of children's rights, children's organizations and all other sectors involved in the promotion and protection of children's rights. Such a plan should have effective mechanisms for monitoring and evaluation as well as the necessary resources for its implementation. The Committee recommends that the State party include in the National Plan of Action the principles and provisions of the Convention as well as the outcome document of the United Nations General Assembly Special Session in May 2002 entitled 'A World Fit For Children' and link the National Plan of Action to sectoral plans that deal with children.**

12. The Committee notes that progress has been made in the field of social well-being for citizens through a variety of social reform programmes, including the missions, but is concerned that the missions establish parallel policies and structures and that their constructive experiences are not transferred to the existing structures.

13. **The Committee encourages the State party to bring successful social missions in line with the institutional framework of children's rights in order to strengthen the implementation of the provisions of the Convention and enhance evaluation and transparency.**

Coordination

14. The Committee notes that the State party has an advanced system of protection of children's and adolescents' rights, legislation generally in conformity with the Convention, as well as institutions for children's rights at different levels. However, the Committee regrets the lack of an adequate coordination mechanism to enable effective linkages between its various governmental and non-governmental institutions at the different levels.

15. The Committee recommends that the State party ensure that an adequate mechanism of coordination is established which links all the efforts by the various sectors of the Sistema Rector para la Protección Integral para la Infancia y la Adolescencia as a whole and at all levels.

Independent monitoring

16. The Committee notes that the State party has established la Defensoría del Pueblo (Ombudsman's Office) with a Special Directorate for Children's and Adolescents' Rights, but regrets its lack of presence across the country. While recognizing the services of the Defensorías Municipales, the Committees emphasizes that there is a lack of information about the coordination of these services with the Ombudsman's Office.

17. The Committee encourages the Defensoría del Pueblo to ensure its presence in every municipality in coordination with the Defensorías Municipales' services in order to ensure that all children have effective and accessible remedies in case of violations of their rights. The Committee recommends that the State party ensure the independence of the Ombudsman, in line with the Principles relating to the status and functioning of national institutions for protection and promotion of human rights (Paris Principles).

Allocation of resources

18. The Committee observes with satisfaction that resources are allocated as established by the legal framework of LOPNA targeting children and that these are distributed through the Funds for the Protection of Children and Adolescents at the national, state and municipal levels. The Committee notes that a significant increase of budget to social policies through public sector investments and social missions has taken place, but regrets that it remains difficult to disaggregate the precise spending on children in the total public expenditures.

19. The Committee recommends that the State party, in accordance with art. 4 of the Convention, develop its general budget, including the budgets of different missions, in a more systematic manner so that resources and investments for children are more transparent, making it easier to monitor spending.

Data collection

20. The Committee notes the efforts and actions in the area of children's rights, including by the National Council for the Rights of Children and Adolescents and the National Statistics Institute, aimed at increasing visibility of children in national indicators and statistics. It also takes note of the delegation's acknowledgement of the need to improve the national statistical information system in relation to children's and adolescents' rights, both in the production of data and in public access. The Committee remains concerned, however, at the lack of disaggregated

data and indicators which would allow for efficient monitoring of plans and actions, including the monitoring of budgetary allocations and expenditures.

21. The Committee recommends that the State party continue and strengthen its efforts to develop a comprehensive system of collection of data on the implementation of the Convention. The data should cover all children's rights for all children under 18. It should also be disaggregated by sex, age, ethnic group, indigenous children and children of Afro-descendants as well as those groups of children in need of special protection, such as children in detention, children requiring mental health assistance, children with disabilities, children in street situations, working children and refugee children. The Committee encourages the State party to further its cooperation with UNICEF and other agencies in this regard.

Dissemination and training

22. The Committee recognizes the measures undertaken to disseminate information about the content of the Convention, but remains concerned at the lack of awareness of the Convention in the public in general and amongst children and professionals in particular.

23. The Committee recommends that the State party strengthen its efforts to disseminate the Convention throughout the country and to raise public awareness, in particular among children themselves, parents, teachers and authorities about its principles and provisions. Cooperation with civil society organizations, such as academic centres, media and NGOs should be strengthened for this purpose.

24. Furthermore, the Committee encourages the State party to strengthen its efforts to provide adequate and systematic training and/or sensitization on children's rights to professional groups working with and for children, in particular law enforcement officials, as well as parliamentarians, judges, lawyers, health personnel, teachers, school administrators and others as required. The Committee encourages the State party to continue to seek technical assistance from UNICEF and the Inter-American Institute of the Child for the training of professionals.

Cooperation with civil society

25. The Committee acknowledges the numerous initiatives and contributions of organizations of civil society in the development of the Sistema de Protección Integral para la Infancia y la Adolescencia while noting that such cooperation is decreasing. It is concerned by the lack of participation of NGOs, children's organizations and all other relevant partners in the reporting process and that the reform of LOPNA might narrow the operating space for non-governmental organizations specialized on children's rights.

26. The Committee recommends that the State party encourage dialogue and cooperation with all civil society organizations, including the Consejos Sociales Municipales, children's organizations and all other relevant partners active and systematically involved with children's rights. The Committee recommends that the State party encourage their active participation in the follow-up of the concluding observations of the Committee, in the process of preparation of its next reports and in the evaluation of the National Plan of Action.

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

27. The Committee is concerned that the minimum age of marriage for girls is too low and that there is a difference between the ages for girls (14 years) and boys (16 years).

28. The Committee recommends that the State party establish a minimum age of marriage which is the same for girls and boys and consider raising the age to 18 years. Furthermore, it is encouraged to undertake sensitivity campaigns regarding the possible negative effects of teenage marriages.

29. The Committee notes that the age of consumption of alcohol is not specified.

30. The Committee recommends that the State party establish a minimum age for consumption of alcohol.

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

Non-discrimination

31. The Committee notes that the State party has made significant improvements in the area of non-discrimination but wishes to point out that the State party's report does not provide sufficient information on plans, programmes and projects aimed at preventing and reducing discrimination due to ethnicity, sex, disabilities, political affiliation, religion or parents' social or economic status.

32. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention of the Rights of the Child undertaken by the State party to provide special protection to excluded categories of the population and to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, also taking into account the Committee's General Comment No. 1 on article 29, paragraph 1 of the Convention (aims of education).

Best interests of the child

33. The Committee notes that the State party has included the principle of the best interests of the child as one of the components of the law and has established guidelines to be adhered to by all relevant actors, in particular in the administration, but regrets that the understanding of this principle is not well reflected in practice.

34. **The Committee recommends that the State party fully incorporate the principle of the best interests of the child into all of its programmes, policies, legislative, judicial and administrative procedures and promote its application.**

Right to life, survival and development

35. The Committee notes the existence of the Inter-Institutional Plan of Action against Violence (2006-2007) but regrets the lack of information regarding its outcomes. The Committee notes the State party's investigations into cases of violations of the right to life but is deeply concerned at reports of extrajudicial killings of children at the hands of law enforcement officials and deaths of children in police custody.

36. **The Committee urges the State party to ensure that its law enforcement officers are held fully responsible for any violation of the right to life, that all such cases are immediately investigated by an independent body, and that those responsible are held accountable. The Committee invites the State party to provide information on the outcome of the Inter-Institutional Plan of Action in its next report.**

Respect for the views of the child

37. The Committee welcomes the fact that young adolescents can vote at the municipal level at the age of 15 following the Community Council Act as well as other initiatives such as the Youth Municipal Government and the Youth Councils, and appreciates the general practice that children are heard in judicial and administrative proceedings. Nevertheless, the Committee remains concerned that the creation of spaces for children to be heard is not stimulated sufficiently and is primarily left up to NGOs.

38. **The Committee reiterates its recommendation that the State party strengthen its efforts to further promote, facilitate and implement - within the family and in school, the community and institutions as well as in judicial and administrative proceedings - the principle of respect for the views of the child while taking into account the recommendations adopted by the Committee after the Day of General Discussion on the right of the child to be heard in 2006.**

4. Civil rights and freedoms (art. 7, 8, 13-17 and 37(a) of the Convention)

Birth registration

39. The Committee welcomes the various initiatives and achievements made in facilitating registration of children at birth, such as the National Plan for Identity "Yo Soy" which set up hospital birth units to ensure every child was registered immediately following birth. However, the Committee is concerned about the negative impact in this regard of Decree No. 2819 of 30 September 1998 providing that parents must be duly documented in order to register their children born within the territory of the State party.

40. **The Committee encourages the State party, in partnership with UNICEF, to continue its efforts to ensure that all children within its territory are registered at birth, including children of undocumented foreigners and those belonging to indigenous groups and immigrant families.**

Access to appropriate information

41. The Committee notes that the normative framework guarantees the right to information but is concerned about the quality of the TV and radio programmes and their compatibility with a child rights approach. The Committee is also concerned that indigenous children and children of Afro descendants do not receive sufficient information relevant to their needs.

42. **The Committee encourages the State party to ensure that public programmes are consistent with children's rights in all sectors of the population.**

Torture and degrading treatment

43. The Committee notes programmes on violence against children but is concerned about allegations of ill-treatment and reported sub-standard conditions of prisons throughout the country; it remains concerned about the fact that children continue to be kept in extremely poor prison conditions and by reports of children dying in custody.

44. **The Committee recommends that the State party strengthen its efforts to improve prison conditions and take measures to ensure that children are not subjected to torture and inhuman, degrading treatment or punishment; it further urges the State party to take all steps to investigate alleged violations and punish those responsible.**

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

Family support

45. The Committee notes that the legislative framework established the principle of protection of children and their families but that very little information has been made available to the Committee on its practice, apart from that received from the missions.

46. **The Committee recommends that the State party continue existing programmes and strengthen support to families in order to prevent separation of children, e.g. by counselling, parenting advice and financial allowances, and calls on the State party to provide further information in its next report.**

Alternative care

47. The Committee welcomes the fact that the State party has legislated that poverty is not a sufficient cause for separating a child from his/her parents and that significant progress has been made in removing children from institutions. The Committee notes that the State party favours placing children with a substitute family or placing them up for adoption. The Committee is nevertheless concerned that placing children in institutions remains a prevalent practice.

48. **The Committee recommends that the State party continue its efforts to provide programmes and adequate care, give priority to family solutions for children and adolescents deprived of a family environment, and continue to promote foster care as a form of alternative care. The Committee suggests that institutionalization be used only as a last resort, taking into account the best interests of the child. Furthermore, the Committee recommends adequate resource allocation, functioning and monitoring of care institutions, including those managed by NGOs, foster care programmes, as well as periodic review of placement in conformity with art. 25 of the Convention and the recommendations issued after the General Day of Discussion on children without parental care in 2005.**

Adoption

49. The Committee welcomes the establishment of a National Bureau and several State offices for the purpose of facilitating adoption, and notes that the State party has amended its legislation relating to intercountry adoption in accordance with the obligations established under the 1993 Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Adoption Convention). Notwithstanding, it remains concerned at the unjustified delays and procedural obstacles to the adoption process.

50. **The Committee recommends that the State party take measures in order to avoid unjustifiable delays in adoption procedures by:**

(a) Strengthening the multidisciplinary teams with trained professionals and necessary resources; and

(b) Encouraging the Ombudsman to regularly review the adoption system so that it complies with article 21 of the Convention and the Hague Adoption Convention of 1993 and to ensure that the State party processes adoptions in a timely manner.

Abuse and neglect

51. The Committee takes notes of various programmes on violence against children but is concerned about allegations of neglect, domestic violence and sexual abuse. It is also concerned at the difficulties of children in accessing free helplines.

52. **The Committee recommends inter alia that the State party ensure that a three digit toll-free 24-hour helpline for children is accessible throughout the country.**

Follow-up to the United Nations Study on Violence against Children

53. **With reference to the United Nations Secretary-General's study on violence against children, the Committee recommends that the State party:**

(a) Take all necessary measures to implement the recommendations of the United Nations Study on violence against children (A/61/299), taking into account the outcome and recommendations of the Regional Consultation for Latin America held in Argentina between 30 May and 1 June 2005. In particular, the Committee recommends that the State party pay particular attention to the following recommendations:

- i. Prohibit all violence against children, including corporal punishment in all places;**
- ii. Prioritize prevention, including interfamily violence;**
- iii. Ensure accountability and end impunity; and**
- iv. Develop and implement systematic national data collection and research.**

(b) Use the recommendations of the Study as a tool for action in partnership with civil society and, in particular, with the involvement of children to ensure that all children are protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and time-bound actions to prevent and respond to such violence and abuse; and

(c) Seek technical cooperation in this respect from OHCHR, UNICEF and WHO and other relevant agencies, inter alia ILO, UNESCO, UNHCR, UNODC as well as NGO partners.

Corporal punishment

54. The Committee welcomes the information provided by the delegation that corporal punishment will be prohibited but is concerned that corporal punishment is still lawful. Furthermore, the Committee is concerned that abuse and ill treatment of children are underreported.

55. **The Committee urges the State party to adopt and implement new laws explicitly prohibiting corporal punishment in all settings, including in the home, to conduct awareness-raising and public education campaigns against corporal punishment, and to promote non-violent, participatory methods of childrearing and education while taking due account of the Committee's General Comment No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (2006) as well as the recommendation in the United Nations Secretary-General's Study on Violence against Children that all corporal punishment of children be prohibited by 2009.**

6. Basic health and welfare

(art. 6; 18 (para 3); 23; 24; 26; 27 (paras 1-3) of the Convention)

Children with disabilities

56. The Committee welcomes the recently adopted Handicapped and Persons with Special Needs Act (2007) but is not sure how this instrument will affect children specifically. The Committee is concerned at the lack of data on the number of children with disabilities who are currently receiving educational services in the regular educational system. Furthermore, the Committee is concerned that current categories do not cover all categories of disability.

57. **The Committee recommends that the State party, taking into account General Comment No. 9 (2006) on the rights of children with disabilities (CRC/C/GC/9):**

(a) Ensure that all children with disabilities receive education and encourage the inclusion of children with disabilities in regular schools;

- (b) Implement the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, adopted by the United Nations General Assembly on 20 December 1993;**
- (c) Undertake an in depth study on the prevention of disabilities;**
- (d) Make greater efforts to provide the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based rehabilitation programmes, including parent support groups;**
- (e) Sign and ratify the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol.**

Health and health services

58. The Committee welcomes the variety of social programmes for the promotion of a healthy life and the health and integral development of children through increased investments in primary health care and the social missions, which have resulted inter alia in a drop in child mortality. Nevertheless, the Committee remains concerned at the high rates of neonatal and maternal mortality and declining vaccination coverage. The Committee is also concerned about the parallel nature of the health missions.

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

- (a) Strengthen its efforts to reduce neonatal and maternal mortality throughout the country by the provision of quality care and facilities;**
- (b) Continue to address the problem of malnutrition and low vaccination rates, with special emphasis on rural and remote areas and among refugees and the indigenous populations;**
- (c) Adopt and enforce the International Code of Marketing of Breastmilk Substitutes; and**
- (d) Integrate the Barrio Adentro health mission and the public health network so they complement each other, especially regarding hospital infrastructure, supply of medicines and technological equipment, qualified personnel, and quality of care and attention provided.**

Adolescent health

60. The Committee welcomes the nationwide awareness-raising programmes regarding contraception but is concerned that maternal mortality of adolescents continues to be a significant health problem and that many girls die due to unsafe abortions.

61. **The Committee recommends that the State party continue to strengthen its awareness-raising programmes involving adolescents and families regarding sexual relations and ensure compliance with Resolution 1762 of the Ministry of Education (1996) whereby pregnant teenagers have the right to continue with their studies in all the schools of the country and the State party must do its utmost to strengthen policies and programmes aimed at avoiding harmful consequences and/or the death of teenagers due to unsafe abortions.**

HIV/AIDS

62. The Committee notes that there is free access to retroviral medication for persons living with HIV/AIDS but is concerned at reports of discrimination against children and adolescents living with HIV/AIDS and the lack of adequate treatment for pregnant women to prevent mother-to-child transmission. The Committee is further concerned about underreporting and the lack of rules governing the transfer of children to other regions for treatment.

63. The Committee recommends that the State party ensure that discrimination and other forms of irregularities against children living with HIV/AIDS are corrected and provide adequate medical services for pregnant women in order to prevent mother-to-child transmission.

Standard of living

64. The Committee welcomes the State party's efforts to reduce poverty through its social programmes, especially via the missions, but remains concerned that children continue to be most affected by poverty and that measures to protect children are not sufficient.

65. The Committee recommends that the State party (a) strengthen its efforts to combat poverty, in particular evaluate the measures applied to protect children against poverty and its impact on children's development and well-being, and (b) reduce the extreme social and economic inequalities among families and children, in accordance with article 27 of the Convention.

7. Education, leisure and cultural activities (art. 28, 29 and 31 of the Convention)

Education, including vocational training and guidance

66. The Committee welcomes the fact that children's education is a top priority in terms of government policy and that progress is evident with regard to children's enrolment and expanded provisions for disadvantaged children in school. However, the Committee remains concerned that:

- (a) Enrolment rates are still not satisfactory, in particular in preschool and secondary school;
- (b) The dropout rate is high after the first grade and in upper grades;
- (c) Enrolment rates for indigenous children, Afro-descendants and children living in rural areas are low;
- (d) Bureaucratic obstacles make it hard for refugee and asylum-seeking children to continue their education; and
- (e) The quality of education is unsatisfactory.

67. The Committee recommends that the State party:

(a) Strengthen efforts to increase enrolment in preschool care and education facilities and in the higher grades of primary schools as well as in secondary schools, in particular in the rural and remote border areas and with respect to indigenous children;

(b) Facilitate the enrolment of refugee and asylum-seeking children by removing administrative obstacles to their inclusion in the educational system on an adequate grade level and ensure full implementation of their right to education;

(c) Strengthen early childhood development programmes for all children up to the age of 8 years;

(d) Effectively reduce dropout rates of children beginning their education in schools and of children in the higher grades, and provide opportunities for children who have dropped out to re-enter educational institutions;

(e) Promote the quality of education via the reform of curricula and the introduction of instruction and learning methods which stimulate the active participation of children, and train teachers in teacher training colleges as well as those in service accordingly;

(f) Include human rights education in the curriculum on all levels with a focus on the right of children to voice their view and to find respect for their views in all matters affecting them in the organization of learning and social life in schools;

(g) Provide vocational education and training enabling all children to enter the labour market with basic preparation as well as, according to capacity and motivation, specific skills training which facilitates a sound occupational life perspective.

8. Special protection measures

(art. 22; 30; 32-36; 37 (b-d); 38; 39; 40 of the Convention)

Refugee children

68. The Committee takes note of the establishment of the National Commission for Refugees and its four decentralized technical secretariats and notes the recognition that refugee children and asylum seekers should enjoy respect and have their human rights guaranteed at all times. However, it is concerned that the refugee status determination procedure is seriously hampered due to lack of shared responsibility between the National Commission for Refugees and child protection institutions.

69. The Committee recommends that the State party establish institutional agreements between the National Commission for Refugees and child protection institutions, especially the Consejo Estatal de Derechos del Niño y del Adolescente (CEDNA) centres. The Committee further recommends that the State party ensure rapid access to age-sensitive refugee status determination procedures and subsequent assistance for unaccompanied and separated children. Finally, the Committee recommends that the State party take note of the Committee's General Comment No. 6 on the treatment of unaccompanied and

separated children outside their country of origin and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

Economic exploitation, including child labour

70. The Committee notes the establishment of the National Programme of Protection of Child Workers (PRONAT) and the resources that have been allocated to prevention of the economic exploitation of children, but regrets the lack of information about the reality and extent of children engaged in labour and is concerned at allegations that children are involved in the worst forms of child labour in slavery-like conditions.

71. The Committee recommends that the State party undertake an evaluation of PRONAT, determine the numbers and categories of children working informally or formally in the economy, and take all necessary measures to protect children from economic exploitation. The Committee recommends that the State party give special attention to the worst forms of child labour in accordance with ILO Convention No. 182 (1999) on the worst forms of child labour.

Children in street situations

72. The Committee welcomes the establishment of the pilot Action Plan for children living on the streets. However, the Committee is concerned at the inadequate living conditions of these children and at the allegations of discrimination and violence by law enforcement officials.

73. The Committee recommends that the State party:

(a) Extend the pilot Action Plan for children living on the streets to all parts of the country to prevent and address the problems of street children;

(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, and provide them with adequate protection and assistance, taking into account article 12.

Sexual exploitation, trafficking and sale of children

74. The Committee notes that a Plan of Action against Sexual Abuse and Exploitation has been adopted and that general guidelines have been developed for the protection of victims of trafficking. The Committee regrets the lack of information and data on the sexual exploitation and sale of children as well as the impact of the Plan of Action.

75. The Committee recommends that the State party establish mechanisms that facilitate the implementation and monitoring of the plans and programmes of Government and NGOs on the subjects of trafficking, sexual exploitation and sale of children. The Committee invites the State party to include comprehensive information regarding these issues and the impact of the Plan of Action in its next report with reference to the Optional Protocol.

Administration of juvenile justice

76. The Committee welcomes the clear status afforded to young offenders with regard to procedural rights but notes that the system of juvenile justice is not fully in compliance with the Convention and international standards. In particular, it has not been clearly demonstrated that specialized justice is available to children or that they are systematically separated from adults in prisons.

77. The Committee recommends that the State party ensure that all juvenile justice standards are fully implemented, in particular articles 37 (b), 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ('the Beijing Rules'), the United Nations Guidelines for the Prevention of Juvenile Delinquency ('the Riyadh Guidelines') and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty ('the Havana Rules'). In particular the Committee recommends that the State party, while taking into account the Committee's General Comment No. 10 on the administration of juvenile justice (2007):

(a) Take all necessary measures, including the adoption of a permanent policy of alternative sanctions for juvenile offenders, and continue to ensure that children are held in detention only as a last resort and for as short a time as possible and that the deprivation of liberty is reviewed on a regular basis;

(b) Take all necessary measures to ensure that when detention is carried out, it is done in compliance with the law and respects the rights of the child as set out under the Convention and that children are held separately from adults both in pretrial detention and after sentencing for the entire period of deprivation of liberty;

(c) Take all necessary measures to ensure that children are not ill-treated in detention, that conditions in detention facilities are not contrary to the child's development, that their rights, including visitation rights, are not violated, and that cases involving juveniles are brought to trial as quickly as possible;

(d) Consider raising the age of criminal responsibility;

(e) Seek technical assistance and other cooperation from the Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR and NGOs.

Children belonging to minorities and indigenous peoples

78. The Committee notes that the State party has created a new Ministry to deal with indigenous issues but is concerned that, despite the efforts made, insufficient progress has been made with regard to the protection of indigenous peoples. The Committee regrets that mortality rates due to preventable diseases continue to run high amongst the indigenous population and is concerned at reports of deaths due to malnutrition. The Committee is also concerned that girls are at higher risk for sexual exploitation and that there is a tendency not to report complaints.

79. The Committee recommends that the State party enhance the situation of indigenous children by inter alia;

(a) Strengthening efforts to improve living conditions in areas inhabited by indigenous peoples.

- (b) Increasing its efforts to prevent health-related diseases and particularly malnutrition amongst indigenous children;**
- (c) Initiating programmes to reduce the sexual vulnerability of girls belonging to indigenous peoples;**
- (d) Stepping up its efforts to implement educational strategies adapted to indigenous children; and**
- (e) Creating spaces for the participation of indigenous children between themselves and with non-indigenous children.**

80. The Committee welcomes the creation of the Network of Afro-descendant Organizations and notes that there is a lack of reliable statistics and social indicators related to the situation of the Afro-descendant population. The Committee also notes that there are discriminatory practices against children of Afro-descendants.

81. The Committee recommends that the State party take steps to address these issues, *inter alia* by including specific questions regarding the Afro-descendant population in its next census or national polls in order to enhance understanding about the particular challenges faced by this population.

9. Optional Protocols to the Convention on the Rights of the Child

82. The Committee reminds the State party that its initial reports under both the **Optional Protocols to the Convention** were due in 2004 and 2005 respectively, and encourages their speedy submission, if possible, at the same time, in order to facilitate the review process.

10. Follow-up and Dissemination

Follow-up

83. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, *inter alia* by transmitting them to the members of the Council of Ministers, the National Assembly, the Citizen's Power, the Governors and Legislative Councils at the State level as well as to the Councils and Mayors at the municipal level, for appropriate consideration and further action.

Dissemination

84. The Committee recommends that the second periodic report and written replies submitted by the State party and the related recommendations (concluding observations), as adopted by the Committee, be made widely available in the different languages of the country and to the public at large, including by use of the Internet and the media so that it reaches civil society organizations, youth groups, professional groups, children and adolescents, their teachers and educational staff directors and other staff in regular contact with children and adolescents, such as physicians, district attorneys and judges, with the purpose of generating debate and awareness of the Convention, its implementation and monitoring.

11. Next report

85. The Committee invites the State party to submit its combined third, fourth and fifth reports on the implementation of the Convention by April 2011.

86. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents, approved by the 5th Inter-Committee Meeting of the Human Rights Treaty Bodies in June 2006 (HRI/MC/2006/3).