



Convention on the  
Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-eighth session

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

Concluding observations of the Committee on  
the Rights of the Child: Gambia

1. The Committee considered the initial report of the Gambia (CRC/C/3/Add.61), received on 20 November 1999, at its 739th and 740th meetings (see CRC/C/SR.739-740), held on 5 October 2001, and adopted, at the 749th meeting (CRC/C/SR.749) held on 12 October 2001, the following concluding observations.

**A. Introduction**

2. While the Committee welcomes the State party's initial report, it regrets that it does not fully follow the guidelines established by the Committee. The Committee welcomes the timely submission of written replies to its list of issues (CRC/C/Q/GAM/1), which allowed for a clearer understanding of the situation of children in the State party. The Committee is encouraged by the constructive dialogue it had with the State party and the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a high-ranking delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the rights of children in the State party.

**B. Positive aspects**

3. The Committee welcomes the inclusion of a section on the rights of the child in the 1997 Constitution.

4. The Committee welcomes the recent ratification of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

5. The Committee notes with appreciation that the State party has formulated and launched a National Nutrition Policy and Programme (2000-2004). The Committee also expresses its appreciation for the Participatory Health, Population and Nutrition Project, which was launched with support from the World Bank and the African Development Bank.

6. The Committee welcomes the HIV/AIDS Rapid Response Project (HARRP), launched in 2001, to help combat the spread of HIV/AIDS.

7. The Committee welcomes the National Disability Survey 1998, which was conducted in cooperation with UNICEF to identify the kinds of disabilities afflicting children and their geographical location, and to facilitate programming in this regard.

8. The Committee welcomes the creation of a Global Movement for Children Committee (GMC) at the National Assembly.

9. The Committee welcomes the National Education Policy 1988-2003 and notes with appreciation that the Third Education Sector Programme was recently launched to increase access to education and improve the quality and relevance of education within the State party. Finally, the Committee also welcomes the launch of the scholarship trust fund for girls, which was established in 2000 as a measure of affirmative action to promote the enrolment of girls in schools.

### **C. Factors and difficulties impeding the implementation of the Convention**

10. The Committee acknowledges that the economic and social difficulties facing the State party have had and still have a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular, it notes the impact of high external debt payments and increasing levels of unemployment and poverty, especially on children belonging to the most vulnerable groups. The Committee further notes that the limited availability of skilled human resources and the high population growth rate also adversely affect the full implementation of the Convention. The Committee also acknowledges that the coexistence of various ethnic groups and several legal systems (common law, customary law and the sharia), and the effects of traditional practices not conducive to the rights of the child, are other elements which affect the full implementation of the Convention.

### **D. Subjects of concern and recommendations**

#### **1. General measures of implementation**

##### **Legislation**

11. While noting that chapter IV of the new Constitution (1997) is entirely devoted to fundamental human rights and freedoms, with a special section on children (sect. 29), the Committee is concerned that domestic legislation, including customary law and the sharia, does

not fully reflect the principles and provisions of the Convention. The Committee is also concerned that the legislation relevant to children's rights is fragmented in different laws. The Committee expresses concern at the continued existence of customs and traditions which prevent children from fully enjoying their rights.

**12. The Committee recommends that the State party take effective measures, including a thorough review of all existing legislation, to ensure that domestic law, including customary and Islamic laws, fully conforms to the provisions and principles of the Convention on the Rights of the Child. In that respect, the Committee also encourages the State party to expedite the enactment of a comprehensive children's code. The Committee strongly recommends that the State party rapidly implement the Human Rights Promotion and Protection Programme which includes plans to harmonize domestic laws with the Convention. The Committee recommends that the State party seek technical assistance from, among others, OHCHR and UNICEF.**

### **Coordination**

13. While noting with satisfaction that a focal point has recently been appointed by the Attorney-General's Chambers and the Department of State for Justice to liaise between UNICEF and the Department in work towards the full implementation of the Convention, the Committee is concerned that the National Commission on Children's Rights, aimed at coordinating and facilitating the implementation of the Convention on the Rights of the Child as well as child-related programmes and policies, has not yet been established and that there continues to be no effective mechanism to coordinate the implementation of the Convention.

**14. The Committee recommends that the State party take all effective measures to establish the National Commission on Children's Rights and ensure the effective coordination of the implementation of the Convention at the national and local levels. For this purpose, the Committee also recommends that adequate human and financial resources be allocated and that appropriate measures be taken to include NGOs.**

### **Data collection**

15. The Committee is concerned that the data collection mechanism within the State party does not ensure the adequate collection of disaggregated data on all aspects of the Convention, monitor and evaluate progress achieved, and assess the impact of policies adopted with respect to children.

**16. The Committee recommends that the State party strengthen its efforts to establish a comprehensive mechanism to collect data, disaggregated by gender, age, minority group and rural and urban area. The State party should also develop indicators to effectively monitor and evaluate progress achieved in the implementation of the Convention and assess the impact of policies relevant to children. The data collection mechanism should incorporate all the areas covered by the Convention and cover all children below the age of 18 years, with specific emphasis on those who are particularly vulnerable. In this context, the Committee recommends that the State party seek technical assistance from, among others, UNFPA, UNDP and UNICEF.**

### **Independent monitoring mechanisms**

17. While noting that the Department for Social Welfare is currently responsible for receiving and investigating individual complaints of violation of the rights of children, the Committee notes that the mandate of the Office of the Ombudsman does not adequately cover issues relevant to children's rights. The Committee is concerned that the State party has not established an independent monitoring mechanism to receive and investigate individual complaints of violation of the rights of children.

18. **The Committee encourages the State party to expand the mandate of the Office of the Ombudsman or establish a separate monitoring mechanism to deal with complaints of violations of the rights of children and to provide remedies for such violations. This monitoring mechanism should be set up, in accordance with the Paris Principles (General Assembly resolution 48/134), to monitor and evaluate progress in the implementation of the Convention at the national and, if appropriate, at the local level, should be accessible to children, and be empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner and to address them effectively. The Committee further suggests that the State party introduce an awareness-raising campaign to facilitate the effective use by children of such a mechanism. The Committee recommends that the State party seek technical assistance from, among others, OHCHR and UNICEF.**

### **Resources for children**

19. While the Committee welcomes the strong efforts to take steps towards sustainable development, notes the increase in the budget allocations for social services and is aware of the economic and social challenges faced by the State party, it remains concerned that in light of article 4 of the Convention, not enough attention has been paid in allocating budgetary resources, at both the national and local levels, in the best interests of children "to the maximum extent of ... available resources".

20. **In light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, especially economically and geographically disadvantaged groups, to the maximum extent of available resources (at the national and local levels) and, where needed, within the framework of international cooperation. The Committee further recommends that the State party make children, particularly those in need of special protection, the target of the Poverty Reduction Strategy Paper to be finalized in December 2001.**

### **Dissemination of the Convention**

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

22. **The Committee recommends that the State party strengthen its efforts to ensure that the principles and provisions of the Convention are widely known and understood by adults and children alike. In this regard, the Committee encourages the State party to use traditional means of communication and to involve the media in its awareness-raising campaigns. The Committee recommends the reinforcement of adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel, including psychologists and social workers, personnel of childcare institutions, and traditional or community leaders. The Committee also recommends that the State party expedite the implementation of the syllabus prepared for human rights education, including children's rights, in schools. The Committee encourages the State party to take effective measures to translate the Convention into local languages. The Committee further suggests that the State party seek technical assistance from, among others, OHCHR and UNICEF.**

## **2. Definition of the child**

23. **The Committee is concerned that there is no clear legal definition of the child in the State party and that various legal minimum ages which are inconsistent with the Convention, discriminatory and/or too low have been set.**

24. **With reference to paragraph 60 of the State party's initial report, the Committee encourages the State party to take the necessary legislative measures:**

- (a) To establish a clear definition of the child in accordance with article 1 and other related principles and provisions of the Convention;**
- (b) To set the legal minimum age for marriage of girls and boys at 18 years; and**
- (c) To establish clear legal minimum ages for compulsory education, employment and enlistment in the armed forces, in accordance with the principles and the provisions of the Convention.**

## **3. General principles**

### **Non-discrimination**

25. **While noting that the 1997 Constitution sets out to eliminate all forms of discrimination, the Committee is concerned that section 33 (5) of the Constitution excludes matters of personal law such as marriage, divorce and inheritance, and matters ruled by customary law, and that the principle of non-discrimination is not adequately implemented with respect to certain vulnerable groups of children, especially girls, children born out of wedlock and children with disabilities. The Committee is particularly concerned about the limited access of these children to adequate health, education and other social services.**

26. **The Committee, with reference to paragraph 70 of the State Party's initial report, encourages the State party to amend its Constitution to exclude all forms of discrimination and to take all effective measures to implement laws, policies and programmes in order to guarantee the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to vulnerable groups of children.**

27. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of the Committee's general comment No. 1 on article 29 (1) of the Convention on the aims of education.**

#### **Respect for the views of the child**

28. The Committee notes with concern that traditional practices and attitudes still limit the full implementation of article 12 of the Convention.

29. **The Committee recommends that the State party develop a systematic approach to increasing public awareness of the participatory rights of children, particularly at the local levels and in traditional communities, and encourage respect for the views of the child in families, schools, and the care and judicial systems.**

### **4. Civil rights and freedoms**

#### **Birth registration**

30. The Committee notes that the law provides for the registration of children at birth. However, it is concerned that many children, particularly those born at home and those living in rural communities, are not registered. The Committee is also concerned that children do not easily obtain birth certificates, which are necessary for access to education.

31. **In light of articles 7 and 8 of the Convention, the Committee recommends that the State party strengthen its efforts to raise awareness among government officers, midwives, community and religious leaders and parents themselves, in order to ensure that all children are registered at birth. The Committee also recommends facilitating the issuance of birth certificates, for example by combining birth registration with the automatic and issuance of a free birth certificate.**

#### **Corporal punishment**

32. The Committee expresses grave concern that corporal punishment is still practised and accepted in schools, families, and care and juvenile detention institutions, and as a punishment in the penal system.

33. **The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment as a penal sanction within the juvenile justice system, in schools and care institutions, as well as in families. The Committee encourages the State party to reinforce its public awareness campaigns to promote positive, participatory, non-violent forms of discipline as an alternative to corporal punishment at all levels of society.**

## **5. Family environment and alternative care**

### **Recovery of maintenance for the child**

34. The Committee notes that the Maintenance Act (Cap. 44:03, Laws of the Gambia) obliges parents to provide financial support to children and that the Department of Social Welfare has assisted the parents to obey this Act. While noting the socio-economic challenges within the State party, the Committee expresses concern that the amount allocated for the payment of maintenance for children is generally insufficient and is often decided on ad hoc bases.

35. **The Committee recommends that the State party take effective measures to review its policies, guidelines and procedures for the administration and implementation of the Maintenance Act in order to ensure the adequate and effective recovery of maintenance for children.**

### **Protection of children deprived of a family environment**

36. The Committee expresses concern at the increasing number of children deprived of a family environment and the inadequate facilities and services for them. The Committee also notes with concern the absence of an independent complaint mechanism for children in alternative care institutions, the inadequate review of their placement in institutions as well as the lack of available trained personnel in this field. Concern is also expressed at the insufficient financial and human resources allocated for alternative care, as well as to the Department of Social Welfare.

37. **The Committee recommends that the State party take effective measures to improve alternative care through, inter alia, the allocation of adequate financial and human resources, including to the Department of Social Welfare. It further recommends that the State party provide additional training, including in children's rights, for social and welfare workers, ensure the periodic review of placements in institutions and establish an independent complaints mechanism for children in alternative care institutions.**

### **Adoption and foster care**

38. While noting that the Adoption Act (1992) provides for the regulation of adoptions (domestic and intercountry), the Committee expresses concern that informal adoptions, which are generally not monitored with respect to the best interests of the child, are more widely

accepted and practised within the State party. While the Committee notes the efforts of the State party to introduce a foster care programme, it is concerned that “informal foster care” within the extended family system is still preferred.

**39. In light of article 21 of the Convention, the Committee recommends that the State party strengthen administrative procedures for formal domestic and intercountry adoptions, in order to prevent the abuse of the practice of informal adoption and guarantee the protection of the rights of children. In light of the increasing number of children deprived of a family environment, the Committee recommends that the State party promote and encourage formal adoptions and reinforce its foster care programme. Additionally, the Committee encourages the State party to accede to the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption.**

#### **Abuse/neglect/abandonment/maltreatment/violence**

40. The Committee is concerned about the high and increasing incidence of physical and sexual abuse of children, including in schools, care institutions and at home. Concern is also expressed about the lack of awareness of and information on domestic violence, ill-treatment and abuse (sexual, physical and psychological) of children and the insufficient financial and human resources allocated for programmes to combat abuse against children.

**41. In light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse (including sexual abuse within the family) in order to adopt policies which will help to change attitudes and improve the prevention and treatment of cases of violence against children. The Committee encourages the State party to consider introducing an effective system for reporting cases of abuse, including sexual abuse, of children. It also recommends that cases of domestic violence, ill-treatment and abuse of children be properly investigated within a child-sensitive judicial procedure and that sanctions be applied to perpetrators, with due regard given to protecting the right to privacy of the child. In accordance with article 39 of the Convention, measures should be taken to ensure the rehabilitation of victims as well as perpetrators. Efforts should also be made to prevent the criminalization and stigmatization of child victims of abuse. The Committee recommends that the State party seek technical assistance from, among others, UNICEF and UNDP.**

## **6. Basic health and welfare**

### **Right to health and access to health services**

42. The Committee notes the efforts of the State party to improve health care for children through, *inter alia*, the National Nutrition Policy and the Participatory Health, Population and Nutrition Project. However, the Committee is concerned at the insufficient number of trained medical personnel; the lack of medicines, equipment and support for health workers; the high maternal, child and infant mortality rates; the high rate of malnutrition; the increasing incidence of HIV/AIDS; the high incidence of malaria and acute respiratory infections; poor sanitation and limited access to safe drinking water, especially in rural areas.



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

(a) **Allocate sufficient resources to reinforce its policies and programmes to improve health care for children;**

(b) **Take all effective measures to increase the number of trained medical and other health personnel, including traditional healers; facilitate cooperation between trained medical personnel and traditional healers, especially midwives; reduce the incidence of maternal, child and infant mortality; increase access to safe drinking water; improve sanitation; prevent and combat malnutrition; and reduce the incidence of malaria and acute respiratory infections;**

(c) **Take all effective measures to facilitate greater access to health services by, inter alia, abolishing or rationalizing cost-sharing in primary health care to reduce the burden on poor families;**

(d) **Continue its cooperation, through the Integrated Management of Childhood Illnesses and other measures for child health improvement, with, among others, WHO and UNICEF.**

#### **Adolescent health**

44. The Committee expresses its concern with respect to the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, violence, suicides, mental health, alcohol and substance abuse, and, especially, early and forced marriage and early pregnancy and STDs.

45. **The Committee recommends that the State party strengthen adolescent health policies, including reproductive health education. Further, the Committee suggests that a comprehensive and multidisciplinary study be undertaken to assess the scope of adolescent health problems. It also recommends that the State party undertake awareness-raising campaigns to discourage early and forced marriages. Additionally, it recommends that the State party allocate adequate human and financial resources to increase the number of social workers and psychologists and to develop youth-sensitive care, counselling and rehabilitation facilities for adolescents. It is further recommended that the State party seek technical assistance from, among others, UNICEF and WHO.**

#### **HIV/AIDS**

46. While noting the launch of the HIV/AIDS Rapid Response Programme, the Committee remains extremely concerned at the high incidence and increasing prevalence of HIV/AIDS amongst adults and children and the resulting number of children orphaned by HIV/AIDS. In this regard, the Committee is concerned at the lack of alternative care for these children.

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

(a) **Increase its efforts to prevent HIV/AIDS and take into consideration the recommendations the Committee adopted at its day of general discussion on children living in a world with HIV/AIDS (CRC/C/80, para. 243);**

(b) **Urgently consider ways of minimizing the impact upon children of the HIV/AIDS-related deaths of parents, teachers and others, in terms of children's reduced access to a family life, adoption, emotional care and education;**

(c) **Involve children in formulating and implementing preventive policies and programmes; and**

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

#### **Female genital mutilation**

48. While the Committee notes the launch in March 1997 of the First National Action Plan for the Eradication of Female Genital Mutilation, it remains concerned that female genital mutilation (FGM) is not prohibited by law and is still widely practised in the State party. Concern is also expressed about the persistent use of other harmful traditional practices, including early, consanguine and forced marriages.

49. **The Committee recommends that the State party take legislative and awareness-raising measures to combat and eradicate the persistent practice of FGM and other traditional practices harmful to the health, survival and development of children, especially girls. The Committee urges the State party to introduce sensitization programmes for practitioners and the general public to encourage change in traditional attitudes and discourage harmful practices.**

#### **Children with disabilities**

50. The Committee is concerned about the inadequate legal protection and the insufficient facilities and services for children with disabilities. Concern is also expressed at the limited number of trained teachers available to work with children with disabilities, as well as the insufficient efforts made to facilitate their inclusion into the educational system and generally within society. The Committee also notes with concern the inadequate resources allocated to special education programmes for children with disabilities.

51. **In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations adopted by the Committee at its day of general discussion on "The rights of children with disabilities" (CRC/C/69, paras. 310-339), it is recommended that the State party:**

(a) **Take effective measures to collect adequate statistical data on children with disabilities and to ensure the use of such data in the development of policies and programmes for these children;**

- (b) Reinforce its efforts to develop early detection programmes to prevent disabilities;**
- (c) Implement alternatives to the institutionalization of children with disabilities;**
- (d) Establish special education programmes for them and, where feasible, integrate them into mainstream schools and public life;**
- (e) Undertake awareness-raising campaigns to sensitize the public about the rights and special needs of children with disabilities as well as children with mental health concerns;**
- (f) Increase resources, both financial and human, allocated to special education and enhance the support given to families of children with disabilities; and**
- (g) Seek technical cooperation for the training of professional staff, including teachers, working with and for children with disabilities from, among others, WHO and UNESCO.**

### **Right to an adequate standard of living**

52. The Committee is concerned about widespread poverty and the increasingly high numbers of children who do not enjoy the right to an adequate standard of living, including children belonging to poor families, street children, child beggars, refugee and asylum-seeking children, and children living in remote rural communities.

53. **The Committee recommends that in accordance with article 27 of the Convention, the State party reinforce its efforts to provide support and material assistance to economically disadvantaged families and to guarantee the right of children to an adequate standard of living. In this connection, the Committee recommends that the State party pay particular attention to the rights and needs of children when introducing its Poverty Reduction Strategy and all other programmes intended to improve the standard of living in the country. In this regard, the Committee encourages the State party to coordinate its efforts with civil society and local communities.**

## **7. Education**

### **Right to and aims of education**

54. The Committee notes the efforts of the State party to improve the situation of education in the country, including the recent launching of the Third Education Sector Programme. Nevertheless, the Committee expresses concern that primary education is not free in practice, which further limits access to education, especially for girls, children from economically disadvantaged families and those living in remote rural communities. Concern is also expressed regarding low enrolment and high drop-out and repetition rates, insufficient numbers of trained

teachers, an insufficient number of schools and classrooms, lack of relevant learning material, and geographical disparity in enrolment rates and access to education. The Committee is particularly concerned about the high rate of illiteracy within the State party, especially in relation to girls. In light of article 29 (1) of the Convention, the Committee is also concerned about the quality of education within the State party.

**55. The Committee urges the State party to take legal and other measures to guarantee the right to education for all children within its territory. The Committee recommends that the State party take effective measures, including the allocation and distribution of adequate financial, human and technical resources, to make primary education free, train teachers, including female teachers effectively, enhance the quality of education and improve the literacy rate. It is further recommended that the State party reinforce its efforts to increase enrolment in schools by, inter alia, abolishing and/or rationalizing user fees at all levels of the educational system. The State party should pay particular attention to the quality of education, in light of article 29 (1) and the Committee's general comment No. 1 on the aims of education. It is recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO.**

## **8. Special protection measures**

### **Refugee, asylum-seeking and unaccompanied children**

56. The Committee is concerned about the inadequate standards, procedures and policies to guarantee and protect the rights of refugee, asylum-seeking and unaccompanied children, including their access to adequate education, health and other social services.

**57. The Committee recommends that the State party take effective legal and other measures to ensure adequate protection of refugee, asylum-seeking and unaccompanied children and implement further policies and programmes to guarantee their access to health, education and social services. The Committee further recommends that the State party introduce training programmes for immigration officers and others involved in the custody, interrogation and treatment of refugee and asylum-seeking children. The Committee encourages the State party to reinforce its cooperation with UNHCR.**

### **Street children**

58. The Committee expresses grave concern at the high and increasing number of street children. In particular, the Committee notes their limited access to health, education and other social services as well as their vulnerability to police brutality, sexual abuse and exploitation and economic exploitation.

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

**(a) Take all effective measures to ensure that street children are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, to support their full development;**

**(b) Ensure that these children are provided with preventive and rehabilitative services for physical, sexual and substance abuse, protection from police brutality, and services for reconciliation with their families; and**

**(c) Undertake a study to assess the scope and the causes of the phenomenon and consider establishing a comprehensive strategy to address the high and increasing number of street children with the aim of preventing and reducing this phenomenon.**

### **Child beggars**

60. The Committee is concerned at the high number of children who are begging in the streets. The Committee notes that these child beggars, referred to as almudus, are scholars under the guardianship of Islamic religious education teachers called marabouts. The Committee is concerned at their vulnerability to police brutality, sexual abuse and exploitation and economic exploitation.

**61. The Committee recommends that the State party conduct a study in order to better assess the scope of this phenomenon and introduce programmes to discourage and prevent child begging, and to involve the Islamic religious education teachers or marabouts in these programmes.**

### **Economic exploitation**

62. In light of the current economic situation and the increasing number of school drop-outs, the Committee is concerned about the large number of children engaged in labour and the lack of information and adequate data on the situation of child labour and economic exploitation within the State party. The Committee also notes with concern that there is no legal minimum age for employment in accordance with ILO Convention No. 138 concerning Minimum Age for Admission to Employment. Grave concern is expressed about the increasing number of child labourers, including domestic servants.

**63. The Committee encourages the State party to introduce monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation, particularly in the informal sectors. It is further recommended that the State party undertake a comprehensive study to assess the situation of child labour, including in the informal sector, children working on the streets and domestic workers. The Committee urges the State party to establish a clear legal minimum age for employment.**

### **Sexual exploitation and sexual abuse**

64. The Committee is concerned about the large and increasing number of child victims of commercial sexual exploitation, including for prostitution and pornography, especially among child labourers and street children. Concern is also expressed at the insufficient programmes for the physical and psychological recovery and social reintegration of child victims of such abuse and exploitation.

65. **In light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to assessing the scope of commercial sexual exploitation of children, including for prostitution and pornography, and implementing appropriate preventive and rehabilitative policies and programmes for child victims. The Committee also encourages the State party to pursue its efforts to adopt a national plan of action against commercial sexual exploitation of children, taking into account the recommendations formulated in the Agenda for Action adopted at the 1996 World Congress against Commercial Sexual Exploitation of Children.**

#### **Administration of juvenile justice**

66. The Committee notes that a National Committee on Juvenile Justice was established in 1998 to consider measures to strengthen preventive and reintegrative processes in the juvenile justice system. The Committee also notes that a separate prison wing for juvenile offenders was opened in March 2000, to ensure that juveniles are separated from adults in detention. However, the Committee is deeply concerned at the possibility that a child may be sentenced to the death penalty. The Committee is also concerned at the low age of criminal responsibility (seven years), the absence of juvenile courts and juvenile judges, and the lack of social workers and teachers to work in this field.

67. **The Committee recommends that the State party take all appropriate measures to implement a juvenile justice system in conformity with the Convention, in particular articles 37, 39 and 40, and with other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and the Vienna Guidelines for Action on Children in the Criminal Justice System.**

68. **In addition, the Committee recommends that the State party:**

- (a) Prohibit the use of the death penalty, life imprisonment and whipping;**
- (b) Raise the age of criminal responsibility;**
- (c) Undertake all necessary measures to ensure the establishment of juvenile courts and the appointment of trained juvenile judges;**
- (d) Use deprivation of liberty (institutionalization) only as a measure of last resort and for the shortest possible period of time;**
- (e) Guarantee separation from adults in prison and in pre-trial detention places all over the country;**
- (f) Ensure that children remain in contact with their families while in the juvenile justice system;**

- (g) Abolish the use of corporal punishment within the juvenile justice system;**
- (h) Strengthen rehabilitation and reintegration programmes;**
- (i) Consider seeking technical assistance from, among others, OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice.**

#### **9. Optional Protocols and amendment to article 43 (2) of the Convention**

69. The Committee notes that the State party has signed but not ratified the two Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, and has not yet accepted the amendment to article 43 (2) of the Convention for an expansion of the Committee from 10 to 18 members.

70. **The Committee encourages the State party to ratify the two Optional Protocols to the Convention on the Rights of the Child and urges the State party to accept the amendment to article 43 (2) of the Convention.**

#### **10. Dissemination of documents**

71. **Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.**

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