

# What difference has the Convention on the Rights of the Child made?

A short version of Save the Children Sweden's study on the impact of the Convention on the Rights of the Child, "What happened?"



**Save the Children**  
Sweden

*Save the Children fights for children's rights. We influence public opinion and support children at risk, in Sweden and in the world.*

*Our vision is of a world in which the UN Convention on the Rights of the Child has been translated into practical reality, and all children's rights are fulfilled.*

*Such a world is one which:*

- respects and values each and every child;*
- listens to, and is prepared to learn from, children;*
- gives every child hope and opportunity.*

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# Concluding Observations

## **A brief overview**

THE CONCLUDING OBSERVATIONS of the Committee on the Rights of the Child indicate concerns and issues which require specific follow-up actions by the State Parties. As the Convention on the Rights of the Child (CRC) celebrates its 20th anniversary, it is an opportune time to ask how the concluding observations has resulted in positive and lasting changes in the lives of the children. Save the Children Sweden has attempted to study the impact of the concluding observations at the national level, based on Save the Children's experience in Estonia, Nepal, Peru, Uganda and Yemen.

The purpose of this study was to collect evidence to determine to what extent the international monitoring mechanism of the CRC has led to positive changes for children and to identify gaps in this process.

The study will be used as a tool for debate, articles and initiatives towards government officials and parliamentarians in view of the 20th anniversary of the CRC. It will support advocacy around the monitoring mechanism of the CRC to create long lasting changes for children. The study hopes to also inspire other countries to undertake similar exercises in their own countries.

This document provides a brief overview of the study, the CRC reporting trends and conclusions. At the end, it provides a snapshot of the situation in different countries. To read the full version of the report, please visit [shop.rb.se](http://shop.rb.se).

## **Conclusions of the study**

### **Impact of the Concluding Observations at the National Level**

The concluding observations of the Committee are being implemented to a large extent at national level. The broad impact of the concluding observations is as follows:

- Administration of justice and violence: The concluding observations in these areas were generally more specific which led to more concrete changes than in the areas of health and education.
- Legislation: Changes in legislation were the easiest to track especially when the Committee requested that specific legislation be amended or repealed. In most cases, the countries examined in this study made the legislative changes requested by the Committee. Every country in this study was in the process of reviewing Children's Codes, particularly in the area of violence, perhaps due to the momentum following the UN Study on Violence against Children (2006). Where legislative changes clashed with a deeper set of traditional attitudes, legislative changes were harder to achieve. This was

evident in Yemen, in increasing the age of criminal responsibility, and in Nepal in outlawing traditional practices that were harmful to the health of children.

- **Collection of data:** The concluding observations had a strong impact at the national level with regards to the collection of data, particularly through studies. The Committee was often very specific in its request for States Parties to collect data or carry out studies in a particular subject area. Generally these studies were carried out, mostly in cooperation with universities, research institutions or non-governmental organisations (NGOs).
- **Training:** As requested by the Committee, there was an increase in both the number of training sessions and the types of professionals being trained. However, training was in most cases still neither systematic nor widespread and often limited to urban areas.
- **Technical assistance:** States Parties were also eager to follow through with recommendations to request technical assistance. Although United Nations agencies generally provided support, the direct impact in this area was weak. This was due to the fact that the Committee did not take advantage of the preparatory process, such as the pre-sessional working group meetings, in order to establish in advance where UN agencies would be willing and able to provide technical assistance in keeping with their own plans of action in each country. In many cases, the requests were of such a vague nature that almost anything that an agency was doing with the government concerned could be looked at as implementing the concluding observations.
- **Awareness on children's rights:** Recommendations to increase awareness about children's rights were being implemented to a large extent. Human rights had been introduced into school curriculums although this has not always been systematic, across all grades and in all national languages. Where the Committee recommended awareness raising campaigns on specific issues such as violence or adolescent health issues, these have generally been undertaken often in cooperation with UN agencies or civil society organisations.

### ***Obstacles to Implementation***

Although the results of this study show that the concluding observations of the Committee are being implemented to a large extent at the national level, it is difficult to determine whether the Committee's recommendations have directly led to progress being made at national level. All that can be determined from this study is that the Committee made recommendations and in some cases these suggestions were implemented. Too many other factors are at play at national level to determine cause and effect.

In many cases, the NGOs and UN agencies working at the national level use the concluding observations in their programming and planning who ensure that the concluding observations are acted upon. Moreover, many countries have deeply embedded traditions that recognise human and children's rights that also fuel work in this area.

The main obstacle to implementation was most likely the concluding observations themselves. Some factors can be attributed as follows:

- **Lack of specificity:** The earliest concluding observations were lacking in specificity. They were composed of general statements rather than being a list of recommended actions. As the concluding observations became more specific, it would have been easier for States to better implement the CRC at national level. The lack of specificity hurt the most in the areas of health and education. Every country in this study was requested in every concluding observation that they needed to implement economic, social and cultural rights to the maximum extent of available resources. The recommendation itself is not specific enough to be implemented at the national level. It would perhaps be better to suggest that spending in a particular area be increased (such as spending on HIV/AIDS in Uganda) or decreased (such as military spending in Nepal) rather than telling countries to use resources to the maximum extent.
- **Budgetary limitations:** Lack of appropriate budgets remained an important obstacle to implementation particularly in the areas of health and education. For example, although Uganda changed its legislation to make primary education free, the lack of funding has made it difficult to provide enough classrooms and materials to all students. In Peru, budgetary constraints made it difficult to provide health care to children living in remote and rural areas. Once again the need for the concluding observations themselves to be more specific and time bound rather than simply recommending that budget allocations be increased would assist States Parties in their implementation.
- **Political instability:** This was another factor that impeded the implementation of the concluding observations, particularly in the area of the administration of juvenile justice. In Peru and Nepal once armed conflict ceased certain restrictive laws impeding children's rights were repealed or amended. In the case of Nepal, the end of the conflict has even led to an opportunity to institutionalise children's rights in the new Constitution.

### ***Improving the Impact***

In order to improve the impact that the concluding observations are having at the national level, it is essential that the concluding observations themselves be improved. The concluding observations must be country specific, limited in time and provide concrete solutions that can be realistically implemented at national level. Without recommendations that fit these criteria, it is difficult for States Parties to effectively implement the concluding observations.

- The concluding observations must also be looked at as a tool in an ongoing process rather than a one off set of recommendations.
- They must build on previous concluding observations and be consistent in terms of recommended actions and language. This would assist States Parties in moving towards full implementation of the CRC in a coherent and steady manner.
- The pre-sessional process must also be better used to ensure that the recommendations made are relevant and practical.
- UN agencies and NGOs must be consulted on possible areas where technical assistance could be provided or studies could be supported to better ensure follow-up at the national level.

With strong concluding observations, implementation at national level will improve which will lead to even more long lasting changes for children.

## **Overview of the study**

The objective of this study was to document examples where the concluding observations made by the Committee have led to legislative, administrative or other measures being implemented. The study focused on the concluding observations relating to the general measures of implementation and their impact on health (Article 24); protection (Articles 19 and 40) and education (Articles 28 and 29). The four general principles of the Convention on the Rights of the Child (non-discrimination; the best interests of the child; the right to life and survival; and the right to be heard) underpinned the analysis.

The study focused on five countries, Estonia, Nepal, Peru, Uganda and Yemen, with the idea that the Save the Children office or partner organisations there will be able to use this report for national advocacy. The study looked at the various types of recommendations of a legislative or administrative nature in the areas of health, education, violence and juvenile justice in order to determine general trends with regards to the implementation of the concluding observations.

In order to document changes that have been made as a result of the concluding observations, periodic State Party reports and NGO reports were examined in order to determine where progress had been made and where obstacles have impeded the implementation of the concluding observations.

## **The CRC reporting process**

Every country that has agreed to protect children's rights in the CRC must continually measure their progress and identify gaps. Currently, the primary mechanism for ensuring that governments are accountable to their obligations in the CRC is the periodic reporting process. Every State that has ratified the CRC must monitor the implementation of the CRC within their authority, and submit periodic reports to the Committee on the Rights of the Child (the Committee). This Committee has been established under Article 43 of the CRC. In total, the Committee has considered over 400 reports in 17 years, an average of 24 reports a year.

State Parties are required to submit their first report two years after ratification of (or accession to) the CRC, and subsequently are required to report periodically every five years. Following the examination of each report, the Committee issues concluding observations, which make recommendations for follow-up action at the national level.

Non-governmental organisations are also encouraged to report to the Committee and to provide an alternative report on the government's progress and gaps. Including the thoughts, ideas and opinions of children is critical to this process.

## **General Measures of Implementation**

In its first meeting in October 1991, the Committee adopted guidelines for States Parties to use when submitting their initial reports. These guidelines are known as the general measures of implementation.

In celebration of the 10th anniversary of the CRC in 1999, the Committee held a two day workshop focusing on general measures of implementation which led to the elaboration and adoption of a general comment on general measures of implementation in 2003. In General Comment No. 5, the Committee examined in detail articles 4, 42 and 44(6) of the CRC. General comments, which are based on the Committee's experience in monitoring State Party reports, provide a detailed interpretation of the rights contained in the articles and provisions of the CRC. General comments may also assist States Parties in fulfilling their reporting obligations and are a useful analysis and explanation of treaty obligations. General Comment No. 5 particularly highlights legislative, administrative and other measures to make CRC a reality.

## **Reporting trends**

The study provides an overview of reporting trends in the following areas:

Legislative Measures	Training and Capacity Building
Justiciability	Cooperation with Civil Society
National Plan of Action	International Cooperation
Coordination	Independent Human Rights Institutions
Decentralisation	Making the Convention Known
Privatisation	Ratification of Key International Human Rights
Monitoring Implementation	Instruments
Data Collection and Analysis	Reservations
Budget Allocation	

## **Legislative Measures**

The Committee frequently recommended that States Parties take legislative measures to address issues on the administration of juvenile justice and violence.

The most common recommendation was to review legislation to ensure that the juvenile justice system was in full compliance with Articles 37, 39 and 40 of the CRC, as well as the Beijing Rules, the Riyadh Guidelines and the UN Rules for Protection of Juveniles Deprived of their Liberty. This was mentioned in all five of the concluding observations.

The review of legislation has taken place in all countries and is reflected in minor adjustments made to the laws governing the administration of juvenile justice. The Committee has particularly highlighted the following areas:

- Lowering the age of criminal responsibility has been requested by the Committee, specifically for Nepal (10) and Yemen (7). Currently, no efforts were being made in either country to raise the age to an internationally acceptable level.

- Amending or repealing specific legislations, such as the Terrorist and Disruptive Ordinance in Nepal (and a similar legislation in Peru), which allowed security forces to arrest and detain any person suspected of being associated with armed groups, including children. These were repealed much later, as the armed conflict in the countries ended.
- Development of children's rights statutes and codes was appreciated by the Committee; however, they found that these codes were not always in line with the CRC. The legislation adopted in other areas (such as penal law) was not always in conformity with the codes. Where the Committee made explicit requests to amend or repeal a piece of legislation, States Parties were fairly responsive.
- Review or adoption of legislation to improve administration of juvenile justice, was recommended by the Committee. These included establishing juvenile courts, using deprivation of liberty as a measure of last resort and separating children from adults in prisons. In Nepal, the weak legal system and in Yemen, the weak birth registration system was of concern to the Committee.
- Promotion of legislative measures to address physical and mental violence, including corporal punishment. All countries were requested to explicitly prohibit corporal punishment and ill-treatment of children in the family, schools and other institutions. Although corporal punishment has not yet been prohibited by legislation in all settings in any of the countries under review, some progress had been made. Legislative reform is currently being undertaken in all countries and prohibiting violence against children is under consideration.

In the areas of health and education, legislative measures were almost never recommended as a way of ensuring that the CRC was being implemented at national level. The only exception to this was in the case of female genital mutilation (FGM) and other traditional practices harmful to the health and well being of children. The Committee requested in Uganda, Yemen and Nepal that legislative measures should be used to prohibit these practices.

### ***Justiciability***

Justiciability<sup>1</sup> is an area which only received limited attention from the Committee. The most common concern was the need to deal effectively with complaints to ensure prompt access to justice, legal aid and assistance for children. In Nepal, the Committee questioned the basic right to a fair trial and the need to ensure full independence and impartiality of the juvenile judiciary.

### ***National Plan of Action***

The Committee strongly recommends that State Parties develop a comprehensive national strategy or national plan of action for children that covers all areas of the Convention. In its General Comment No. 5, the Committee suggested that national plans of action on

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1. Justiciability refers to matters that can be settled by law or by the action of a court.

specific areas may be developed, which highlight specific goals, targeted measures and allocation of financial and human resources. Recommendations in this area were few and limited to the area of violence against children.

The Committee recommended that the outcome of the UN Study on Violence against Children be used to develop a comprehensive strategy to address child abuse, neglect and violence against children. In Estonia, the Committee requested development of a comprehensive strategy on preventing violence in schools. The Ministry of Education and Research in Estonia, has developed a programme to reduce and prevent bullying and violence in schools, and has included such activities in the overall Strategy for Guaranteeing the Rights of the Child.

### **Coordination**

Coordination was covered in a general manner with no specific references to the themes under consideration.

### **Decentralisation**

The decentralisation of power was only of concern for the Committee in two countries, Peru and Nepal.

The Committee was particularly concerned by the regional disparities in access to and condition of basic health care services and education, for children living in rural and remote areas. The Committee also highlighted the need to increase measures to reduce economic and social disparities between urban and rural areas to prevent discrimination against the most disadvantaged groups.

### **Privatisation**

Privatisation was not covered in the countries under consideration.

### **Monitoring Implementation**

The need to monitor and evaluate legislation, policies and programmes received little attention. Although General Comment No. 5 suggests that child impact evaluations be carried out to ensure that all provisions of the CRC are being respected, the Committee only mentioned this in one of its concluding observations for Peru.

The Committee pointed out to Nepal the need to establish an effective mechanism for receiving, monitoring and investigating complaints of violence and abuse. In Peru, the Committee requested enforcement of existing monitoring mechanisms, especially for looking into complaints from children in conflict with the law.

## **Data Collection and Analysis**

In addition to a national data collection system, the Committee often requests that studies be carried out in order to collect data on particular issues. For each of these studies, the Committee requested that the results be used to assess progress and design policies and programmes to address the problems. The Committee also pointed out where data collection systems were weak.

Studies recommended by the Committee cover many areas such as female genital mutilation (Yemen), adolescent health problems (Nepal and Uganda), high drop-out rates in school (Estonia) and violence against children (Estonia, Uganda, and Nepal). This is one area where almost all the Committee's recommendations were carried out. The Committee also requested data collection systems to be strengthened in areas such as statistical data on children in conflict with the law and adolescent health issues (Yemen); data collection on health issues (Nepal); disaggregated data on child victims of abuse and ill-treatment (Estonia); and adequate national data collection system (Peru).

## **Budget Allocation**

The need to ensure that States were implementing economic, social and cultural rights to the maximum extent of available resources was of primary concern to the Committee. In the areas of health and education, the Committee found that all countries had not taken sufficient measures to ensure that resources were being used to the maximum extent for children. This concern was repeated for every country and each time they appeared before the Committee. The Committee also requested particular attention to vulnerable, disadvantaged and marginalised groups. During the 1990's, the negative effects of structural adjustment programmes were of particular concern for the Committee who noted in General Comment No. 5 that "economic policies are never neutral in their effect on children's rights".

In the area of health, the State Parties were asked to ensure the provision of adequate resources particularly in the area of HIV/AIDS, adolescent health programmes, mortality rates, vaccination uptakes, nutrition status and management of communicable diseases and malaria. In terms of education, the Committee requested adequate resource allocation for primary and secondary education with a focus on vocational education and pre-primary education.

## **Training and Capacity Building**

The need to develop and provide systematic and on-going training (both in-service and pre-service) on human rights, especially children's rights, for all professional groups working for and with children was highlighted in all the concluding observations. In particular, the Committee suggested that members of the police and security forces, judges, magistrates, lawyers, law enforcement officials, personnel working in places of detention for children, staff of correctional facilities, social workers, psychologists, personnel working in child care institutions, health personnel, teachers and school administrators receive training. A special attention was paid to personnel working in remote and rural areas. The Committee on occasion highlighted

the need for training in specific areas such as strengthening of training programmes on relevant international standards for judges, law enforcement officials and correctional officers. In some cases, training for specific groups was recommended. In general, States Parties have provided training on human rights and in some cases children's rights but this training has been neither systematic nor ongoing in any country.

### ***Cooperation with Civil Society***

Although the Committee promotes the need to engage all sectors of society in the implementation of the Convention, recommendations to work with civil society were few and limited to combating violence against children. These recommendations were made during a period when the ground-breaking UN Study on Violence against Children was being conducted with tremendous support from NGOs.

In Peru and Uganda, general recommendations to work with civil society and international NGOs were made while in Nepal, the Committee requested that the government cooperate with NGOs in preventing the criminalisation and stigmatisation of victims of violence and abuse.

### ***International Cooperation***

Based on Article 4 of the CRC, the Committee requests that the CRC be used as a framework for any type of international development assistance. The Committee also encourages State Parties to seek technical assistance from international agencies, with regards to the implementation of specific provisions of the CRC.

Overall, international cooperation and technical assistance programmes are numerous in the countries under review. Some of the assistance programmes do touch on the general areas recommended by the Committee such as health, education and violence against children, but as the concluding observations were not specific in its technical assistance requests, it is almost impossible to determine whether or not State Parties took these requests seriously.

### ***Independent Human Rights Institutions***

There were no specific recommendations on the areas under consideration.

### ***Making the Convention Known***

The implementation of Article 42 of the CRC also falls under the heading of General Measures of Implementation. Article 42 requires State Parties to make the principles and provisions of the Convention widely known to both children and adults. General Comment No. 5 suggests that a comprehensive strategy be developed to disseminate information about the Convention throughout society in all national languages as well as child friendly versions. It also points to the need to incorporate the CRC into the school curriculum at all levels in order to make the CRC known and understood by children.

State Parties were recommended to conduct public education campaigns to raise awareness about particular issues. The target audience for these campaigns should include all sectors of society such as professionals working with and for children, parents, teachers and children themselves. Campaigns on the negative impact of corporal punishment and ill-treatment of children and the use of non-violent forms of discipline were suggested in all countries with a particular focus on violence in schools. Awareness raising campaigns were also highlighted in the area of adolescent health care. Although all countries included the teaching of human rights in schools, none had done so systematically and throughout all levels. In all countries, the Committee recommended that adolescents be informed about reproductive health rights, including prevention of sexually transmitted diseases including HIV/AIDS and early pregnancies.

### ***Ratification of Key International Human Rights Instruments***

Ratification of international human rights instruments was not an area highlighted by the Committee in its concluding observations on these topics.

Nepal, the sole exception, was asked to ratify the Convention against Discrimination in Education (1960) and the Convention on Technical and Vocational Education (1989). These UN Educational, Scientific and Cultural Organization (UNESCO) Conventions have still not been ratified. The only other mention of international instruments was the request by the Committee for Peru to take into account human rights obligations when negotiating trade agreements as these may have an impact on access to affordable essential medicines for children.

### ***Reservations***

No recommendations were made in this area on the topics under consideration.

# National reports

Following are the key features of concluding observations and their impact in Estonia, Peru, Nepal, Uganda and Yemen:

<b>Estonia</b>	
<p><b>REMARKS</b> Estonia has only reported to the Committee once in 2003. As a result its concluding observations were more detailed.</p>	<p><b>AREAS OF CONCERN FOR THE CRC COMMITTEE</b> <b>Violence against children; adolescent health; high repetition, drop-out and non-attendance rates in schools; dissemination and implementation of the CRC and human rights education; formulating measures with full participation of adolescents.</b></p>
<p><b>OVERVIEW OF CONCLUDING OBSERVATIONS</b></p>	<ul style="list-style-type: none"> <li>• Undertake legislative reform in the existing Child Protection Act;</li> <li>• develop a comprehensive strategy to deal with violence against children with adequate allocation of resources;</li> <li>• collect disaggregated data on child victims of abuse;</li> <li>• conduct a study to assess the causes, nature and extent of child abuse;</li> <li>• formulate a strategy for reducing and preventing violence in schools;</li> <li>• undertake public education campaigns on positive non-violent forms of discipline;</li> <li>• integrate CRC into the legislation and practice of the juvenile justice system;</li> <li>• ensure that children have access to legal aid and independent and effective complaints mechanisms.</li> <li>• Ensure that economic, social and cultural rights of all children are implemented to the maximum extent of available resources;</li> <li>• ensure adequate resources to implement and strengthen programmes on adolescent health, especially in schools;</li> <li>• conduct a study to determine the causes of high repetition, drop-out and non-attendance rates in schools;</li> <li>• strengthen, expand and ensure continuity of the dissemination and implementation of the CRC, including in Russian and minority languages, to children and parents, civil society and all sectors and levels of the state.</li> </ul>
<p><b>STEPS TAKEN BY THE STATE</b></p>	<ul style="list-style-type: none"> <li>• The Strategy for Guaranteeing the Rights of the Child developed to prevent mistreatment of children, assist them and raise community awareness (2003);</li> <li>• a survey conducted on the experience of and attitudes towards sexual mistreatment of young people (2004);</li> <li>• the State Legal Aid Act (2005) developed which guarantees the availability of competent legal services to all persons, including children;</li> <li>• National Plan on Domestic Violence 2008-2011 adopted (2006);</li> </ul>

- amendment to Article 31 of the Child Protection Act undertaken, which prohibits humiliating, frightening and corporally punishing children (2007);
- a study focused on children's perspectives on violence and mistreatment undertaken (2007).
- A programme for preventing bullying and violence in schools developed;
- campaigns, information events and debates in the media organised on the issue of child abuse;
- in the Development Plan to reduce Juvenile Crime (2007-2009), the best interests of the child and the child's right to life, safety and development have been included as the basic principles;
- a study conducted on high drop out rates in schools;
- human rights education is included at all levels of the school curriculum.

## Nepal

### REMARKS

A new Constitution is currently being drafted in Nepal. This is an opportunity to bring children's rights into the Constitution itself.

### AREAS OF CONCERN FOR THE CRC COMMITTEE

**Juvenile justice; age of criminal responsibility (10 years); violence against children with a particular focus on corporal punishment; human rights education and awareness raising; adolescent health; budgetary allocation; international cooperation.**

### OVERVIEW OF CONCLUDING OBSERVATIONS

- Review legislation to ensure full implementation of the CRC and particularly the juvenile justice standards;
- raise the age for criminal responsibility;
- establish a juvenile court system;
- amend the Terrorist and Disruptive Ordinance, which granted security forces wide powers to arrest and detain any suspected person, including children;
- conduct specific training on the CRC for judges and law enforcement officials.
- Establish a task force of relevant international organisations;
- develop a technical assistance programme with the Office of the High Commissioner for Human Rights (OHCHR) on law reform and training of professionals.
- Corporal punishment of children should be prohibited in the family, schools and other institutions;
- conduct a study on the causes and scope of child abuse and domestic violence;
- carry out a public education campaign on positive discipline;
- prioritise budgetary allocations for health and education;
- undertake a comprehensive study on the extent and nature of adolescent health problems; incorporate reproductive health education, CRC and human rights education in the school curriculum;
- seek international assistance in the area of education.

STEPS TAKEN BY THE STATE	<ul style="list-style-type: none"> <li>• The age of criminal responsibility has not been raised;</li> <li>• juvenile benches, composed of judges, social workers, child specialists or child psychologists established in 75 district courts (2000), however these benches are not active and lack training;</li> <li>• the Terrorist and Disruptive Ordinance has been done away with (2006);</li> <li>• CRC and juvenile justice training workshops organised for police officers, judges and law professionals; CRC integrated into curriculum of the Police Academy.</li> <li>• A helpline established to provide support and assistance to children who are victims of abuse (1999), but this is not a nationwide service;</li> <li>• OHCHR established a field office in Nepal to “monitor the observance of human rights and international humanitarian law” (2005);</li> <li>• a new Children’s Rights Act is ready to be tabled which includes a ban on corporal punishment (2005);</li> <li>• a three year campaign to end corporal punishment, sexual abuse and bullying in schools launched (2008);</li> <li>• CRC education incorporated in grades 8 to 10 and in the teacher training curriculum.</li> </ul>
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<b>Peru</b>	
REMARKS	<p>The political violence and terrorism in the early 1990’s in Peru heavily influenced the initial concluding observations of the Committee. As the terrorism situation waned, the State has been fairly responsive to the Committee’s concerns.</p>
OVERVIEW OF CONCLUDING OBSERVATIONS	<p style="text-align: center;">AREAS OF CONCERN FOR THE CRC COMMITTEE</p> <p style="text-align: center;"><b>Juvenile justice; CRC training; violence against children; international cooperation; budgetary allocation on health and education; regional disparities in access to health care and education; adolescent health issues; HIV/AIDS; indigenous children.</b></p> <ul style="list-style-type: none"> <li>• Amend the juvenile justice system to bring it in conformity with the CRC;</li> <li>• specific laws need particular attention;</li> <li>• widely publicise provisions of the CRC;</li> <li>• seek technical assistance on juvenile justice and police training from OHCHR and other UN bodies;</li> <li>• undertake legislative measures to prevent and combat domestic violence and corporal punishment in all settings;</li> <li>• introduce provisions into the Criminal Code which specifically address violence within the family, schools, institutions and other care facilities.</li> <li>• Conduct public education campaigns against corporal punishment and to promote non-violent, participatory methods of child rearing and education;</li> <li>• implement recommendations of the UN Study on Violence against Children to take action;</li> <li>• reinforce monitoring mechanisms;</li> </ul>

#### STEPS TAKEN BY THE STATE

- expand the toll free child helpline in order to reach children living in remote areas.
  - Increase budget allocations especially for indigenous children;
  - ensure access to basic health care for children living in rural and remote areas and indigenous children;
  - develop a comprehensive system of data collection on the implementation of the Convention, particularly with regard to indigenous children.
  - Conduct campaigns on adolescent reproductive health rights and HIV/AIDS;
  - seek support from UN agencies to monitor and evaluate the situation of children; to develop child-friendly counselling services and to deal with increased cases of HIV/AIDS amongst children;
  - take into account human rights obligations when negotiating trade agreements;
  - address disparities in access to education and health services between rural and urban areas;
  - extend school coverage, improve quality of schools, make bilingual education more relevant.
  - Target resources for education in the national budget;
  - provide adequate and systematic training to teachers on children's rights;
  - strengthen coordination amongst the various mechanisms.
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- Several laws related to the age of criminal responsibility and punishment for children in conflict with the law modified;
  - Children's Code under review by a Commission.
  - Limited training provided to law enforcement professionals, however the police have received training on violence, abuse, child sexual exploitation and trafficking;
  - the State is working closely with UN agencies on juvenile justice and in improving the conditions of juveniles in conflict with the law;
  - a law on protection against domestic violence and a law criminalising sexual violence adopted.
  - Corporal punishment is still not explicitly prohibited in any setting but it is forbidden in schools by a Supreme Decree (2001);
  - a Commission working to modify the relevant articles to prohibit corporal punishment in the family;
  - law on protection against family violence modified.
  - A campaign on preventing physical, psychological and sexual mistreatment as well as preventing all types of discrimination carried out;
  - research conducted on mistreatment and child sexual abuse;
  - results used to develop a number of services including the creation of a child help line.
  - Access to health and health services in rural and remote areas inadequate;
  - system of data collection on indigenous children lacking.
  - Campaign undertaken on reproductive health rights and HIV/AIDS addressed to adolescents;
  - much work has been done in the area of HIV/AIDS, with international cooperation; there have been some advances in bilingual education.

## Uganda

### REMARKS

The initial report of Uganda was submitted in 1996. The Children's Act came into force in 2000. The Uganda Law Reform Commission is currently reviewing the Children's Act in order to identify contradictions and missing provisions.

### AREAS OF CONCERN FOR THE CRC COMMITTEE

**Juvenile Justice, CRC and human rights training; child abuse and neglect; corporal punishment; violence within the family; HIV/AIDS; FGM; budgetary allocation especially towards health care; adolescent health issues and education.**

### OVERVIEW OF CONCLUDING OBSERVATIONS

- Reform the juvenile justice system in keeping with the CRC and other international instruments;
- ensure prompt access to legal assistance and judicial review;
- improve training programmes on relevant international standards for all professionals involved in the juvenile justice system;
- develop a national strategy and campaign to combat child abuse and neglect and physical and mental violence;
- implement the recommendations of the UN Study on Violence against Children;
- establish effective mechanisms to receive, monitor and investigate complaints.
- Prevent transmission of HIV/AIDS to children and eliminate discriminatory attitudes towards children infected and affected by HIV/AIDS;
- ban female genital mutilation (FGM) and encourage a change in traditional attitudes by engaging families and traditional and religious leaders.
- Increase budgetary allocations to improve health care, with emphasis on mortality rates, vaccination uptakes, nutrition status, HIV/AIDS and malaria;
- increase public expenditure in the education sector to combat low levels of enrolment in the higher grades;
- reinforce systematic training of teachers, in rural and remote areas, focusing on human rights education.

### STEPS TAKEN BY THE STATE

- A four-year pilot programme on juvenile justice established;
- family and children's courts created in some districts but are not yet fully functional;
- a juvenile justice training and strategy workshop conducted in collaboration with OHCHR, however understanding of child related policies is still limited;
- a high level meeting to discuss alternatives to corporal punishment as a means of disciplining children in Uganda organised (1999);
- corporal punishment is prohibited in schools (2006);
- corporal punishment abolished as a sentence for crimes (2007);
- Prison's Act makes it unlawful to use corporal punishment as a disciplinary measure (2006), however enforcement of these provisions is difficult;
- an in-depth study on violence against children conducted (2005).
- A National Policy on Young People and HIV/AIDS developed to prevent and control the transmission of HIV/AIDS and to assess its impact on children;
- a few districts passed by-laws making female genital mutilation illegal but there is still no national law banning it;
- a nationwide information and communication campaign has been undertaken on adolescent health issues.

## Yemen

### REMARKS

So far, Yemen has received three concluding observations.

### AREAS OF CONCERN FOR THE CRC COMMITTEE

**Age of criminal responsibility (7 years); birth registration; conformity of legislation with the CRC; FGM; corporal punishment; budget allocation for children; CRC and human rights education.**

### OVERVIEW OF CONCLUDING OBSERVATIONS

- Raise the age of criminal responsibility to an “internationally acceptable level”;
- strengthen the birth registration system;
- develop an alternative sentencing system for children in conflict with the law;
- review legislation in order to bring it into line with the CRC and other international instruments;
- provide CRC training for judges, lawyers, law enforcement officials, care-givers, health personnel, particularly to those working in remote and rural areas.
- Undertake all necessary measures to eradicate female genital mutilation;
- ensure a net increase in budgetary allocations for children especially in areas of health and education;
- strengthen efforts to include human rights education in the school curricula at all levels.
- As a matter of urgency review existing legislation and explicitly prohibit all forms of corporal punishment and in particular abolish by law the possibility of sentencing a child to any form of physical punishment.

### STEPS TAKEN BY THE STATE

- The age of criminal responsibility still remains fixed at 7 years;
- amendments have been made to the Juvenile Act in 1997 and implementing regulations were adopted (2000);
- the Child Rights Act (2002) brings national law more into line with the CRC, but there are still contradictions;
- birth registration procedures have been strengthened (2006) but require more efforts;
- human rights modules have been incorporated in teacher training programmes;
- lack of training activities on the CRC for health professionals;
- CRC incorporated in the kindergarten curriculum, but it has not been incorporated in the basic education curriculum.
- A Ministerial Decree (2001) banned female genital mutilation in governmental and private health clinics, but it continues in homes;
- a national plan of action to fight FGM was drafted by the Supreme Council for Motherhood and Childhood (2008), the plan has not yet been approved by the Parliament;
- budget allocation for health and education remains insufficient;
- a Ministry of Education Decree (1996) bans corporal punishment in schools, but it is still used as a disciplinary measure;
- a manual on alternatives to corporal punishment (2008) developed and is being used to train teachers, social workers and parents.



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