

## **CHILDREN'S RIGHTS - ABUSE**

### **III. CONCLUDING OBSERVATIONS, CONTINUED**

#### **CERD**

- Suriname, CERD, A/59/18 (2004) 36 at para. 195.

195. The Committee is disturbed at reports of growing sexual exploitation of children and the rape of girls belonging to indigenous and tribal peoples in regions where mining and forestry operations have developed.

The Committee recommends that the State party take the necessary measures to ensure that those responsible are prosecuted.

#### **ICCPR**

- Philippines, ICCPR, A/59/40 vol. I (2003) 15 at para. 63(17).

(17) The Committee is concerned that the measures of protection of children are inadequate and the situation of large numbers of children, particularly the most vulnerable, is deplorable. While recognizing that certain legislation has been adopted in this respect, many problems remain in practice, such as:

...

(b) persistent reports of ill-treatment and abuse, including sexual abuse, in situations of detention and children being detained together with adults where conditions of detention may amount to cruel, inhuman and degrading treatment (art. 7);

(c) street children vulnerable to extrajudicial executions and various forms of abuse and exploitation;

...

The State party should:

(a) Expedite the adoption of legislation governing juvenile justice which complies with international standards of juvenile justice in accordance with article 10, paragraph 3, of the Covenant. The Committee recommends that training for professionals in the area of administration of juvenile justice be enhanced and that human and financial resources for effective implementation of the new legislation be secured;

(b) Devise programmes for street children which offer support and assistance. Support to relevant non-governmental organizations is encouraged in this respect;

...

## CHILDREN'S RIGHTS - ABUSE

- Lithuania, ICCPR, A/59/40 vol. I (2004) 52 at para. 71(9).

(9) The Committee is concerned that incidents of domestic violence against women and children are rising. While noting the efforts made by the State party to combat domestic violence, including the National Equal Opportunities Programme and the Action Plan on Violence against Children, the Committee notes that there is no special legislation relating to domestic violence within the legal system (arts. 3 and 7).

The State party should take all necessary measures, including the enactment of appropriate legislation, to deal with domestic violence. New legislation should include the introduction of restraining orders as a means of protecting women and children from violent family members. The State party should continue its efforts to provide shelters and other support for victims of domestic violence and take measures to encourage women to report domestic violence to the authorities, and to make police officers more sensitive in their handling of allegations of domestic violence, including rape and its psychological impact on the victim.

- Belgium, ICCPR, A/59/40 vol. I (2004) 56 at para. 72(28).

(28) The Committee takes note of the new Act designed to boost the protection of children against the various forms of sexual exploitation, but is concerned at the frequency with which cases of sexual violence involving children occur (art. 24).

The State party should take all necessary steps to protect children in all areas in order to put an end to the cases of sexual violence of which they are victims.

- Liechtenstein, ICCPR, A/59/40 vol. I (2004) 61 at para. 73(8).

(8) The Committee regrets the persistence of domestic violence against women and children in the State party (arts. 3 and 7).

The State party should take all necessary measures to combat domestic violence, punish offenders and provide material and psychological relief to the victims.

- Albania, ICCPR, A/60/40 vol. I (2004) 25 at para. 82(20).

(20) While noting the policies established by the State party, the Committee is still concerned with the abuses, exploitation, maltreatment and trafficking of children, *inter alia* child labour, as well as with the lack of information regarding that situation in the State party (arts. 23 and 24).

## CHILDREN'S RIGHTS - ABUSE

The State party should reinforce measures to combat abuse and exploitation of children, and establish public awareness-raising campaigns regarding children rights.

- Mauritius, ICCPR, A/60/40 vol. I (2005) 52 at para. 88(10).

(10) While taking note of the new Protection from Domestic Violence Act 1997 and its amendment in 2004, the establishment of support structures for victims and awareness-raising programmes, including training for police officers and prosecutors to ensure that cases of violence are not considered as private matters, the Committee regrets that the number of domestic violence cases reported by concurring non-governmental sources remains high (Covenant, arts. 3 and 7).

The State party should strengthen its measures aimed at preventing and reducing cases of domestic violence against women and children and address obstacles such as economic dependence on their partners that prevent women from reporting such violence.

- Slovenia, ICCPR, A/60/40 vol. I (2005) 74 at para. 93(14).

(14) The Committee is concerned about the lack of information about abuse, exploitation and maltreatment of children in the State party (arts. 23 and 24).

The State party should reinforce measures to combat abuse, exploitation and maltreatment of children, and strengthen public awareness-raising campaigns regarding children's rights.

## ICESCR

- Jamaica, ICESCR, E/2002/22 (2001) 130 at paras. 937 and 950.

937. The Committee is profoundly concerned about the violence that has apparently become widespread in the State party. It is reported that over 1,000 people have been murdered in the year 2001 alone and that "tribal" politics is such that warlords rule large sections of the capital city where they are involved in extortion, drugs and prostitution. The Committee is particularly concerned that violence - including domestic and sexual violence - is committed against women of all ages and against children. According to reports from non-governmental organizations, children are regularly flogged and even threatened with weapons and child-rearing practices include corporal punishment of children in the home and in schools. The fact that these acts are committed with impunity constitutes a serious violation by the State party of its Covenant obligations.

...

## CHILDREN'S RIGHTS - ABUSE

950. The Committee calls upon the State party to exercise the full authority of the law and all means at its command to eradicate the scourge of violence. The Committee reminds the State party that in undertaking measures to combat violence, respect for human dignity and protection of human rights must be ensured at all times...

- Benin, ICESCR, E/2003/22 (2002) 34 at paras. 172 and 191.

172. The Committee is deeply concerned at the practice of *vidomegon* - the placement of children in domestic service in families where they all too often suffer abuse, violence and exploitation. It is also very concerned about the trafficking in children, both within the country and with other States in the region.

...

191. The Committee invites the Government to take all effective legislative, economic and social measures to end the practice of *vidomegon* and to conduct campaigns to alert families, in particular in the poorest parts of the country, to the issue. It urges the State party to step up its efforts to combat trafficking in children, by passing legislation and by entering into agreements with the countries that receive such children.

- Solomon Islands, ICESCR, E/2003/22 (2002) 65 at paras. 458 and 471.

458. The Committee is alarmed at the high incidence of domestic violence against women and children in the State party.

...

471. The Committee urges the State party to adopt and implement effective legislative and administrative measures to protect members of the family, particularly women and children, from domestic violence. The Committee recommends that the State party establish support services for victims of domestic violence and take steps to sensitize law enforcement officials and the general public to the gravity of this issue.

- Iceland, ICESCR, E/2004/22 (2003) 39 at para. 218.

218. The Committee welcomes the adoption of the new Child Protection Act containing a comprehensive set of provisions and of new amended rules concerning, *inter alia*, measures to protect children from neglect and ill-treatment at home.

- Republic of Moldova, ICESCR, E/2004/22 (2003) 49 at paras. 311 and 333.

311. The Committee is concerned about the large number of children placed in institutions,

## CHILDREN'S RIGHTS - ABUSE

especially those with slight mental disabilities. The Committee is also concerned that children left in the care of relatives or other persons while their parents travel abroad in search of employment are at risk of abuse and neglect.

...

333. The Committee recommends that the State party strengthen its efforts to reduce the number of children living in institutions, including by strengthening family support measures and by developing alternative forms of family care. The State party should ensure that children in institutions as well as all other children deprived of their natural family environment grow up in an atmosphere of emotional and material security.

- Lithuania, ICESCR, E/2005/22 (2004) 18 at paras. 88 and 110.

88. The Committee is concerned about the problem of street children in the State party as well as the lack of information about children placed in institutions.

...

110. The Committee urges the State party to combat the phenomenon of street children as a matter of priority. In this regard, the State party should take effective measures to address the root causes of neglect, abuse and abandonment, particularly through increased assistance to families with children...

- Greece, ICESCR, E/2005/22 (2004) 23 at paras. 137 and 158.

137. The Committee notes with concern that physical and sexual abuse of children seems to occur at a relatively high rate.

...

158. The Committee recommends that the State party remedy the lack of social workers with a view to improving its assistance to children suffering from physical and sexual abuse...

- Ecuador, ICESCR, E/2005/22 (2004) 39 at paras. 289, 291, 314 and 316.

289. The Committee is deeply concerned about the high incidence of sexual abuse, prostitution of girls and boys under the age of 18 in urban areas, exploitation of children and the lack of a comprehensive strategy to address these problems.

...

291. The Committee is concerned that domestic violence is widespread and does not constitute a criminal offence in the State party. The Committee is also concerned by the narrow definition of rape as a criminal offence in the Ecuadorian Criminal Code.

...

## CHILDREN'S RIGHTS - ABUSE

314. The Committee urges the State party to address the issues of sexual abuse, prostitution of girls and boys and exploitation of children by adopting a comprehensive strategy to address these problems...

...

316. The Committee urges the State party to take effective measures to combat domestic violence, including through the effective application of the existing laws and awareness-raising campaigns. It also strongly urges the State party to amend its Criminal Code with the view to redefining the crime of rape to reflect international standards and to protect women and children.

- Chile, ICESCR, E/2005/22 (2004) 67 at paras. 549 and 573.

549. The Committee is concerned about the high number of children working in the sex industry in the State party.

...

573. The Committee recommends that the State party strengthen measures to combat sexual abuse and commercial sexual exploitation of children and provide victims of such abuse with adequate care.

- Zambia, ICESCR, E/2006/22(2005) 19 at paras. 93 and 115.

93. The Committee is concerned about the large number of street children, especially in the capital, Lusaka, who are particularly exposed to physical and sexual abuse, prostitution, and a high risk of HIV infection.

...

115. The Committee reiterates the recommendation made by the Committee on the Rights of the Child at its thirty-third session in 2003 (CRC/C/132, chap. II, para. 220) and, in particular, that street children be provided with preventive and rehabilitative services for physical and sexual abuse, as well as adequate food, clothing, housing, health care and educational opportunities. In this regard, the Committee on Economic, Social and Cultural Rights requests the State party to provide in its next periodic report further information about the District Street Children Committees and the Zambia National Service's street children rehabilitation programme.

- Serbia and Montenegro, ICESCR, E/2006/22 (2005) 41 at paras. 284, 296, 311 and 323.

284. The Committee is...concerned about the high incidence of child abuse in the State party.

## CHILDREN'S RIGHTS - ABUSE

...

296. The Committee regrets the absence of information on mental health services in the State party's report, including provision of psychological rehabilitation to victims of physical and sexual violence and other traumatizing experiences related to armed conflict.

...

311. The Committee urges the State party to take effective measures to ensure the immediate protection and long-term rehabilitation of abused children...

...

323. The Committee requests the State party to ensure the provision of adequate counselling and other assistance to victims of physical and sexual violence and other traumatizing experiences related to armed conflict, in particular women and children...

### CEDAW

- Fiji, CEDAW, A/57/38 part I (2002) 9 at paras. 58 and 59.

58. The Committee notes with concern the high incidence of ethnic and gender-based violence against women in periods of civil unrest. It is concerned that, despite the State party's positive initiatives to address gender-based violence, there are high levels of domestic violence and sexual abuse of girls and women. The Committee is also concerned that the social customs on the husband's right of chastisement, and "bulu bulu", gives social legitimacy to violence. The Committee also notes that the Evidence Bill, which introduces reforms in procedures with respect to sexual offences, has not yet been adopted.

59. The Committee requests the State party to strengthen its initiatives to combat gender-based violence and adopt the proposed laws on domestic violence and sexual offences very early, prohibiting practices that legalize violence against women. In particular, it calls on the State party to reinforce its "no drop" policy by prohibiting the reconciliation of cases of rape and sexual assault on the basis of the "bulu bulu" custom. The Committee recommends the early passage and entry into force of the Evidence Bill.

- Portugal, CEDAW, A/57/38 part I (2002) 35 at paras. 333 and 334.

333. The Committee is concerned that incest is not defined explicitly as a crime under the Penal Code but is dealt with indirectly under a number of different penal provisions.

334. The Committee urges the State party to include incest as a crime in the Penal Code so as to make it easier for women and girls who are victims of incest to have access to effective means of redress and protection.

## CHILDREN'S RIGHTS - ABUSE

- Saint Kitts and Nevis, CEDAW, A/57/38 part II (2002) 90 at paras. 105 and 106.

105. ...The Committee is concerned about the high incidence of sexual abuse of girls, particularly by older men...

106. The Committee urges the State party to enhance its efforts to combat violence against women and girls, in accordance with general recommendation No. 19. It also encourages the State party to come up with creative solutions for shelters for victims of violence, adopt a zero tolerance approach to the sexual abuse of girls, and establish telephone help lines, rehabilitation programmes for offenders, and educational programmes targeted at men and boys on the prevention of violence and the reform of traditional negative attitudes towards women. The Committee also urges the State party to prosecute the perpetrators of abuse against girls...

- Belgium, CEDAW, A/57/38 part II (2002) 95 at paras. 151 and 152.

151. The Committee is concerned about the high incidence of violence, including domestic violence, against women and children in the State party. In particular, the Committee is concerned that the mediation procedure established to facilitate reconciliation between the offender and the victim might condone violence by facilitating disadvantageous compromise. The Committee also expresses concern about the fact that Belgium's law does not define sexual crime as a human rights violation and classifies sexual abuse as a crime of morality rather than as a violent crime.

152. The Committee calls on the State party to intensify its efforts to address the issue of violence against women, including domestic violence, as an infringement of human rights. In particular, the Committee urges the State party to formulate appropriate measures and laws in conformity with general recommendation 19 to prevent violence, punish and rehabilitate offenders, and provide services for victims.

- Norway, CEDAW, A/58/38 part I (2003) 61 paras. 419 and 420.

419. The Committee is concerned about the persistence of violence, including domestic violence, against women and children in Norway. It is further concerned that this violence, the extent of which is unknown, is regarded as falling into the private sphere. The Committee is furthermore concerned that a predominant and growing number of women who seek refuge in shelters for battered women are migrants. It is also concerned that an extremely low percentage of reported rapes results in convictions and that the police and public prosecutors dismiss an increasing number of such cases.

## CHILDREN'S RIGHTS - ABUSE

420. The Committee urges the State party to intensify its efforts to address the issue of violence against women, including domestic violence, as an infringement of women's human rights. In particular, the Committee urges the State party to undertake appropriate measures and introduce laws in conformity with general recommendation 19 to prevent violence, prosecute and rehabilitate offenders, and provide support services and protection for victims. The Committee also urges the State party to initiate research and analysis of the causes of the very low percentage of trials and convictions in reported rape cases.

- Morocco, CEDAW, A/58/38 part II (2003) 101 at paras. 168 and 169.

168. The Committee is concerned that there is a lack of specific legislation to eliminate violence against women and girls, including domestic violence, and violence against domestic workers.

169. The Committee recommends that the State party expedite the adoption and implementation of a national strategy to combat violence against women. This would include the collection of sex-disaggregated data on all forms of violence, research into the extent of violence against women and girls including domestic violence and the adoption of specific legislation on domestic violence. In the light of its general recommendation 19, the Committee calls upon the State party to ensure that all forms of violence against women are prosecuted and punished adequately and that victims have immediate means of redress and protection. The Committee requests the State party to ensure the full sensitization and training of law enforcement officials, the judiciary and the public on all forms of violence against women and girls. The Committee also urges the State party to take steps towards the protection of domestic workers and to ensure that restrictions on child labour are enforced.

- Ecuador, CEDAW, A/58/38 part II (2003) 122 at paras. 311 and 312.

311. Although the Constitution guarantees the protection of children and adolescents from trafficking, prostitution, pornography and sexual exploitation, and the law defines the corruption of minors as a serious offence, the Committee is concerned that many such activities are not explicitly defined as serious offences by the Penal Code and that there is insufficient protection for the victims of such offences. The Committee is also concerned at the lack of studies, analyses and gender-disaggregated statistics on the incidence of these activities. The Committee is also concerned that sexual abuse is not defined as an offence...

312. The Committee recommends that the Penal Code should severely penalize these serious offences against children and adolescents, that the appropriate measures should be taken to protect and rehabilitate the victims and that the appropriate studies and analyses should be conducted to enable the Government to deal effectively with the situation...

## CHILDREN'S RIGHTS - ABUSE

- Japan, CEDAW, A/58/38 part II (2003) 130 at paras. 361 and 362.

361. While acknowledging legal and other measures by the State party to address violence against women, the Committee is concerned about the prevalence of violence against women and girls and about women's apparent reluctance to seek assistance from existing public institutions. It is concerned that the Law for the Prevention of Spousal Violence and the Protection of Victims currently does not cover forms of violence other than physical violence. It is also concerned that the penalty for rape is relatively lenient and that incest is not defined explicitly as a crime under the Penal Code but is dealt with indirectly under a number of different penal provisions...

362. The Committee calls upon the State party to intensify its efforts to address the issue of violence against women, including domestic violence, as an infringement of their human rights. In particular, the Committee urges the State party to broaden the Law for the Prevention of Spousal Violence and the Protection of Victims so as to include different forms of violence, increase the penalty for rape and include incest as a specific crime in its penal legislation, and implement policies in accordance with the Committee's general recommendation 19, in order to prevent violence; provide protection, support and other services to the victims; and punish offenders...

- Benin, CEDAW, A/60/38 part II (2005) 116 at paras. 149 and 150.

149. The Committee is concerned about the absence of policies and programmes, including legislation, to address violence against women and the economic exploitation and ill-treatment of young girls employed as domestic servants. The Committee is particularly concerned about the perception prevalent in the State party that violence against women, particularly domestic violence, is a private matter, and about the reluctance of women to report incidents of violence committed against them. The Committee also expresses its concern about the paucity in the report of information and statistics on violence against women.

150. The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to combat violence against women and girls, in accordance with its general recommendation 19 on violence against women. The Committee calls on the State party to enact legislation on domestic violence, including marital rape, and legislation concerning all forms of sexual abuse, and to ensure that women and girls, including domestic servants, who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee recommends that training be undertaken for the judiciary and public officials, particularly law enforcement personnel, and for health-service providers, so as to ensure that they are

## CHILDREN'S RIGHTS - ABUSE

sensitized to all forms of violence against women and can adequately respond to it. It also recommends the implementation of awareness-raising campaigns, through the media and public education programmes, and working towards a zero-tolerance policy on all forms of violence against women...

- Guyana, CEDAW, A/60/38 part II (2005) 136 at paras. 305 and 306.

305. While welcoming the adoption of the National Strategic Plan for HIV/AIDS 2002-2006, the Committee notes with concern the high and growing prevalence of HIV/AIDS among women, especially younger women, who are particularly vulnerable because of unequal power relations and limited socio-economic opportunities. The Committee is especially concerned that the low minimum age of sexual consent (13 years) puts young women and girls at particular risk of becoming victims of sexual exploitation and infection with the virus.

306. The Committee urges the State party to strengthen attention to the gender dimensions in its efforts to combat the HIV/AIDS pandemic. It calls on the State party to increase its emphasis on men's responsibilities in preventing the spread of the disease, including through awareness-raising and prevention campaigns, and the implementation of education programmes on sexual and reproductive health and rights directed at both women and men, including the provision of condoms. It also urges the State party to increase the minimum age of sexual consent to protect girls effectively against sexual exploitation.

## CAT

- Egypt, CAT, A/58/44 (2002) 22 at paras. 41 and 42.

41. The Committee is concerned about the following:

...

(d) The many reports of abuse of under-age detainees, especially sexual harassment of girls, committed by law enforcement officials, the lack of monitoring machinery to investigate such abuse and prosecute those responsible, and the fact that minors kept in places of detention have contact with adult detainees;

...

42. The Committee recommends that the State party:

...

(j) Halt all practices involving abuse of minors in places of detention and punish the perpetrators, and ban the holding of under-age detainees with adult detainees;

...

## CHILDREN'S RIGHTS - ABUSE

- Greece, CAT, A/60/44 (2004) 20 at paras. 47 and 48.

47. The Committee notes that many of the concerns it expressed during the consideration of the third periodic report (A/56/44, para. 87) have not been adequately addressed, and will be reiterated in the present concluding observations. Consequently, the Committee expresses its concern at:

...

(k) The reported prevalence of violence against women and girls, including domestic violence, and the reluctance on the part of the authorities to, *inter alia*, adopt legislative measures to counter this phenomenon;

(l) The inadequate measures taken to protect children picked up by the Security Police and taken into State care during the period 1998-2003. In particular, the Committee notes that of the approximately 600 children taken to the Aghia Varvara children's institution, 500 reportedly went missing and that these cases were not promptly investigated by a judicial authority;

...

48. The Committee recommends that the State party:

...

(l) Adopt legislation and other measures to combat violence against women, within the framework of plans to take measures to prevent such violence, including domestic violence, and to investigate all allegations of ill-treatment and abuse;

(m) Review the modalities for protecting street children, in particular to ensure that those measures protect their rights. All decisions affecting children should, to the extent possible, be taken with due consideration for their views and concerns, with a view to finding an optimal, workable solution. The Committee urges the State party to take measures to prevent the recurrence of cases such as the Aghia Varvara children's institution. It should also ensure that a judicial investigation is carried out...

...

- Albania, CAT, A/60/44 (2005) 34 at paras. 83 and 84.

83. The Committee expresses concern:

...

(o) At the reported prevalence of violence against women and girls, including sexual and domestic violence, and the reluctance on the part of the authorities to, *inter alia*, adopt legislative and other measures to counter this phenomenon.

84. The Committee recommends that the State party:

...

## CHILDREN'S RIGHTS - ABUSE

(o) Adopt measures to combat sexual violence and violence against women, including domestic violence, and promptly and impartially investigate all allegations of torture or ill-treatment with a view to prosecuting those responsible;

...

### CRC

- Mauritania, CRC, CRC/C/111 (2001) 8 at paras. 60 and 61.

60. The Committee notes with concern that there is no procedure available for children who are abused and/or neglected within the family.

61. In light of article 19 of the Convention, the Committee recommends that the State party:

(a) Establish effective procedures and mechanisms to receive, monitor and investigate complaints about child abuse and neglect, including intervention where necessary;

(b) Prosecute cases of ill-treatment, ensuring that the abused child is not victimized in legal proceedings;

(c) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of ill-treatment cases; and

(d) Provide proper alternative placement when this is in the best interest of the child.

- Kenya, CRC, CRC/C/111 (2001) 21 at paras. 122, 123 and 134-137.

122. The Committee is concerned about the high and increasing incidence of physical and sexual abuse of children, including in schools and care institutions. Concern is also expressed about the lack of awareness 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 of children.

123. In the 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 adequate policies and contribute to changing attitudes. The Committee encourages the State party to consider introducing an effective reporting system for child abuse cases, including sexual abuse of children. It also recommends that cases of domestic violence, ill-treatment and abuse of children be properly investigated in a child-sensitive judicial procedure and sanctions applied to perpetrators, with due regard

## CHILDREN'S RIGHTS - ABUSE

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 and of perpetrators. Efforts should also be made to prevent the criminalization and stigmatization of children who are victims of abuse. The Committee recommends that the State party seek technical assistance from, *inter alia*, UNICEF, WHO and UNDP.

...

134. ...The Committee notes with regret the reported incidents of sexual abuse and exploitation of children in the school environment.

135. ...The Committee strongly encourages the State party to take effective measures to protect children, especially girls, against sexual abuse and violence in the school environment and to facilitate care and the rehabilitation of child victims in this regard...

136. ...Concern is...expressed regarding the prevalence of sexual abuse and violence against girls in and around refugee camps...

137. The Committee recommends that the State party take effective legal and other measures to ensure adequate protection of refugee, asylum-seeking and unaccompanied children, especially girls, and to implement further policies and programmes to guarantee their adequate access to health, education and social services...

- Portugal, CRC, CRC/C/111 (2001) 48 at paras. 234 and 235.

234. The Committee notes the State party's recent initiative to develop mechanisms allowing doctors, teachers and other relevant professionals to lodge complaints of alleged sexual abuse or exploitation of children (Law 99 of 25 August 2001).

235. The Committee recommends that the State party:

(a) Strengthen the monitoring of and collection of data on cases of abuse and neglect of children;

(b) Make it mandatory for professionals to report to an appropriate body cases of abuse, including sexual abuse, and ensure the provision of appropriate training and adequate protection for professionals called upon to make such reports;

(c) Ensure the provision of rehabilitation assistance to child victims of abuse.

- Cameroon, CRC, CRC/C/111 (2001) 71 at paras. 365, 366, 379 and 380.

## CHILDREN'S RIGHTS - ABUSE

365. While noting that child abuse is a crime under article 350 of the Penal Code, and that a national study on violence and abuse against children has been launched by the Ministry of Social Affairs, the Committee is deeply concerned at the very high incidence of abuse within family and in schools in the State party and at the lack of statistical data in this regard.

366. The Committee recommends that the State party:

(a) Complete as soon as possible the study on violence at home and in schools undertaken by the Ministry of Social Affairs, and assess the scope, nature and causes of such violence, in order to adopt effective measures and policies, in conformity with article 19 of the Convention, and to contribute to changing attitudes;

(b) Properly investigate cases of domestic violence and violence in schools through a child-sensitive judicial procedure, and that sanctions be applied to perpetrators, due regard being given to guaranteeing the right to privacy of the child;

(c) Give appropriate weight to children's views in legal proceedings, provide support services to child witnesses in legal proceedings, and services for physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention; and take measures to prevent the criminalization and stigmatization of victims;

(d) Seek technical assistance from, *inter alia*, UNICEF.

...

379. ...The Committee is...concerned at the very high prevalence of violence against, and sexual abuse of children in schools.

380. The Committee recommends that the State party:

...

(g) Take measures against teachers who are violent and abusive towards students;

...

- Gambia, CRC, CRC/C/111 (2001) 89 at paras. 458 and 459.

458. 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.

459. The Committee recommends that the State party conduct a study in order to better

## CHILDREN'S RIGHTS - ABUSE

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.

- Cape Verde, CRC, CRC/C/111 (2001) 135 at paras. 634 and 635.

634. The Committee is concerned at incidents of abuse, including sexual abuse and incest, and the mistreatment of children in the family. The Committee is concerned, in addition, at the incidence of domestic violence, which has a negative impact on children.

635. The Committee recommends that the State party make every effort:

(a) To monitor and record incidents of abuse, including sexual abuse and incest, mistreatment of children and domestic violence, including violence against women in the family, making particular efforts to improve data collection on these concerns;

(b) Effectively investigate cases of domestic violence and violence in schools, through a child-sensitive judicial procedure, and apply sanctions to perpetrators with due regard given to guaranteeing the right to privacy of the child;

(c) Proceed with a study of violence against women and address this concern through, *inter alia*, the promotion of women's human rights, the strengthened implementation of relevant provisions in the Constitution and other legal instruments, and by ensuring that women have access to suitable complaint mechanisms;

(d) Ensure that cultural taboos discouraging complaints of violence are broken down;

(e) Give appropriate weight to children's views in legal proceedings; provide support services to child witnesses in legal proceedings and services for physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention; and take measures to prevent the criminalization and stigmatization of victims;

(f) Seek technical assistance from, among others, UNICEF.

- Greece, CRC, CRC/C/114 (2002) 25 at paras. 142, 143, 150 and 151.

142. While acknowledging the many activities of the Child Health Institute in the field of child abuse and neglect and the new bill to establish the “legal bystander” for the child victim, the Committee remains concerned:

## CHILDREN'S RIGHTS - ABUSE

- (a) At the absence of national data on the incidence of child abuse and neglect;
- (b) At indications that physical, psychological, and sexual abuse are prevalent within the family and in the context of institutional care;
- (c) That social, medical and other service resources through which the State party can respond to abuse and neglect are primarily limited to Athens and that even these are insufficient.

143. The Committee recommends that the State party:

- (a) Improve its data collection with regard to the abuse and neglect of children, including sexual abuse within the family;
- (b) Develop and implement a national programme for the prevention and reduction of the incidence of child abuse and neglect of children within the family and within institutions, *inter alia* by conducting awareness raising campaigns and providing adequate support to families at risk;
- (c) Develop and implement an effective system for reporting and referral of cases of child abuse and neglect and appropriate measures for the protection of child victims and the provision of rehabilitative assistance and the prosecution and treatment of alleged perpetrators of abuse and neglect;
- (d) Strengthen the capacity of social services across the country to identify and treat instances of abuse or neglect of children, including for physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or sexual exploitation, in accordance with article 39 of the Convention; take measures to prevent the criminalization and stigmatization of victims; strengthen the use of child-sensitive methods of investigation and presentation of court evidence and the availability of expert multidisciplinary child assistance teams, including psychosocial counsellors; and ensure that domestic legislation provides adequate protection for all children, both girls and boys, from sexual and other forms of abuse;
- (e) Take note of the Committee's recommendations adopted at its 2000 and 2001 days of general discussion on children and violence (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745).

...

150. Taking into consideration the efforts that have been made in the past 10 years and the recent involvement of children with disabilities and their families in policy making, especially in relation to the Ministry of Education's special education department, and the progress made in modifying access to streets, buses, trains and some buildings for persons

## CHILDREN'S RIGHTS - ABUSE

with disabilities, the Committee remains concerned that:

...

(d) Many children with disabilities in need of alternative care are institutionalized, that residential care for persons with disabilities remains of poor quality, limiting respect for children's rights, and that children in some institutions experience abuse and inhuman or degrading treatment;

...

151. Noting the State party's efforts in this regard, and in the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, para. 338), the Committee recommends that the State party:

...

(d) Ensure that children with disabilities, in particular those children living in institutions, are protected from all forms of neglect, abuse or inhuman or degrading treatments;

...

- Mozambique, CRC, CRC/C/114 (2002) 65 at paras. 287-290, 293, 294, 305 and 306.

287. The Committee is concerned:

(a) At acts of violence and abuse, including sexual abuse, committed against children in schools and alternative care institutions and by members of the public or the police force in the streets and that boys are not as well protected from sexual offences as girls;

(b) That corporal punishment is widely practised in the home, in schools and in other public institutions, such as prisons, and in alternative care contexts;

(c) That, as noted in a 1997 study, sexual abuse "is mainly perpetrated by relatives, through forced marriage, or through rape within marriage, or even as part of magical-religious practices" and that "sexual abuse accounts for most cases of abuse against minors recorded in all the country's provinces";

(d) That the State party has insufficient mechanisms for monitoring abuse and neglect of children in the family and that, although a telephone hotline exists for children to make complaints of abuse, very few children have access to a telephone or the means to pay for a call.

288. The Committee recommends that the State party:

(a) Take action to address acts of violence and abuse, including sexual abuse, committed

## CHILDREN'S RIGHTS - ABUSE

against children in the family, in schools and in the streets through, *inter alia*, the use of training and information campaigns on the impact of violence on children, children's rights and the prosecution of perpetrators;

(b) Take action to end the practice of corporal punishment in the home, in schools and in all other contexts, including through legislative and administrative measures, as well as public education initiatives to promote positive, participatory, non-violent forms of discipline as an alternative to corporal punishment;

(c) Make every effort to ensure the provision of treatment and rehabilitation to the victims of violence and abuse;

(d) Take note of the recommendations adopted by the Committee at its 2000 and 2001 days of general discussion on children and violence (CRC/C/100, para. 688, and CRC/C/111, paras. 701-745);

(e) Develop mechanisms to monitor the situation of children in the family and record and end abusive practices;

(f) Develop child sensitive mechanisms through which children can report incidents of sexual abuse, including the large majority of children who do not have access to telephones.

289. The Committee remains concerned that:

...

(c) As noted by the State party in its initial report, "children and women are victims of domestic violence".

290. The Committee recommends that the State party:

...

(b) Take action to address domestic violence against children and women in the family, including through improved monitoring, effective reporting, treatment and support of victims, prosecution of those responsible and the use of information campaigns;

...

293. While noting the State party's preference for family forms of alternative care and a policy of reducing institutionalization, the Committee remains concerned that:

...

(e) Violence is regularly committed against children in the context of alternative care;

...

294. The Committee recommends that the State party:

...

(b) Establish standards and procedures, guaranteed in legislation, for alternative care, including in the domains of health, education, safety and overall respect for the Convention,

## CHILDREN'S RIGHTS - ABUSE

giving particular attention to protecting the inheritance rights of children in alternative care;

...

(f) Strengthen monitoring procedures, ensuring sufficient human and other resources for the regular and effective monitoring of all forms of alternative care for children.

...

305. While noting the State party's significant efforts in this domain, including the construction or renovation of many primary schools in the 1990s, the provision of free school materials to many children, increases in primary school enrolment rates, efforts to improve the access to education of girls and to train teachers, the fall in the repetition and drop-out rates, the Committee remains concerned that:

...

(i) There is alleged corruption and sexual abuse and economic exploitation of pupils by professionals, including teachers, in the school system;

...

306. Noting the State party's own recommendations in its initial report, the Committee recommends that the State party:

...

(i) End practices of corruption and sexual abuse and economic exploitation of pupils in the education system;

...

- Malawi, CRC, CRC/C/114 (2002) 104 at paras. 434 and 435.

434. ...The Committee notes with concern the reported incidents of sexual abuse and exploitation of children within the school environment.

435. The Committee recommends that the State party:

...

(i) Provide children with a safe school environment by, *inter alia*, taking all necessary steps to prevent abuse and exploitation of children by school personnel, taking effective disciplinary measures against school personnel who have committed those offences and reporting these incidences to the competent authorities, notably through child-sensitive structures for complaints;

...

- Guinea-Bissau, CRC, CRC/C/118 (2002) 12 at paras. 60 and 61.

## **CHILDREN'S RIGHTS - ABUSE**

60. The Committee is concerned that:

- (a) Sexual abuse of children within the family, including the extended family is a regular occurrence;
- (b) Corporal punishment is widely practised in the family;
- (c) Domestic violence, particularly against women, is widespread and frequently used as a way to resolve family conflicts, and that this violence, even when not directly inflicted upon children, has a very negative impact on their development.

61. The Committee recommends that the State party:

- (a) Undertake a study on the scope of abuse and ill-treatment of children in the family;
- (b) Take steps to end the sexual abuse of children, including through improving the access of children and adults to reporting mechanisms, and increasing investigation of cases and the prosecution of the persons responsible;
- (c) Combat the practice of corporal punishment of children in the family, including through the use of information campaigns on the harm it can cause and on the importance of alternative measures of discipline;
- (d) Take all appropriate measures to address and prevent domestic violence, whether physical or mental, within the family and to ensure the full protection of children against this type of violence;
- (e) Raise awareness among the public of the problem of domestic violence, with a view to changing traditions that inhibit victims, particularly women and girls, from reporting it;
- (f) Investigate cases of domestic violence and sexual abuse, through a child-sensitive judicial procedure, and that sanctions be applied to perpetrators with due regard given to guaranteeing the right to privacy of the child;
- (g) In the light of articles 19 and 39 of the Convention, implement measures for reporting, referral and intervention and for the rehabilitation of victims, with a view to ensuring the recovery and reintegration of victims;
- (h) Take note of the recommendations of the Committee's days of general discussion on violence against children.

## CHILDREN'S RIGHTS - ABUSE

- Tunisia, CRC, CRC/C/118 (2002) 68 at paras. 287-290.

287. While noting the delegation's statement as to the complete absence of torture or other cruel, inhuman or degrading treatment or punishment in the State party, the Committee remains extremely concerned at allegations of violations of the right of the child not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment appearing in a number of reports brought to the attention of the Committee, particularly in relation to children of human rights defenders and political opponents.

288. In light of article 37 (a) of the Convention, the Committee strongly recommends that the State party:

(a) Enforce, or, when appropriate, review existing legislation and investigate in an effective way reported cases of torture and ill-treatment of children;

(b) Ensure that alleged perpetrators are transferred from active duty or suspended while they are under investigation, dismissed and punished if convicted, and that court proceedings and sentences are publicized;

(c) Train law enforcement personnel on child rights issues;

(d) In the light of article 39, take all appropriate measures to ensure the physical and psychological recovery and social integration of child victims of torture and/or ill-treatment.

289. While noting the provision in the Code of Child Protection regarding ill-treatment (art. 24) and the relevant provision in the Penal Code (art. 224), as well as the Ministerial Circular of December 1997 banning all forms of corporal punishment and practices injuring the dignity of children, the Committee is concerned that, as noted by the delegation, corporal punishment is only a crime if it is prejudicial to the health of the child. It notes with concern that violence as a means of discipline in the home and at school continues to be acceptable in the State party. The Committee regrets that no follow-up to the Committee's previous recommendation has been initiated to protect children from ill-treatment ([CRC/C/15/Add.39], para. 17). The Committee is furthermore concerned that there is insufficient information about and awareness of domestic violence and its harmful impact on children.

290. The Committee urges the State party to:

(a) Take all legislative measures to prohibit in the most effective way possible all forms of physical and mental violence, including corporal punishment and sexual abuse, against children in the family, in the schools and in institutions;

## CHILDREN'S RIGHTS - ABUSE

and furthermore recommends that the State party:

- (b) Conduct a study to assess the nature and extent of ill-treatment and abuse of children, and design policies and programmes to address it;
- (c) Carry out public education campaigns about the negative consequences of ill-treatment of children, and promote positive, non-violent forms of discipline as an alternative to corporal punishment;
- (d) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervening where necessary;
- (e) Investigate and prosecute instances of ill-treatment, ensuring that the abused child is not victimized in legal proceedings and that his/her privacy is protected;
- (f) Provide care, recovery and reintegration for victims;
- (g) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of ill-treatment cases;
- (h) Take into consideration the recommendations of the Committee adopted at its days of general discussion on children and violence (CRC/C/100, para. 688, and CRC/C/111, paras. 701-745);
- (i) Seek assistance from, among others, UNICEF and WHO.

***See also:***

- Oman, CRC, CRC/C/111 (2001) 36 at paras. 183 and 184.
- Qatar, CRC, CRC/C/111 (2001) 59 at para. 309.
- United Arab Emirates, CRC, CRC/C/118 (2002) 90 at paras. 400 and 401.
  
- Switzerland, CRC, CRC/C/118 (2002) 78 at paras. 340 and 341.

340. ...[T]he Committee is concerned that, because of the inadequate follow-up, cases of ill-treatment of children by adoptive parents have been reported.

341. ...[T]he Committee...suggests that the State party systematically review the conditions of these children by means of an adequate follow-up with a view to eliminating ill-treatment and violations of their rights.

## CHILDREN'S RIGHTS - ABUSE

- Saint Vincent and the Grenadines, CRC, CRC/C/118 (2002) 101 at paras. 449 and 450.

449. Noting the recent establishment of the Register of Child Abuse, the annual celebration of Child Abuse Awareness and Prevention Month and the active involvement of the Department of Family Services as the body that receives and handles reports of child abuse and neglect, the Committee remains concerned that:

- (a) The instance of child abuse, including sexual abuse, is high and, as noted in its report, the State party has made insufficient effort to address this concern;
- (b) The abuse, including sexual abuse, of children often occurs within the family, committed by parents and siblings, and is often hidden;
- (c) Some perpetrators of sexual abuse are able to pay money to the families of victims to avoid prosecution and even to perpetuate the abuse;
- (d) There are many cases of neglect of children by parents, including the late presentation of a sick child at a hospital or clinic;
- (e) Only the police and not the social services have the authority to remove a child from a family situation in which the child is suffering abuse or neglect, and this may add to the trauma suffered by the child.

450. The Committee recommends that the State party:

- (a) Undertake a study on the scope and nature of child abuse and neglect;
- (b) Address the abuse, including sexual abuse, and neglect of children, giving particular attention to their occurrence within the family, through, *inter alia*, developing a strategy and programmes of prevention, response and support to victims;
- (c) In the context of the Committee's recommendation [in paras. 7-16] of these concluding observations:
  - (i) Strengthen further the capacity of the Department of Family Services and the work of the Register of Child Abuse;
  - (ii) Establish effective child-sensitive procedures and mechanisms to receive, monitor and investigate complaints, and to intervene where necessary;
  - (iii) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment;

## CHILDREN'S RIGHTS - ABUSE

- (d) Consider giving the necessary legal authority to the social services to take urgent action to protect children from abuse;
  - (e) Strengthen its efforts to prosecute persons responsible for perpetrating abuse and provide medical help and counselling to those perpetrators in need of such assistance;
  - (f) Take all necessary measures to prohibit payment and acceptance of money with the purpose of perpetrators of sexual abuse against children avoiding prosecution, and prosecute the persons concerned;
  - (g) Provide child victims of abuse with the appropriate medical and psychological support, including recovery and social reintegration assistance for child victims and their families;
  - (h) Strengthen the education provided to young parents in the care and early attention they should give to their sick children and in the prevention of abuse and neglect;
  - (i) Take into consideration the recommendations of the Committee adopted on the occasion of its days of general discussion on children and violence (CRC/C/100, para. 688, and CRC/C/111, paras. 701-745);
  - (j) Seek assistance from, among others, UNICEF and the World Health Organization.
- The Netherlands (Antilles), CRC, CRC/C/118 (2002) 129 at paras. 583 and 584.  
583. The Committee is concerned at:
    - (a) The absence of data and of a comprehensive study on the issue of sexual exploitation and sexual abuse of children;
    - (b) The limited programmes available for providing physical and psychological recovery and social reintegration of child victims of such abuse and exploitation;
    - (c) Legislation making sexual exploitation of children only a criminal offence up to the age of 16 and not 18, and the exclusion of boys from this legislation.
  - 584. In light of article 34 of the Convention, the Committee recommends that the Netherlands Antilles:
    - (a) Implement appropriate policies and programmes for prevention and for the reintegration and recovery of child victims according to the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial

## CHILDREN'S RIGHTS - ABUSE

Sexual Exploitation of Children;

(b) Extend coverage of legislation to ensure protection of children from sexual exploitation up to the age of 18;

(c) Undertake studies with a view to assessing the scope of exploitation of children, including for prostitution and pornography.

- Argentina, CRC, CRC/C/121 (2002) 8 at paras. 61, 62, 69 and 70.

61. The Committee expresses its deep concern about institutional violence and specific reports of torture and ill-treatment of children held at police stations (*commissarias*) which, in some cases, have resulted in death. It is also extremely concerned at additional reports of police brutality, specifically the phenomenon of *gatillo fácil* (easy trigger syndrome), especially in the Province of Buenos Aires, which has led to the death of many children. It notes that, according to the Supreme Court of Justice of the Province of Buenos Aires, several of the children who died had previously reported pressures and torture by the provincial police and that the majority of the cases are not adequately investigated and the perpetrators not brought to justice.

62. In light of article 37 (a) of the Convention, the Committee urges the State party:

(a) To undertake a study on the above-mentioned issues in order to assess their extent, scope and nature;

(b) To enforce the recently signed National Plan of Action for the Prevention and Elimination of Institutional Violence;

(c) To investigate, in an effective way and within a reasonable time, reported cases of killings, torture and ill-treatment of children;

(d) Urgently to take measures to transfer from active duty or suspend, as appropriate, alleged perpetrators while they are under investigation, and release them from service if convicted;

(e) To provide systematic training of law enforcement personnel in human and children's rights and ways to avoid the use of force;

(f) To establish a complaint mechanism, which should be easily accessible and child-sensitive and inform children about their rights, including the right to complain;

## CHILDREN'S RIGHTS - ABUSE

(g) To ensure that independent and qualified medical personnel are required to carry out regular examinations of child detainees;

(h) In light of article 39, to take all appropriate measures to ensure possibilities for physical and psychological recovery and social reintegration for child victims of torture and/or ill-treatment, and that they receive compensation.

...

69. The Committee, while noting the adoption of Law 24.417 on protection against domestic violence, remains concerned about the extent of domestic violence, the lack of standardized procedures for the identification and reporting of cases of neglect, ill-treatment and abuse, and the limited services for the support of victims, especially in the provinces.

70. In light of article 19 of the Convention, the Committee recommends that the State party:

(a) Undertake studies on domestic violence, violence against children, ill-treatment and abuse, including sexual abuse, and expand the system of data collection for the whole country so as to keep a record of incidents of physical and mental violence and neglect against children, in order to assess the extent, scope and nature of these practices;

(b) Adopt and implement effectively adequate measures and policies, including public campaigns, on alternative forms of discipline, that contribute to changing attitudes;

(c) Investigate effectively cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, within a child-sensitive inquiry and judicial procedure, in order to ensure better protection of child victims, including the protection of their right to privacy;

(d) Increase measures to provide support services to children in legal proceedings and for the physical and psychological recovery and social reintegration of victims of rape, abuse, neglect, ill-treatment and violence, in accordance with article 39 of the Convention;

(e) Take into account the Committee's recommendations adopted at its days of general discussion on violence against children within the family and in schools (see CRC/C/111) and on "State violence against children" (see CRC/C/100).

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/121 (2002) 23 at paras. 131 and 132.

131. The Committee notes the initiatives taken in the area of child abuse, such as the Family, Homes and Domestic Violence (NI) Order 1998; the Circular 10/95 Protecting children from abuse: the role of the education service; the Scotland's School, etc. Act 2000;

## CHILDREN'S RIGHTS - ABUSE

and the establishment of a Child Protection in Sport Unit in 2001. Nevertheless, the Committee is deeply concerned that one or two children die every week as a result of violence and neglect in the home. It is also concerned at the prevalence of violence, including sexual violence, throughout the State party against children within families, in schools, in institutions, in the care system and in detention. It also notes with deep concern the growing levels of child neglect. The Committee is alarmed at the lack of a coordinated strategy to limit the extent of these phenomena. It particularly notes the absence of adequate, systematic follow-up of child deaths and that crimes committed against children below the age of 16 are not recorded. In the care system, the Committee notes a lack of consistent safeguards for children who are privately fostered. The Committee welcomes the steps taken by the Government to support child witnesses in court, but notes the lack of public education on the role of the child protection system.

...

132. In line with its previous recommendations ([CRC/C/15/add.34], para. 31) and in light of articles 3, 6, 12, 19 and 37 of the Convention, the Committee recommends that the State party:

- (a) Introduce a system of statutory child death inquiries;
- (b) Develop a coordinated strategy for the reduction of child deaths as a result of violence and the reduction of all forms of violence against children;
- (c) Ensure consistent legislative safeguards for all children in alternative care, including those who are privately fostered;
- (d) Carry out large-scale public education campaigns and programmes, including through the schools, aimed at reducing child deaths and child abuse with information on the role of statutory and other services in protecting children;
- (e) Establish effective procedures and mechanisms to receive, monitor, investigate and prosecute instances of abuses, ill-treatment and neglect, ensuring that the abused child is not victimized in legal proceedings and that her/his privacy is protected;
- (f) Record in the British Crime Survey all crimes committed against children;
- (g) Provide for the care, recovery and reintegration of victims;
- (h) Strengthen the reporting system, through full support for the confidential centres for abused children, and train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment.

## CHILDREN'S RIGHTS - ABUSE

- Sudan, CRC, CRC/C/121 (2002) 53 at paras. 254, 255, 258 and 259.

254. The Committee is concerned that corporal punishment is widely practiced in the State party, including within the family, schools and other institutions; that children have been the victims of violence by, among others, the police; and that acts of torture, rape and other cruel, inhuman or degrading treatment have been committed against children in the context of the armed conflict.

255. The Committee recommends that the State party:

- (a) Prohibit under law the practice of corporal punishment in the family, in schools and in all other contexts and make use of legislative and administrative measures, as well as public education initiatives, to end the use of corporal punishment, including the provision of information on alternative non-violent methods of discipline;
- (b) Prevent all forms of violence against children and make sure that perpetrators of violence against children, including the police, are prosecuted;
- (c) Immediately end the practice of detaining children in camps where they suffer torture and other cruel, inhuman or degrading treatment or punishment and make sure that those responsible for such acts are brought to justice;
- (d) Take into consideration the other recommendations of the Committee adopted at its days of general discussion on violence against children (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745);
- (e) Seek assistance from, among others, UNICEF and the World Health Organization (WHO).

...

258. The Committee is concerned that physical and psychological abuse occurs within the family, but is not adequately monitored, reported upon or addressed.

259. The Committee recommends that the State party:

- (a) Establish effective child-sensitive procedures and mechanisms for the reporting, monitoring and investigation of instances of child abuse, and intervene where necessary;
- (b) Provide child victims of abuse with the appropriate medical and psychological support, including recovery and social reintegration assistance for their families;
- (c) Strengthen the education provided to young parents in the care they should give to their children and in the prevention of abuse and neglect;

## CHILDREN'S RIGHTS - ABUSE

- (d) Take into consideration the recommendations of the Committee adopted at its days of general discussion on violence against children (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745);
  - (e) Seek assistance from, among others, UNICEF and WHO.
- Ukraine, CRC, CRC/C/121 (2002) 70 at paras. 328-330.
    - 328. The Committee is concerned that the definition of torture in the Criminal Code 2001 is not compatible with the definition of torture in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as it does not explicitly include acts of torture, including psychological torture, committed by State officials. The Criminal Code also fails to declare evidence extracted under torture inadmissible.
    - 329. The Committee is also concerned at continued allegations of children, in particular Roma children, being ill-treated and tortured by law enforcement officials and that these allegations are not effectively investigated by an independent authority.
    - 330. The Committee recommends that the State party:
      - (a) Amend the legislation defining torture to bring it into line with article 37 (a) of the Convention;
      - (b) Respond to allegations of torture and other cruel, inhuman or degrading treatment or punishment of children;
      - (c) Ensure the inadmissibility of evidence obtained through the use of torture;
      - (d) Take measures to ensure follow-up to the recommendations made by the Human Rights Committee and the Committee against Torture as they relate to the Convention on the Rights of the Child;
      - (e) Take immediate measures to stop police violence against children belonging to minorities, in particular the Roma, and challenge the prevailing impunity for such acts of harassment;
      - (f) Take all legislative measures to prohibit all forms of torture and other cruel, inhuman or degrading treatment or punishment;
      - (g) Provide support for the care, recovery, reintegration and compensation of victims.

## CHILDREN'S RIGHTS - ABUSE

- Republic of Moldova, CRC, CRC/C/121 (2002) 89 at paras. 400 and 401.

400. The Committee notes the development of the Child Care Reform and the establishment of the Working Group for Alternatives to Institutionalization, but expresses its serious concern at the large number of children who are placed in institutions as a measure of social protection. It further notes with concern that children, in those institutions, are neglected and ill-treated and, because of a lack of resources, are not provided with adequate housing and care and appropriate basic services.

401. In light of article 20 of the Convention, the Committee recommends that the State party:

...

(b) Take effective measures to develop alternative measures to institutionalization, such as foster care, family-type foster homes and other family-based alternative care, and place children in institutions only as a measure of last resort;

(c) As preventive measures, improve social assistance and support to families to help them with their child-rearing responsibilities, including through education, counselling and community-based programmes for parents;

(d) Take all necessary measures to improve conditions in institutions (article 3, paragraph 3, of the Convention);

(e) Take all necessary measures to prevent neglect and ill-treatment of children in institutions and provide support and training for personnel in institutions, including social workers;

(f) Establish effective mechanisms to receive and address complaints from children in care, to monitor standards of care and, in light of article 25 of the Convention, to establish regular periodic review of placement;

...

- Burkina Faso, CRC, CRC/C/121 (2002) 103 at paras. 463 and 464.

463. While noting that child abuse is prohibited under the Penal Code, the Committee is concerned at the incidence of abuse, including sexual abuse, and neglect of children in the State party and that insufficient efforts have been made to protect children. In addition, the Committee is concerned at the lack of statistical data and a comprehensive plan of action, as well as the insufficient infrastructure.

464. The Committee recommends that the State party:

## CHILDREN'S RIGHTS - ABUSE

- (a) Undertake a study on violence, including sexual violence, against children within the family, at school and in other institutions in order to assess the scope, nature and causes of this practice with a view to adopting and implementing a comprehensive plan of action and effective measures and policies, in conformity with article 19 of the Convention, and to changing attitudes;
  - (b) Take all necessary steps to introduce the legal prohibition of the use of corporal punishment in schools and other institutions and at home;
  - (c) Properly investigate cases of violence, through a child-sensitive judicial procedure, notably by giving appropriate weight to children's views in legal proceedings, and apply sanctions to perpetrators, having due regard to guaranteeing the right to privacy of the child;
  - (d) Establish an appropriate complaint procedure and inform children about this mechanism;
  - (e) Provide services for the physical and psychological recovery and social reintegration of victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and take measures to prevent the criminalization and stigmatization of victims;
  - (f) Take into consideration the recommendations of the Committee adopted at its days of general discussion on violence against children (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745);
  - (g) Seek technical assistance from, among others, UNICEF and WHO.
- Poland, CRC, CRC/C/121 (2002) 120 at paras. 527 and 528.

527. The Committee notes the establishment of the "Blue Card" programme to address family violence, but is concerned that child abuse, and violence in the home and in schools, remain a problem in the State party and that there is no national system to receive and address complaints of child abuse and neglect. It is also concerned that victims of abuse and their families receive limited support for recovery and reintegration. Furthermore, the Committee is concerned that corporal punishment is widely practised in the home, in schools and other institutions, such as prisons, and in alternative care contexts.

528. The Committee recommends that the State party:

    - (a) Establish a national system for receiving, monitoring and investigating complaints, and when necessary prosecuting cases, in a child-sensitive manner, and provide training for law enforcement officials, social workers and prosecutors in this regard;

## CHILDREN'S RIGHTS - ABUSE

(b) Set up a comprehensive and nationwide response system designed to provide, where appropriate, support and assistance to both victims and perpetrators of family violence, rather than only intervention or punishment, and which ensures that all victims of violence have access to counselling and assistance with recovery and reintegration, particularly in communities where the local administration does not have sufficient resources to set up a family crisis centre;

(c) Establish a mechanism to collect data on the perpetrators and victims of abuse, disaggregated by gender and age, in order to properly assess the extent of the problem, and design policies and programmes to address it;

(d) Expressly prohibit corporal punishment in the home, schools, and all other institutions;

(e) Carry out public education campaigns about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment.

- Israel, CRC, CRC/C/121 (2002) 131 at paras. 588 and 589.

588. The Committee welcomes the many efforts of the State party to prevent and combat all forms of violence and abuse within the family, in schools and in other institutions which care for children, but is concerned at the apparently limited impact of these efforts owing to, among other things, the lack of a comprehensive strategy and adequate resources.

589. The Committee recommends that the State party:

(a) Establish a national and comprehensive strategy to prevent and combat violence and abuse within the family, in schools and in other institutions caring for children, which should include, among other things, a study to assess the nature and extent of ill-treatment and abuse of children, and design policies and programmes to address these practices;

(b) Carry out public education campaigns about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment;

(c) Strengthen procedures and mechanisms to receive, monitor and investigate complaints, including intervening where necessary;

(d) Allocate sufficient resources for the provision of care, recovery and reintegration for victims;

## CHILDREN'S RIGHTS - ABUSE

(e) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment.

- Estonia, CRC, CRC/C/124 (2003) 9 at paras. 52 and 53.

52. The Committee notes the information on the Tartu and Tallin support centres, as well as the recent studies on child sex abuse and bullying in schools. The Committee also notes that all violence against children is prohibited. However, it remains concerned that there is still insufficient information on and awareness of the ill-treatment and abuse of children within the family, in schools and in institutions, as well as of domestic violence and its impact on children. Moreover, it is concerned that current efforts in this regard may have limited impact because of the lack of a comprehensive strategy and the inadequate allocation of resources.

53. The Committee recommends that the State party:

(a) Conduct a study to assess the causes, nature and extent of ill-treatment and abuse of children, including sexual abuse, and design policies and programmes to address them, bearing in mind the importance of prevention programmes;

(b) Explicitly prohibit corporal punishment and take all measures to prevent all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family, in schools and in institutions;

(c) Continue to carry out public education campaigns on the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment;

(d) Establish effective mechanisms and procedures for receiving, monitoring and investigating complaints, including intervention where necessary;

(e) Investigate and prosecute instances of ill-treatment, ensuring that the abused child is not further victimized in legal proceedings and that his or her privacy is protected;

(f) Give attention to addressing and overcoming sociocultural barriers that inhibit victims from seeking assistance;

(g) Provide counselling, care, recovery and reintegration services to victims and perpetrators alike;

(h) Train teachers, law enforcement officials, care and social workers, judges and health

## CHILDREN'S RIGHTS - ABUSE

professionals in the identification, reporting and management of cases of ill-treatment;

(i) Devise a comprehensive strategy for reducing and preventing violence in schools, whether among students or by teachers, including through peer groups;

(j) Take into account the Committee's recommendations adopted at its day of general discussion on "Violence against children within the family and in schools" (CRC/C/111, chap. V.).

- Republic of Korea, CRC, CRC/124 (2003) 24 at paras. 81, 116, 117, 122 and 123.

81. The Committee welcomes the legislation enacted to implement further the Convention on the Rights of the Child, in particular the Special Act for Punishment of Domestic Violence of 1997, which addresses investigation and reporting of cases of child abuse, and the Juvenile Protection Act of 2000, which criminalizes persons involved in the purchase of sexual services from those under 19 years of age.

...

116. The Committee notes with great concern that corporal punishment is officially permitted in schools. The Committee is of the opinion that corporal punishment does not conform with the principles and provisions of the Convention, particularly since it constitutes a serious violation of the dignity of the child (see similar observations of the Committee on Economic, Social and Cultural Rights, E/C.12/1/Add.79, para. 36). The fact that the Ministry of Education guidelines leave the decision on whether to use corporal punishment in schools to the individual school administrators suggests that some forms of corporal punishment are acceptable and therefore undermines educational measures to promote positive, non-violent forms of discipline.

117. The Committee recommends that the State party:

(a) Implement the recommendation of the National Commission on Human Rights that the relevant legislation and regulations be amended to expressly prohibit corporal punishment in the home, schools and all other institutions;

(b) Carry out public education campaigns about the negative consequences of ill-treatment of children in order to change attitudes towards corporal punishment, and promote positive, non-violent forms of discipline in schools and at home as an alternative to such punishment.

...

122. The Committee welcomes the establishment of Centres for the Prevention of Child Abuse in many regions of the country that deal with reports of child abuse and neglect and provide counselling and assistance to victims. Nevertheless, it is concerned that there is no nationwide system for receiving and effectively addressing complaints of child abuse and

## CHILDREN'S RIGHTS - ABUSE

neglect or for providing assistance to victims.

123. The Committee recommends that the State party:

(a) Take all appropriate measures, including legislative reform, to establish a national system for receiving, monitoring and investigating complaints of child abuse and neglect and, when necessary, prosecuting cases in a child-sensitive manner, and provide training for law enforcement officials, social workers and prosecutors in this regard;

(b) Strengthen its efforts to establish Centres for the Prevention of Child Abuse in order to develop a nationwide response system which is designed to provide, where appropriate, support and assistance to both victims and perpetrators of family violence, rather than solely intervention or punishment, and which ensures that all victims of violence have access to counselling and assistance with recovery and reintegration;

(c) Establish a mechanism for collecting data on the perpetrators and victims of abuse and neglect, disaggregated by gender and age, in order to properly assess the extent of these problems, and design policies and programmes to address these concerns.

- Italy, CRC, CRC/124 (2003) 36 at paras 172, 173, 178, 179, 190 and 191.

172. The Committee is deeply concerned about allegations of instances of ill-treatment by law enforcement officers against children and at the prevalence of abuse, in particular against foreign and Roma children.

173. In line with its previous recommendations ([CRC/C/15/Add.41], para. 20), the Committee recommends that the State party:

(a) Incorporate the crime of torture or other cruel, inhuman or degrading treatment or punishment into criminal law;

(b) Set up child-sensitive mechanisms for receiving complaints against law enforcement officials regarding ill-treatment during arrest, questioning and police custody and within detention centres;

(c) Systematically train the police and carabinieri forces, as well as professionals at detention centres, on the human rights of children.

...

178. The Committee welcomes the establishment of a national commission for the coordination of action regarding maltreatment, abuse and sexual exploitation of children and the adoption of a global strategy. In addition, the Committee welcomes the enactment of Act

## CHILDREN'S RIGHTS - ABUSE

66/96 on sexual violence and Act 154/2001 on domestic violence, but remains concerned at the lack of comprehensive data and information on child abuse and/or neglect. Moreover, the Committee is concerned at the age-limit set in the legislation regarding violence against children, as children above 14 or 16 years (depending on the relations with the perpetrator) do not enjoy the same protection.

179. In the light of article 19 of the Convention, the Committee recommends that the State party:

(a) Undertake studies on violence, ill-treatment and abuse against children, especially those from vulnerable groups, including sexual abuse, particularly within the family and at schools, in order to assess the extent, scope and nature of such practices;

(b) Develop awareness-raising campaigns with the involvement of children in order to prevent and combat child abuse;

(c) Amend its legislation regarding the existing age-limit set for special protection against all forms of violence against children;

(d) Evaluate the work of existing structures and provide training to professionals involved in these types of cases;

(e) Investigate effectively cases of domestic violence and ill-treatment and abuse of children, including sexual abuse, within the family through a child-sensitive inquiry and judicial procedure, in order to ensure better protection for child victims, including their right to privacy.

...

190. The Committee welcomes the adoption of Act 269/98 against the exploitation of prostitution, pornography, and sexual tourism targeting children and the establishment of an Inter-Ministerial Committee for the Coordination of the Government Action Against Child Abuse and Trafficking in Minors and Women for Sexual Purposes. Nevertheless, the Committee remains concerned at the numbers of children who are trafficked for sexual purposes in the State party.

191. The Committee recommends that the State party:

(a) Strengthen its efforts to prevent and combat trafficking in children for sexual purposes, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;

(b) Monitor the implementation of Act 269/68, especially as it addresses the issue of the

## CHILDREN'S RIGHTS - ABUSE

“demand side” of sexual exploitation;

(c) Ensure that adequate resources, both human and financial, are allocated to policies and programmes in this area.

- Romania, CRC, CRC/124 (2003) 49 at paras. 234, 235, 240 and 241.

234. The Committee notes the information provided by the State party, including the adoption of a government strategy for 2001-2004 focusing on providing support to families, the National Anti-Poverty Plan for Strengthening Social Inclusion, and the disbursement of numerous financial benefits for children and families. However, widespread poverty continues to be a major challenge for the State party, affecting all sectors of society, in particular urban households with many children. The Committee notes with concern that poverty is a contributing factor to family breakdowns, the growing number of single-parent families, parental abuse and neglect, and the phenomenon of children being placed in institutional care or abandoned by parents with no adequate means to raise them.

235. The Committee recommends that the State party:

(a) Develop a comprehensive child-centred family policy;

(b) Strengthen its efforts to comprehensively protect children's right to a secure family environment and ensure, through a comprehensive new children's act, effective protection of children and access by all children and parents to financial assistance, having due regard to article 18, paragraph 2, of the Convention;

(c) Improve social assistance and support to families through advice and education to promote positive child-parent relationships;

(d) Take effective measures, including the development of strategies and awareness-raising activities, to prevent and reduce the abandonment of children;

(e) Strengthen preventive measures, such as supporting the role of families and communities, in order to help eliminate the social conditions leading to such problems as delinquency, crime and substance abuse;

(f) Provide support to families and young pregnant girls;

(g) Undertake campaigns to reinforce the responsibilities of fathers for their children.

...

240. The Committee notes the recent efforts of NGOs related to prevention of child abuse

## CHILDREN'S RIGHTS - ABUSE

and neglect, as well as the statement made by the Head of State to the special session of the General Assembly on children referring to envisaged special measures to prevent child abuse. Nevertheless, the Committee reiterates its previous concern [CRC/C/15/Add.16] at the apparent limited effectiveness of measures to raise awareness about the harmful consequences of neglect and abuse, including sexual abuse, in the family, schools and institutions, as well as to tackle these problems. The Committee concurs with the concerns of CEDAW related to the increase in violence against women and that domestic violence against women may lead to child abuse in the family. It is also concerned that corporal punishment and other forms of abuse and neglect continue to exist in the family.

241. The Committee recommends that the State party:

- (a) Expressly prohibit corporal punishment in the home, school and institutions;
- (b) Promote alternative methods of discipline;
- (c) Establish effective procedures and mechanisms for receiving, monitoring and investigating cases of abuse, ill-treatment and neglect and for prosecuting offenders, ensuring that the abused child is not victimized in legal proceedings and that his or her privacy is protected;
- (d) Strengthen the reporting system, through the training of teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and handling of cases of ill-treatment;
- (e) Ensure the provision of support services to child victims in legal proceedings;
- (f) Ensure the physical and psychological recovery and social reintegration of child victims, in accordance with article 39 of the Convention;
- (g) Reinforce its efforts to prevent and combat domestic violence and abuse, including through awareness-raising campaigns designed to change public attitudes.

- Czech Republic, CRC, CRC/C/124 (2003) 78 at paras. 360, 362, 382 and 383.

360. The Committee notes the efforts of the State party aimed at increasing the protection of children from various forms of abuse and neglect, including sexual abuse, such as the amendment to the Act on Misdemeanours (Law No. 360/1999 Coll.), and welcomes the significant efforts by NGOs in this respect. However, the Committee is concerned at the ill-treatment and abuse committed against children in the family, the school and other institutions as well as by public officials in the streets and in places of detention, particularly

## CHILDREN'S RIGHTS - ABUSE

in the context of a form of popular justice for an alleged crime such as theft. The Committee is further concerned that certain groups of children, such as Roma, are specifically targeted, and that a very small portion of reported cases of suspicion of abuse and neglect are investigated. It is also concerned at the lack of an integrated system of services and that problems of child abuse and neglect are often solely addressed in an ad hoc manner by NGOs. Furthermore, as noted by the Committee on the Elimination of Discrimination against Women (CEDAW), domestic violence is prevalent and is not specifically addressed in legislation, awareness among professionals and the public is low and support for victims is insufficient.

...

362. The Committee recommends that the State party take action to address ill-treatment and abuse committed against children in the family, in schools, in the streets, in institutions and in places of detention through, *inter alia*:

...

(b) Ensuring that allegations of ill-treatment by the police and police misconduct are promptly, thoroughly and impartially investigated by an independent authority and that those responsible are identified and brought before a competent tribunal that will apply sanctions provided for by the law;

(c) Developing an effective system for the reporting and investigation of cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, within a child-sensitive inquiry and judicial procedure, avoiding repeatedly interviewing child victims of abuse, in order to ensure better protection of child victims, including the protection of their right to privacy;

(d) Adopting and implementing effectively adequate multidisciplinary measures and policies, including public campaigns, to prevent and address cases of child abuse and neglect and contribute to changing attitudes;

(e) Implementing training programmes to promote respect for children belonging to minority groups, in particular Roma children, and monitoring the treatment of children in both basic and special schools in order to ensure the protection of the physical and psychological integrity of all children while in the care of school officials;

(f) Taking all the necessary steps to enact legislation prohibiting the use of corporal punishment in schools, institutions, in the family and in any other context;

(g) Making use of legislative and administrative measures, as well as public education initiatives, to end the use of corporal punishment and ensure that this is adhered to;

(h) Taking measures for the physical and psychological recovery and social reintegration of victims of rape, abuse, neglect, ill-treatment and violence, including by providing

## CHILDREN'S RIGHTS - ABUSE

counselling, care, recovery and reintegration programmes for victims as well as perpetrators, in accordance with article 39 of the Convention;

(i) Taking into account the Committee's recommendations adopted at its day of general discussion on "Violence against children within the family and in schools" (CRC/C/111).

...

382. The Committee remains concerned at:

(a) Reports of increased instances of sexual abuse of children and the low rate of reporting such crimes;

(b) The lack of a comprehensive system of protection and assistance by qualified professionals to all child victims of sexual abuse and of commercial sexual exploitation;

(c) The lack of follow-up to the recommendations from the 1997 visit of the Special Rapporteur on the sale of children, child prostitution and child pornography;

(d) The lengthy duration of investigations into child trafficking;

(e) The failure to date to ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

383. The Committee recommends that the State party:

(a) Increase protection provided to victims of sexual exploitation and trafficking, including prevention, social reintegration, access to health care and psychological assistance, in a coordinated manner, including by enhancing cooperation with NGOs;

(b) Ensure that a confidential, accessible and child-sensitive mechanism is established to receive and effectively address individual complaints of all children, including those in the 15-18 age group;

(c) Implement outstanding recommendations of the Special Rapporteur on the sale of children, child prostitution and child pornography, *inter alia* those related to the cross-border trafficking problem;

(d) Sensitize professionals and the general public to the problems of sexually abused children through education, including media campaigns;

(e) Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

## CHILDREN'S RIGHTS - ABUSE

- Haiti, CRC, CRC/124 (2003) 95 at paras. 428, 429, 434, 435, 448 and 449.

428. The Committee welcomes the Act prohibiting corporal punishment (August 2001) within the family and at schools, but remains concerned at the persistent practice of corporal punishment by parents or teachers and the ill-treatment of child domestics (*restaveks*). The Committee is further deeply concerned about instances of ill-treatment of street children by law enforcement officers.

429. The Committee recommends that the State party:

(a) Take all necessary measures for the effective implementation of the law prohibiting corporal punishment, in particular by making use of information and education campaigns to sensitize parents, teachers, other professionals working with children and the public at large to the harm caused by corporal punishment and to the importance of alternative, non-violent forms of discipline, as foreseen in article 28, paragraph 2, of the Convention;

(b) Investigate in an effective way reported cases of ill-treatment of children by law enforcement officers and ensure that alleged offenders are transferred from active duty or suspended while they are under investigation, dismissed and punished if convicted;

(c) Provide for the care, recovery and reintegration of child victims.

...

434. The Committee is concerned at the high incidence of violence against and abuse of children within the family environment, including sexual abuse and neglect of children, and that insufficient efforts have been made to protect children. The Committee is particularly concerned at the very high rate of sexual abuse of girls (more than one third of women were said to have been sexually abused before the age of 15 years). In addition, the Committee is concerned at the lack of statistical data and a comprehensive plan of action, and the insufficient infrastructures.

435. In the light of articles 19 and 39 of the Convention, the Committee recommends that the State party:

(a) Assess the scope, nature and causes of violence against children, in particular sexual violence against girls, with a view to adopting a comprehensive strategy and effective measures and policies and to changing attitudes;

(b) Properly investigate cases of violence, through a child-sensitive judicial procedure, notably by giving appropriate weight to children's views in legal proceedings, and apply sanctions to perpetrators, with due regard given to guaranteeing the right of the child to privacy;

## CHILDREN'S RIGHTS - ABUSE

(c) Provide services for the physical and psychological recovery and social reintegration of girl victims of sexual abuses and any other child victims of abuse, neglect, ill-treatment, violence or exploitation, and take appropriate measures to prevent the criminalization and stigmatization of victims;

(d) Take into consideration the recommendations of the Committee adopted at its days of general discussion on the theme "Violence against children" (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745);

(e) Seek technical assistance from, among others, UNICEF and WHO.

...

448. The Committee is deeply concerned at the situation of child domestic workers (*restaveks*), in particular at the low age (12 years), contained in article 341 of the Labour Code, at which children can be placed with families, taking into account that, in practice, even younger children are involved. The Committee notes with concern that these children, most of them girls, are forced to work long hours under harsh conditions and without being paid, and are subjected to ill-treatment and abuse, including sexual abuse.

449. The Committee recommends that the State party urgently:

...

(b) Take all the necessary measures to prevent and end under-age employment through a comprehensive strategy, notably by holding debates and awareness campaigns, providing guidance and support to the most vulnerable families, and addressing the root causes of the phenomenon;

(c) Properly investigate cases of violence, through a child-sensitive judicial procedure, and apply sanctions to perpetrators;

(d) Ensure that *restaveks* are offered services for their physical and psychological recovery and social reintegration, including access to education.

- Eritrea, CRC, CRC/C/132 (2003) 8 at paras. 55, 56, 61 and 62.

55. The Committee is concerned at the lack of data on ill-treatment of children, including child abuse and corporal punishment. It also notes with concern that corporal punishment is not expressly prohibited by law and is widely practised in the home and in institutions.

56. The Committee recommends that the State party:

(a) Establish a mechanism to collect data on the victims and perpetrators of abuse, disaggregated by gender and age, in order to assess properly the extent of the problem and

## CHILDREN'S RIGHTS - ABUSE

to design policies and programmes to address it;

(b) Carry out public education campaigns about the negative consequences of ill-treatment of children and, in collaboration with community leaders and others, promote positive, non-violent forms of discipline as an alternative to corporal punishment;

(c) Expressly prohibit by law corporal punishment in the home, schools and other institutions;

(d) Establish effective procedures and mechanisms to receive, monitor and investigate complaints of abuse, including intervening where necessary, and ensure that victims have access to assistance for their recovery;

(e) Seek technical assistance from, among others, UNICEF in this regard.

...

61. The Committee notes with concern that there is no information available on the various forms of child abuse in the family and that legislation does not provide for effective protection of children from sexual and physical abuse.

62. The Committee recommends that the State party:

(a) Reform its legislation on abuse in the family to expressly prohibit sexual and physical abuse;

(b) Undertake studies on domestic violence, ill-treatment and abuse (including sexual abuse within the family) in order to adopt effective policies and programmes to combat all forms of abuse;

(c) Develop an effective national system for receiving, monitoring and investigating complaints and, when necessary, prosecuting cases in a manner which is child-sensitive and ensures the victim's privacy;

(d) Set up a comprehensive nationwide response system to provide, as appropriate, support and assistance to both victims and perpetrators of family violence, rather than only intervention or punishment, and which ensures that all victims of violence have access to counselling and assistance for their recovery and reintegration, while preventing stigmatization of victims of abuse;

(e) Seek technical assistance from, among others, UNICEF and the United Nations Development Programme (UNDP), in this regard.

## CHILDREN'S RIGHTS - ABUSE

- Cyprus, CRC, CRC/C/132 (2003) 21 at paras. 133 and 134.

133. The Committee welcomes the initiation of a comprehensive study to improve the understanding of the nature and scope of child neglect and abuse in Cyprus, as recommended by the Committee (CRC/C/15/Add.59, para. 29), as well as the new Law No. 3 (1) of 2000 on Combating of Trafficking in Persons and Sexual Exploitation of Children and the Violence in the Family Law for the prevention and protection of victims of domestic violence. The Committee regrets that information on the follow-up given to cases of abuse reported to social welfare services is not available. The Committee notes that many people in Cyprus consider that there is a problem of violence within the family and refers to the concerns expressed by the Human Rights Committee (CCPR/C/79/Add.88, para. 12) and the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.28, para. 15) with respect to domestic violence.

134. The Committee recommends that the State party, in keeping with the findings of the study, adopt adequate measures and policies aimed at changing attitudes, including the prohibition of corporal punishment in the family, supported by well-targeted awareness campaigns on, *inter alia*, alternative ways of disciplining children. Furthermore, it encourages the State party to adopt measures and ensure sufficient human and financial resources to ensure the implementation of the law for the prevention of domestic violence...

- Zambia, CRC, CRC/C/132 (2003) 32 at paras. 181-184, 207, 208, 219 and 220.

181. The Committee notes that the Constitutional Court has outlawed the practice of corporal punishment (*John Banda v. the People*, HPA/6/1998), but remains concerned that corporal punishment is still practised and accepted in schools, families, and care and juvenile detention institutions.

182. The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment, 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.

183. The Committee is deeply concerned about allegations of ill-treatment by law enforcement officers against street children and children in custody in police stations and other detention centres, despite the circular of 27 December 1999 ordering prison authorities to stop the practice of caning.

184. The Committee recommends that the State party:

## CHILDREN'S RIGHTS - ABUSE

(a) Set up child-sensitive mechanisms to receive complaints against law enforcement officers regarding ill-treatment during arrest, questioning and police custody, and make sure that perpetrators are brought to justice;

(b) Systematically train the police force and prison staff and other authorities on the human rights of children;

(c) Ensure the physical and psychological recovery and social reintegration of child victims of such ill-treatment.

...

207. ...The Committee notes with concern the reported incidents of physical and sexual abuse of children within the school environment.

208. The Committee recommends that the State party:

...

(h) Provide children with a safe school environment by, *inter alia*, taking all necessary steps to prevent abuse and exploitation of children by school personnel, taking effective disciplinary measures against school personnel who have committed those offences and encouraging the reporting of these incidences to the competent authorities, notably through child-sensitive structures for complaints;

...

219. 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 basic social services as well as their vulnerability to police brutality, sexual abuse and exploitation.

220. The Committee recommends that the State party:

(a) Undertake a study to assess the scope and the causes of this 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;

(b) Ensure that street 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 that perpetrators of violence against street children are prosecuted and punished;

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

## CHILDREN'S RIGHTS - ABUSE

- Sri Lanka, CRC, CRC/C/132 (2003) 48 at paras. 261 and 262.

261. The Committee notes that the Domestic Violence Act is under consideration, but is concerned that, although there are limited data available, the problem of abuse within the family and in institutions appears widespread. The Committee is further concerned that victims of abuse do not receive adequate assistance and support for their recovery, and that the practice of institutionalizing victims while their case is being processed is common.

262. The Committee recommends that the State party:

(a) Expand current efforts to address the problem of child abuse, including through the adoption and implementation of the Domestic Violence Act, and ensure that there is an effective national system for receiving, monitoring and investigating complaints and, when necessary, prosecuting cases, in a manner which is child-sensitive and ensures the victims' privacy;

(b) Ensure that all victims of violence have access to counselling and assistance with recovery and reintegration;

(c) Provide adequate protection to child victims of abuse in their homes, whenever possible, through restraining and removal orders against the alleged perpetrator; in cases where the removal of the child is necessary, preference should be given to foster care or similar family-type settings and institutionalization should only be resorted to in exceptional cases.

- Solomon Islands, CRC, CRC/C/132 (2003) 58 at paras. 319 and 320.

319. The Committee is concerned that:

(a) The problem of abuse, including sexual abuse, within the family and in institutions appears to be significant;

(b) Very few cases of physical and sexual abuse are effectively pursued by the police or brought to court;

(c) Reporting is not mandatory and there are no reporting procedures or facilities for protecting abused children or meeting their needs.

320. The Committee recommends that the State party:

(a) Strengthen and expand current efforts to address the problem of child abuse, including sexual abuse, and ensure that there is an effective system for receiving, monitoring and

## CHILDREN'S RIGHTS - ABUSE

investigating complaints and, when necessary, prosecuting cases, in a manner which is child-sensitive and which ensures the victim's privacy;

(b) Ensure that all victims of violence have access to counselling and assistance with their recovery and rehabilitation, and that children who have been removed from their homes because of allegations of abuse are provided with alternative protection and care;

(c) Launch a comprehensive study on the prevalence of abuse, including sexual abuse, aimed at informing both policy makers and lawmakers, including through cooperation with international NGOs.

- Jamaica, CRC, CRC/C/132 (2003) 86 at paras. 426, 427, 430, 431, 434 and 435.

426. The Committee is deeply concerned about:

(a) The generally violent environment in which Jamaican children are living;

(b) The stereotypical and discriminatory attitudes concerning the roles of women and children, including traditions of violence, abuse, including sexual abuse, and neglect.

427. The Committee urges the State party to strengthen considerably its efforts to address and condemn violence in society, including violence against women and children, particularly in the context of the family, as well as in schools and other environments. Further, it recommends that the State party take steps to monitor and address any incidents of violence and sexual or other abuse against children and take measures to ensure the rehabilitation of traumatized and victimized children by, *inter alia*:

(a) Carrying out public education campaigns about the negative consequences of violence and ill-treatment of children and promoting positive, non-violent forms of conflict resolution and discipline, especially within the family and in the educational system;

(b) Taking all legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse, against children in all contexts in society, as well as taking effective measures for the prevention of violent acts committed within the family, in schools and by the police and other State agents, making sure that perpetrators of these violent acts are brought to justice, thereby putting an end to the practice of impunity;

(c) Providing care, recovery and reintegration for child victims of direct or indirect violence and ensuring that the child victim is not revictimized in legal proceedings and that his/her privacy is protected;

## CHILDREN'S RIGHTS - ABUSE

(d) Taking into consideration the recommendations of the Committee adopted on its days of general discussion on violence against children (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745);

(e) Seeking assistance from, among others, UNICEF and WHO.

...

430. The Committee welcomes the information that a committee was established in January 2003 to review children's homes and to make recommendations for improvements. However, it expresses its concern about the very poor conditions of children's homes (e.g. non-compliance with fire regulations), the inadequate access to educational facilities and the incidence of sexual and other abuse implying, *inter alia*, the risk of STI transmission.

431. The Committee recommends that the State party:

(a) Expedite the work of the review committee and take all necessary measures, as a matter of urgency, to improve the quality of care in children's homes and to protect children living in such homes against all forms of abuse, seeking assistance from, among others, UNICEF;

(b) Review the existing legislation on adoption in the light of the provisions of the Convention and consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

...

434. The Committee notes with appreciation the State party's considerable achievements in the area of health care and its awareness of and intention to further improve the health situation among children through, *inter alia*, the adoption of the National Health Services Act, the expansion of health programmes and campaigns and the establishment of a quality assurance programme for the training of health personnel. However, the Committee remains concerned about:

...

(c) The high rates of children and adolescents who are victims of accidents and violence.

435. The Committee recommends that the State party:

...

(c) Intensify efforts to improve safety for all children by reducing violence and abuse as well as preventing accidents through, *inter alia*, life-skills education campaigns and undertaking a review of existing preventive and guidance measures, including counselling, and mental health-care services.

- Morocco, CRC, CRC/C/132 (2003) 100 at paras. 512 and 513.

512. The Committee is deeply concerned at the situation of Moroccan children who are

## CHILDREN'S RIGHTS - ABUSE

deported, notably in the cities of Ceuta and Melilla in Spain. In particular, the Committee is concerned at allegations of police brutality against such children. The Committee is further concerned that these children, once they are back on the territory of the State party, do not receive adequate protection or assistance and that their situation is not monitored.

513. Taking into consideration its recommendations to Spain (CRC/C/15/Add.185, para. 46), the Committee recommends that the State party take all necessary measures:

- (a) To prevent unaccompanied children from migrating to other countries, including by offering them opportunities for education;
- (b) To coordinate with the Government of Spain to ensure that when children are repatriated from Spain to Morocco, they are returned to family members willing to care for them or to an appropriate social service agency for their care and rehabilitation;
- (c) To investigate in an effective way reported cases of ill-treatment of returned children.

- Kazakhstan, CRC, CRC/C/132 (2003) 129 at paras. 653 and 654.

653. The Committee is concerned at:

- (a) The growing involvement of children in the sex industry and the apparent indifference of society towards the issue of child prostitution, including reports of parents themselves reportedly forcing their children to earn money through prostitution;
- (b) The lack of specialized centres to accommodate and provide qualified services, including psychotherapeutic and rehabilitation and reintegration programmes, for child victims of sexual violence.

654. The Committee recommends that the State party:

- (a) Develop and implement a comprehensive programme to combat trafficking, child prostitution and other forms of sexual exploitation of children, taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children and the recommendations of CEDAW in this respect (A/56/38, para. 97);
- (b) Adopt measures to reduce the vulnerability of children to traffickers and establish crisis centres and telephone hotlines to give assistance and run rehabilitation and social reintegration programmes for child victims of trafficking and/or sexual exploitation;

...

## CHILDREN'S RIGHTS - ABUSE

- San Marino, CRC, CRC/C/133 (2003) 9 at paras. 43 and 44.

43. The Committee welcomes the information that article 234 of the Penal Code also includes the prohibition of corporal punishment, but is concerned at the lack of any concrete statistical data and other information on the prevention and prevalence of and intervention in cases of child abuse and neglect.

44. The Committee recommends that the State party undertake awareness-raising campaigns on the negative impact of corporal punishment. Furthermore, the State party should undertake studies to assess the prevalence and nature of violence against children and develop a comprehensive plan of action based on this study for the prevention of and intervention in cases of child abuse and neglect, including the provision of services for recovery and social reintegration of victims, taking into account the recommendations of the Committee adopted at its days of general discussion on children and violence (see CRC/C/100, para. 688 and CRC/C/111, paras. 701-745).

- Canada, CRC, CRC/C/133 (2003) 14 at paras. 82, 83 and 92.

82. The Committee welcomes the efforts being made by the State party to discourage corporal punishment by promoting research on alternatives to corporal punishment of children, supporting studies on the incidence of abuse, promoting healthy parenting and improving understanding about child abuse and its consequences. However, the Committee is deeply concerned that the State party has not enacted legislation explicitly prohibiting all forms of corporal punishment and has taken no action to remove section 43 of the Criminal Code, which allows corporal punishment.

83. The Committee recommends that the State party adopt legislation to remove the existing authorization of the use of "reasonable force" in disciplining children and explicitly prohibit all forms of violence against children, however light, within the family, in schools and in other institutions where children may be placed.

...

92. The Committee recommends that further research be carried out to identify the causes of the spread of homelessness, particularly among children, and any links between homelessness and child abuse, child prostitution, child pornography and trafficking in children. The Committee encourages the State party to further strengthen the support services it provides to homeless children while taking measures to reduce and prevent the occurrence of this phenomenon.

## CHILDREN'S RIGHTS - ABUSE

- New Zealand, CRC, CRC/C/133 (2003) 27 at paras. 139 and 140.

139. The Committee shares the State party's concern about the prevalence of child abuse, and notes with regret that services aimed at preventing abuse and providing assistance with recovery do not have sufficient resources and are insufficiently coordinated.

140. The Committee recommends that the State party:

(a) Expand services and programmes aimed at assisting victims of abuse, and ensure that they are provided in a child-sensitive manner which respects the privacy of the victim;

(b) Increase programmes and services aimed at the prevention of child abuse in the home, schools and institutions and ensure that there are sufficient numbers of adequately qualified and trained staff to provide these services;

(c) Continue to improve the coordination of services for vulnerable families and victims of abuse.

- Pakistan, CRC, CRC/C/133 (2003) 37 at paras. 206, 207, 227, 230, 240 and 241.

206. Although the State party is undertaking some training of police officers and other professionals working with children to promote respect for children's rights, the Committee is deeply concerned at the numerous reports of torture, serious ill-treatment and sexual abuse of children, including children belonging to religious or other minority groups, by police officers in detention facilities and other State institutions.

207. The Committee recommends that the State party:

(a) Assess the scope, nature and causes of violence against children, in particular sexual violence against girls, with a view to adopting a comprehensive strategy and effective measures and policies and to changing attitudes;

(b) Properly investigate cases of violence, through a child-sensitive judicial procedure, notably by giving appropriate weight to children's views in legal proceedings, and apply sanctions against perpetrators, with due regard given to guaranteeing the right to privacy of the child;

(c) Add a definition of torture to the Constitution and ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

## CHILDREN'S RIGHTS - ABUSE

(d) Undertake public education campaigns to promote a culture of non-violence.

...

227. The Committee is very concerned about reports of violence and sexual abuse within madrasas, as well as the narrow content of the education provided within these schools. In this regard, the Committee notes with appreciation the initiatives by the State party to streamline the education given in madrasas so that it is more compatible with regular public education, and to eradicate violence against children.

...

230. The Committee recommends that the State party:

(a) Ensure the protection of children from maltreatment within madrasas through the establishment of an adequate monitoring mechanism;

(b) Continue and strengthen its planned reform of madrasas, with a view to broadening the scope of the education given in madrasas;

...

240. In view of the fact that child sexual abuse and sexual exploitation of children are reported to be serious problems in the State party, the Committee is concerned that the State party has not addressed them effectively. The Committee is particularly concerned at:

(a) The absence of legislation clearly prohibiting child sexual abuse and sexual exploitation and the lack of a clear definition of the term in the State party, as well as the lack of legislation that clearly defines sexual consent;

(b) The absence of measures to prosecute the perpetrators;

(c) The absence of statistics and data on the issue of child sexual abuse;

(d) Traditional attitudes regarding the subject (e.g. concepts like "family honour"), which imply that a majority of abuse cases go unreported;

(e) Reports that child sexual abuse is prevalent, and increasing, in prisons.

241. The Committee recommends that the State party:

(a) Review its legislation in order to clearly define sexual abuse, in particular child sexual abuse and child sexual exploitation;

(b) Undertake a study on the prevalence of sexual abuse and exploitation;

(c) Take all necessary measures to prevent and end this practice through a comprehensive strategy, notably by prosecuting perpetrators, and holding public debates and conducting

## CHILDREN'S RIGHTS - ABUSE

awareness campaigns;

(d) Ensure that victims of sexual abuse and exploitation have access to appropriate recovery and reintegration programmes and services;

(e) Seek assistance from, among others, WHO and UNICEF.

- Singapore, CRC, CRC/C/133 (2003) 84 at paras. 419 and 420.

419. The Committee welcomes the creation of mechanisms such as the Child Abuse Protection Team and the Family Protection Unit to deal with complaints of abuse and provide assistance to victims and their families. However, the Committee is concerned that underreporting remains a problem and that social workers, teachers and medical personnel are not required by law to report suspected cases of child abuse.

420. The Committee recommends that the State party strengthen measures to encourage reporting of instances of child maltreatment and abuse, through, *inter alia*, legislative measures requiring social workers, teachers and medical personnel to report suspected cases of child abuse to the appropriate authorities.

- Bangladesh, CRC, CRC/C/133 (2003) 93 at paras. 473, 474, 481, 482, 495, 497, 503 and 504.

473. While taking note of the efforts by the State party to raise public awareness of the ill-treatment of children, the Committee is concerned at reports of ill-treatment and violence against children in State institutions such as orphanages and rehabilitation centres, including by law enforcement agents, as well as at the solitary confinement of juvenile and child prisoners. The Committee is also concerned at reports of violence against street children. Furthermore, the Committee expresses its deep concern at the reported inhuman and degrading punishment carried out by order of traditional village councils (“shalishes”) as well as at the increasing incidents of acid attacks on women and girls.

474. The Committee strongly recommends that the State party:

(a) Review its legislation (*inter alia*, Code of Criminal Procedure, 1898) with the aim of prohibiting the use of all forms of physical and mental violence, also within educational and other institutions;

(b) Conduct a study to assess the nature and extent of torture, ill-treatment, neglect and abuse of children, to assess the inhuman and degrading treatment of children attributable to

## CHILDREN'S RIGHTS - ABUSE

“shalishes”, and effectively to implement policies and programmes as well as to amend and adopt laws to address these issues;

(c) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervening where necessary, and investigate and prosecute cases of torture, neglect and ill-treatment, ensuring that the abused child is not revictimized through legal proceedings and that his or her privacy is protected;

(d) Undertake all necessary measures to prevent and punish police violence;

(e) Take all necessary effective measures to ensure the implementation of the 2002 Acid Control Act and of the 2002 Acid Control Prevention Act;

(f) Provide care, recovery, compensation and reintegration for victims;

(g) Take into consideration the recommendations of the Committee adopted at its day of general discussion on the theme “Violence against children” (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745);

(h) Seek assistance from, *inter alia*, UNICEF and the World Health Organization (WHO).

...

481. The Committee is concerned at the high incidence of abuse, including sexual abuse, within the State party, and at the lack of effective measures to combat this phenomenon. The Committee is particularly concerned that existing legislation, notably the Suppression of Violence against Women and Children Act 2000, is rarely implemented and that the prosecution of abuse against women is rare even in very serious cases because of societal attitudes. The Committee is further concerned that the current legislation protects children from abuse only up to the age of 14 years. In addition, the Committee is concerned that child victims of abuse and/or exploitation are placed in “safe custody”, which may result in depriving them of their liberty for as long as 10 years.

482. The Committee recommends that the State party:

(a) Continue and strengthen its efforts to address the issue of child abuse, including through ensuring there is public awareness of the relevant legislation;

(b) Assess the scope, nature and causes of child abuse, particularly sexual abuse, with a view to adopting a comprehensive strategy and effective measures and policies and to changing attitudes;

(c) Provide adequate protection and assistance to child victims of abuse in their homes, whenever possible, and take appropriate measures to prevent the stigmatization of victims;

## CHILDREN'S RIGHTS - ABUSE

(d) Ensure that all children below the age of 18 years are specifically protected under domestic legislation against abuse and exploitation;

(e) Ensure that the placement of children victims of abuse and exploitation in institutions for reasons of protection and treatment is used only as a measure of last resort and for the shortest possible period of time;

(f) Take into consideration the recommendations of the Committee adopted at its days of general discussion on the issue of "Violence against children" (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745).

...

495. ...[T]he Committee is concerned that...free compulsory education ends after grade 5, that the school dropout rate is high and that gender-based discrimination persists within schools. Other concerns include reports of abuse and sexual molestation, especially of girls, inaccessibility to schools, inadequate sanitation and the misuse of allocated resources.

...

497. The Committee recommends that the State party:

...

(b) Continue to address gender-based discrimination and other difficulties encountered by girls within the educational system and school environment;

...

503. While welcoming the National Plan of Action against sexual abuse and exploitation, the Committee is deeply concerned at the prevalence of sexual exploitation of children and the social stigmatization of the victims of such exploitation, as well as at the lack of social and psychological recovery programmes and the very limited possibilities for victims to be reintegrated into society. The Committee is also concerned about the widespread practice of forcing children into prostitution.

504. The Committee recommends that the State party:

(a) Fully and effectively implement the National Plan of Action against sexual abuse and exploitation, in order to ensure appropriate policies, laws and programmes for the prevention, protection, recovery and reintegration of child victims, in line with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;

(b) Ensure that victims of sexual exploitation are never considered as offenders, but rather benefit from programmes for their recovery and reintegration;

(c) Investigate, prosecute and sentence perpetrators of sexual offences against children;

(d) Develop and monitor a code of conduct for law enforcement officials;

## CHILDREN'S RIGHTS - ABUSE

(e) Seek assistance from, among others, UNICEF.

- Georgia, CRC, CRC/C/133 (2003) 111 at paras. 548, 549, 556, 557, 576 and 577.

548. The Committee welcomes the Presidential Decree approving a Plan of Action against Torture for 2003-2005 and the related plan to amend the Criminal Code with a view to strengthening the protection from torture and inhuman or degrading treatment or punishment. However, it remains concerned at the information that children are subjected to torture and other forms of violence and abuse in police stations, institutions and schools.

549. The Committee urges the State party to take all necessary measures for the expeditious and effective implementation of the Plan of Action against Torture, ensuring full protection of children from all forms of violence, proper interrogation, prosecution and sentencing of perpetrators, and the provision of care, recovery and compensation for all child victims.

...

556. The Committee notes the information provided in the written replies to its list of issues on the Plan of Action to Combat Violence against Women 2000-2002 and on the 2000-2003 State programme for the protection, development and social adaptation of minors. However, the Committee regrets that many of its concerns and recommendations expressed during the consideration of the initial report have not been addressed, and is deeply concerned at the high incidence of abuse, neglect and violence within the family and in other settings. The Committee is also concerned at the occurrence of violence (bullying) in schools. The Committee concurs with the concerns expressed by the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, with regard to the occurrence of domestic violence, as they relate to children. The Committee regrets that the State party has not introduced domestic violence as a specific offence in criminal law or criminal procedural legislation and has not considered undertaking studies, or other steps, in this respect.

557. The Committee recommends that the State party reinforce its efforts to formalize a comprehensive strategy to prevent and combat domestic violence and other forms of violence, including bullying in schools. The State party is encouraged to enact specific domestic violence legislation which brings together criminal and civil provisions, including remedies. In this respect, the State party is encouraged, *inter alia*, to consult the framework for model legislation on domestic violence (E/CN.4/1996/53/Add.2) which outlines important elements integral to comprehensive legislation on domestic violence. Furthermore, the Committee recommends that measures be taken to provide counselling and support services to all children victims of violence, including those who bully others in school.

...

576. The Committee notes that the human rights treaty bodies which considered the reports

## CHILDREN'S RIGHTS - ABUSE

of Georgia have consistently expressed concern at the practice of trafficking in persons, in particular women, and at the lack of protection of women, including young children, from, *inter alia*, sexual exploitation and trafficking.

577. The Committee recommends that the State party:

(a) Undertake measures to reduce and prevent the occurrence of sexual exploitation and trafficking, including by sensitizing professionals and the general public to the problems of sexual abuse of children and trafficking, through education including media campaigns;

(b) Increase protection provided to victims of sexual exploitation and trafficking, including prevention, social reintegration, access to health care and psychological assistance in a coordinated manner, including by enhancing cooperation with NGOs, taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;

(c) Ensure that a confidential, accessible and child-sensitive mechanism is established to receive and effectively address individual complaints from all children, including those in the 15-18 years age group;

(d) Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute reported cases of sexual abuse, in a child-sensitive manner;

(e) Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

(f) Seek technical assistance from, *inter alia*, UNICEF.

- Indonesia, CRC, CRC/C/137 (2004) 8 at paras. 61, 62, 71, 72, 81, 83 and 99-103.

61. The Committee is concerned at the high number of child victims of violence, abuse and neglect, including sexual abuse, in schools, in public places, in detention centres and in the family.

62. The Committee recommends that the State party:

(a) Expand current efforts to address the problem of child abuse and neglect, including sexual abuse, and ensure that there is a national system for receiving, monitoring and investigating complaints and for prosecuting cases when necessary, in a manner which is child sensitive and ensures the victims' privacy;

## CHILDREN'S RIGHTS - ABUSE

(b) Ensure that all victims of violence have access to counselling and assistance with recovery and reintegration, and that children who have been removed from their homes because of allegations of abuse are provided with alternative protection and care and that institutionalization is used only as a last resort and for the shortest time possible;

(c) Ensure that perpetrators of violence against children are duly prosecuted.

...

71. The Committee is concerned that the current adoption legislation discriminates between groups of different ethnic origins, does not provide sufficient safeguards against abusive practices, including trafficking of children, and does not take sufficiently into account the principle of the best interest of the child.

72. The Committee recommends that the State party:

(a) Amend the current legislation on adoption so as to ensure that it conforms to articles 2 and 3 of the Convention;

(b) Take the necessary measures to monitor and supervise effectively the system of adoption of children in accordance with the principle of the best interest of the child;

(c) Accede to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

...

81. ...[T]he Committee is very concerned:

...

(e) At the high incidence of violence against children in the schools, including bullying and fighting among students, and that no specific law exists to regulate school discipline and protect children against violence and abuse in the school.

...

83. The Committee recommends that the State party:

...

(h) Take measures to reduce violence in the schools;

...

99. The Committee welcomes the introduction of the Social Safety Net Programme for Street Children and of the Free Street Children Programme of Bandung Raya. It is nonetheless concerned at the high number of children living on the streets and at the violence to which they are subject, especially during sweep operations.

100. The Committee recommends that the State party take all necessary measures:

(a) To end the violence, arbitrary arrest and detention carried out by the State apparatus against street children;

## CHILDREN'S RIGHTS - ABUSE

(b) To bring to justice those responsible for such violence;

...

101. The Committee welcomes the launching of the National Plan of Action for the Elimination of Commercial Sexual Exploitation of Children in 2002. However, the Committee is concerned that existing legislation does not provide effective protection (e.g. the age limit for sexual consent of 12 years is too low) and that child victims of sexual exploitation often do not receive adequate protection and/or recovery assistance. The Committee is also concerned about the lack of information about how the National Plan of Action will be carried out at the provincial and district levels.

102. The Committee wishes to reiterate its opinion that child victims of sexual abuse and exploitation can never be held responsible or guilty of such acts.

103. The Committee recommends that the State party:

(a) Develop and implement legislation that adequately protects child victims of sexual exploitation, including trafficking, pornography and prostitution, that includes a significant increase in the minimum age of sexual consent;

(b) Train law enforcement officials, social workers and prosecutors on how to receive, monitor and investigate complaints and prosecute perpetrators in a child-sensitive manner that respects the privacy of the victim;

(c) Prioritize recovery assistance and ensure that education and training as well as psychosocial assistance and counselling are provided to victims, and ensure that victims who cannot return to their families are provided with adequate alternative solutions and are institutionalized only as a last resort;

(d) Ensure that the National Plan of Action for the Elimination of Commercial Sexual Exploitation of Children is allocated appropriate resources for its implementation and is effectively carried out at the provincial and district levels.

- Guyana, CRC, CRC/C/137 (2004) 26 at paras. 152 and 153.

152. The Committee takes note of the study conducted and the project developed in collaboration with UNICEF addressing violence and children in Guyana. The Committee is deeply concerned about the generally violent environment where Guyanese children are living and the increased reporting of ill-treatment and abuse of children, including sexual abuse. The Committee is also deeply concerned that section 67 of the Criminal Law (Offences) Act (chapter 8:01) criminalizes a girl of 16 years or older for having sexual intercourse with a relative like a grandfather or brother and makes her liable to imprisonment

## CHILDREN'S RIGHTS - ABUSE

for a period of seven years.

153. The Committee recommends that the State party pay particular attention to child abuse and neglect in and outside the family by, *inter alia*:

(a) Abolishing, as a matter of priority, the provision mentioned above [para. 152] by taking the necessary measures to prevent incest;

(b) Developing an effective reporting system with timely and adequate investigations and child-sensitive protection in order to bring perpetrators to justice;

(c) Ensuring that victims of violence have access to counselling and assistance with recovery and reintegration;

(d) Developing awareness-raising campaigns with the involvement of children in order to prevent and combat child abuse.

- Armenia, CRC, CRC/C/137 (2004) 36 at paras. 216, 217, 241 and 242.

216. While taking note that the Children's Rights Act and the Criminal Code include provisions which protect children against violence and abuse, the Committee reiterates its concern that the State party has not yet introduced legislative and other measures which specifically address the issue of violence against children. The Committee is concerned about the lack of data on cases of abuse, including sexual abuse and neglect, and ill-treatment of children, which may occur in child institutions and families, as well as information on specific programmes of systematic control of mechanisms in place to avoid institutional impunity in cases of abuse and ill-treatment. It is also concerned at the lack of complaints mechanisms to which children could have recourse and the fact that only medical professionals are responsible for reporting cases of abuse and neglect.

217. The Committee encourages the State party to adopt specific legislation and take other measures to prevent violence against children in all circumstances, including corporal punishment. It also recommends that the State party strengthen programmes for the recovery and reintegration of abused children and establish adequate procedures and mechanisms to receive complaints and to monitor, investigate and prosecute cases of ill-treatment. The Committee urges the State party to ensure that all people working with children, such as teachers and care personnel, are made responsible for reporting cases of abuse and neglect. The Committee recommends that the State party launch awareness-raising campaigns on the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment, especially in the family, schools and other institutions and ensure that all people working with children, including law

## CHILDREN'S RIGHTS - ABUSE

enforcement officials, judges and health professionals, undergo training in how to identify, report and manage cases of ill-treatment.

...

241. While welcoming that penalties have been introduced under the Criminal Code for enticing girls into prostitution and keeping brothels, the Committee reiterates its concern at the insufficient data on and awareness of the phenomenon of sexual exploitation of children in Armenia, and at the absence of a comprehensive and integrated approach to preventing and combating this phenomenon. Furthermore, the Committee is deeply concerned that persons under 18 years of age engaged in prostitution are prosecuted under the Criminal Code, rather than assisted as victims.

242. The Committee reiterates its recommendation that the State party undertake a national study on the nature and extent of sexual exploitation of children, and that disaggregated data be compiled and kept up to date to serve as a basis for designing measures and evaluating progress. The Committee urges the State party to review its legislation with a view to ensuring that children engaged in prostitution are not criminalized, but rather seen as victims of their circumstances. In this regard, the State party should ensure that proper social support structures are available to victims of sexual exploitation in the area of reintegration and recovery. The Committee recommends that the State party carry out awareness-raising campaigns to sensitize and mobilize the general public on the child's right to physical and mental integrity and safety from sexual exploitation. Bilateral and regional cooperation should be reinforced, involving cooperation with neighbouring countries.

- Germany, CRC, CRC/C/137 (2004) 51 at paras. 307 and 308.

307. The Committee welcomes the adoption of the Plan of Action of the Federal Government for the Protection of Children and Young People from Sexual Violence and Exploitation (January 2003), but remains concerned at the various ages retained in the Criminal Code depending on the offence committed by an adult against a child.

308. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party:

(a) Extend the protection against sexual exploitation and trafficking provided for in all relevant legislation to all boys and girls below the age of 18 years;

(b) Pursue its efforts to combat sexual exploitation of and trafficking in children by effectively implementing its Plan of Action, in accordance with the 1996 Declaration and Agenda for Action and the 2001 Global Commitment adopted at the World Congresses against Commercial Sexual Exploitation of Children.

## CHILDREN'S RIGHTS - ABUSE

- The Netherlands (Netherlands and Aruba), CRC, CRC/C/137 (2004) 63 at paras. 358, 359, 371 and 372.

358. The Committee notes with satisfaction that, in the Netherlands, the Youth Care Act, which aims to improve the effectiveness of child protection services and includes the obligation for medical personnel to report suspected cases of child abuse, has been passed by the lower house of Parliament and is awaiting the approval of the Senate. However, the Committee is concerned that in the Netherlands waiting lists for services for victims of abuse remain, and that insufficient financial resources are allocated for the prevention of abuse and recovery and counselling services. Furthermore, the Committee shares the State party's concern that there is no clearly defined policy on preventing child abuse and neglect and providing assistance to victims in Aruba and that services in this area are insufficient...

359. The Committee recommends that the State party:

(a) Ensure that there is a clearly defined policy on child abuse and neglect, which includes prevention, reporting and assistance to victims and is supported with adequate financial and human resources, in both the Netherlands and Aruba;

(b) Ensure that, in the Netherlands, the Youth Act conforms with the provisions and principles of the Convention and expedite its entry into force;

(c) Enact the 1993 Aruban Government Decree on the establishment of a medical examiner's office which registers cases of child abuse and neglect and coordinates investigation and treatment of victims in a child-sensitive manner;

...

371. The Committee welcomes the State party's efforts in the Netherlands to address the sexual exploitation of children, in particular, through training of the police. However, it is concerned that the "complaint requirement" by victims over the age of 12 and the "double criminality" requirement hamper the prosecution of cases of child sexual abuse committed in the Netherlands and abroad. In Aruba, the Committee is concerned that children are vulnerable to trafficking for the purposes of drug trafficking or sexual exploitation, including through tourism.

372. The Committee recommends that the State party:

...

(b) In the Netherlands, amend legislation to eliminate the complaint requirement and double criminality requirement for the prosecution of sexual offences against children;

(c) Strengthen the capacity of the police in the Netherlands and Aruba to receive and investigate complaints of trafficking and sexual exploitation in a child-sensitive manner, *inter alia*, by increasing human and financial resources and, where necessary, providing

## CHILDREN'S RIGHTS - ABUSE

appropriate training;

(d) Ensure that all victims of trafficking and prostitution in the State party have access to appropriate recovery and reintegration programmes and services;

(e) Undertake an in-depth study of trafficking and sexual exploitation of children in Aruba, including the possible existence of sex tourism.

- India, CRC, CRC/C/137 (2004) 75 at paras. 420, 421, 428, 429, 452 and 453.

420. The Committee is concerned at numerous reports of ill-treatment, torture and sexual abuse of children in detention facilities, and alleged instances of killings of children by law enforcement officials.

421. In line with its previous recommendations (CRC/C/15/Add.115, paras. 39-41), the Committee recommends that the State party:

(a) Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(b) Set up child-sensitive mechanisms to receive complaints against law enforcement officials regarding ill-treatment during arrest, questioning and police custody and in detention centres;

(c) Investigate and prosecute complaints in a child-sensitive manner;

(d) Strengthen its efforts to train the law enforcement personnel on the human rights of children; and

(e) In light of article 39, take all appropriate measures to ensure the physical and psychological recovery and social integration of child victims of torture and/or ill-treatment.

...

428. The Committee is concerned at the high prevalence of violence, abuse, including sexual abuse, and neglect of children within the State party, and at the lack of effective measures to combat this problem. The Committee is further concerned at outdated laws concerning sexual abuse.

429. In light of article 19 of the Convention and in line with its previous recommendations (CRC/C/15/Add.115, para. 45), the Committee recommends that the State party:

(a) Adopt new legislative measures and amend outdated legislation to prohibit all forms of

## CHILDREN'S RIGHTS - ABUSE

physical and mental violence, including sexual abuse of children in the family, in schools and in institutions;

(b) Carry out public education campaigns and any other appropriate measures concerning the negative consequences of ill-treatment of children;

(c) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervention where necessary;

(d) Investigate and prosecute cases of ill-treatment, ensuring that the abused child is not victimized in legal proceedings and that his/her privacy is protected;

(e) Provide facilities for the care, recovery and reintegration of victims;

(f) Train parents, teachers, law enforcement officials, care workers, judges, health professionals and children themselves in the identification, reporting and management of cases of ill-treatment, using a multidisciplinary and multisectoral approach; and

(g) Seek assistance from, among others, UNICEF and WHO.

...

452. The Committee welcomes the ratification of the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution; the adoption of a plan of action to combat trafficking and commercial sexual exploitation of women and children; the initiative to undertake a study, *inter alia*, to collect data on the number of children and women who become victims of sexual exploitation and trafficking; and the Pilot Projects to Combat Trafficking of Children for Commercial Sexual Exploitation in Destination and Source Areas, but remains concerned that the Immoral Traffic Prevention Act, 1986 does not define trafficking and limits its scope to sexual exploitation. In addition, the Committee expresses its concern at the increasing number of child victims of sexual exploitation, including prostitution and pornography. 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.

453. In light of articles 34 and 35 and other related articles of the Convention, the Committee recommends that the State party:

(a) Extend the scope of the Immoral Traffic Prevention Act to all forms of trafficking of children and ensure that all trafficked children are always treated as victims;

...

(d) Adopt multidisciplinary and multisectoral approaches and take measures to prevent and combat sexual exploitation and trafficking of children, including an awareness-raising campaign and educational programmes, particularly for parents;

## CHILDREN'S RIGHTS - ABUSE

(e) Ensure that perpetrators are brought to justice;

(f) Strengthen its policies to facilitate the reunification of child victims of trafficking with their families and provide adequate care and reintegration programmes for children who have been sexually exploited and/or trafficked, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;

(g) Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; and

(h) Collaborate with non-governmental organizations working on these issues and seek technical assistance from, among others, UNICEF.

- Papua New Guinea, CRC, CRC/C/137 (2004) 94 at paras. 506 and 507.

506. The Committee is concerned that the problem of neglect and abuse, including sexual abuse, within the family and at school appears to be significant according, *inter alia*, to hospital records.

507. The Committee recommends that the State party set up a comprehensive and nationwide response system with the aim of providing support and assistance to all victims of domestic violence, and ensure that they have access to counselling, redress and assistance with recovery and reintegration. The Committee also recommends that the State party ensure that there is an effective mechanism for receiving, monitoring, and investigating complaints, and seek technical assistance in this regard.

- Slovenia, CRC, CRC/C/137 (2004) 104 at paras. 567-570, 595 and 596.

567. The Committee welcomes the information that the Police Act has been amended, allowing the police to remove an alleged perpetrator of child abuse or other forms of family violence from the home for up to 10 days and that the courts can extend this period for 30 days. The Committee, however, remains concerned that child abuse in the family and in institutions appears to be widespread. Furthermore, while noting that an Act for Prevention of Violence in the Family is in preparation, it is concerned that the existing preventive and protective measures taken to address the problem are not sufficient.

568. The Committee recommends that the State party continue and strengthen its efforts to address the problem of child abuse by, *inter alia*:

## CHILDREN'S RIGHTS - ABUSE

- (a) Ensuring full and effective implementation of the changes in the Police Act and adequate ongoing training of police officers and judges;
- (b) Expediting the drafting and approval of the Act for Prevention of Violence in the Family and related changes in the family law, legislative measures which should provide for effective procedures and mechanisms to receive, monitor and investigate complaints, including intervention where necessary;
- (c) Ensuring that cases of ill-treatment are investigated and prosecuted, that the abused child is not victimized in legal proceedings and that his or her privacy is protected;
- (d) Providing training for parents, teachers, law enforcement officials, care workers, judges, health professionals and children themselves in the identification, reporting and management of cases of ill-treatment, using a multidisciplinary and multisectoral approach;
- (e) Ensuring effective coordination among the multidisciplinary team dealing with child abuse and neglect;
- (f) Carrying out public education campaigns about the negative consequences of ill-treatment of children;
- (g) Providing facilities for the care, recovery and reintegration of victims.

569. The Committee notes with concern the high incidence of violence in schools on the part of teachers or staff and peer violence and bullying, including inappropriate and offensive attitudes on the part of some teachers towards pupils. It welcomes in this regard the appointment of the Commission for Analysis of the Problem of Violence in Slovene Education in 2003 charged with providing proposals for measures to deal with cases of violence, including regular additional training for teachers.

570. The Committee recommends that the State party take all measures to ensure that discipline in schools is upheld in a manner that respects the human dignity of the child. It also encourages the State party to ensure that the commission appointed by the Minister of Education to analyse the problem of violence in Slovene education be given adequate support. Furthermore, the Committee recommends that the State party strengthen measures to address the general problem of violence among adolescents, *inter alia*, through education and awareness-raising campaigns.

...

595. The Committee is concerned that children are not protected in the legislation against abuse on the Internet and that there is no legislation on sex tourism and child pornography.

596. The Committee recommends that the State party strengthen the legal protection of

## CHILDREN'S RIGHTS - ABUSE

children against various forms of abuse on the Internet, including child pornography, and introduce legislation which would make Slovene citizens liable to criminal prosecution for child abuse committed abroad.

- Japan, CRC, CRC/C/137 (2004) 116 at paras. 639, 640, 653 and 654.

639. The Committee welcomes the measures undertaken to improve reporting and investigation of child abuse which have had significant results. However, it is concerned that:

- (a) There is no comprehensive and multidisciplinary strategy for the prevention of child abuse;
- (b) The number of cases prosecuted are still quite low;
- (c) Recovery and counselling services for victims are insufficient to meet the increased demand for such services.

640. The Committee recommends that the State party:

- (a) Develop, in collaboration, among others, with civil society, social workers, parents and children, a multidisciplinary national strategy for the prevention of child abuse;
- (b) Review legislation with a view to improving protective measures for the victims of child abuse in the family;
- (c) Increase the number of trained professionals providing psychological counselling and other recovery services in a multidisciplinary fashion to victims at Child Guidance Centres;
- (d) Increase the training provided to law enforcement officials, social workers, staff of Child Guidance Centres and prosecutors on how to receive, monitor, investigate and prosecute complaints, in a child-sensitive manner.

...

653. ...[T]he Committee welcomes the adoption and implementation of the Law on Punishing Acts related to Child Prostitution and Child Pornography and on Protecting Children (1999). However, it is concerned that:

- (a) The Penal Code maintains a narrow definition of rape as an act committed by a male against a female;
- (b) All victims of sexual exploitation do not have access to appropriate recovery and

## CHILDREN'S RIGHTS - ABUSE

assistance services;

- (c) There have been reports of child victims being treated as criminals;
- (d) There have been reports of the practice of “enjo kosai”, or compensated dating;
- (e) The low minimum age of consent, which might contribute to the practice of “enjo kosai”, hampers the prosecution of sexual abuse of children.

654. The Committee recommends that the State party:

- (a) Amend legislation on sexual exploitation and abuse to ensure equal protection for boys and girls;
- (b) Increase the number of trained professionals providing psychological counselling and other recovery services to victims at Child Guidance Centres;
- (c) Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints, in a child-sensitive manner;
- (d) Develop preventive measures that target those soliciting and providing sexual services, such as materials on relevant legislation on the sexual abuse and exploitation of minors and education programmes, including programmes in schools on healthy lifestyles;
- (e) Raise the minimum age of sexual consent.

- El Salvador, CRC, CRC/C/140(2004) 8 at paras. 25 and 63-66.

25. The Committee welcomes a number of positive developments in the reporting period, including:

...

(e) The adoption of the Domestic Violence Act (1996), which establishes domestic violence, defined as “any direct or indirect act or omission that causes injury or physical, sexual or psychological suffering or the death of a family member”, as a specific punishable offence, and stipulates that any person who has knowledge of acts of domestic violence may report it to the competent authorities;

...

63. The Committee is concerned that Salvadoran society is still characterized by high levels of violence, and notes with particular concern the high number of cases of sexual assault against minors.

## CHILDREN'S RIGHTS - ABUSE

64. The Committee recommends that the State party strengthen policies and programmes at all levels to prevent violence against children, *inter alia*, through the education system and public awareness-raising campaigns.

65. While welcoming the measures taken by the State party to combat domestic violence, the Committee remains concerned at persistent large-scale abuse and violence within the family as well as the prevalence of corporal punishment.

66. The Committee recommends that the State party strengthen current efforts to address the problem of domestic violence and child abuse, including through:

(a) Ensuring the effective implementation of the Domestic Violence Act, including the elimination of corporal punishment;

(b) Public education campaigns about the negative consequences of ill-treatment and preventive programmes, including family development programmes, promoting positive, non-violent forms of discipline;

(c) Ensuring that all victims of violence have access to counselling and assistance with recovery and reintegration;

(d) Providing adequate protection to child victims of abuse in their homes.

- Panama, CRC, CRC/C/140 (2004)23 at paras. 150-152.

150. The Committee recommends that the State party:

...

(b) Develop preventive measures that target those soliciting and providing sexual services, including materials on the legislation concerning the sexual abuse and exploitation of minors, and education programmes, including programmes in schools on healthy lifestyles;

...

151. The Committee welcomes the ratification of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography. It remains concerned that sexual exploitation and abuse continue to be serious problems and that the victims of sexual exploitation do not have access to appropriate recovery and assistance services. The Committee also remains concerned about the lack of data to determine the real dimension of the problem of child abuse and sexual exploitation and about the insufficient measures to prevent and combat trafficking of children.

152. The Committee recommends the adoption and effective implementation of adequate legislation to prevent and combat trafficking, sexual exploitation and pornography involving

## CHILDREN'S RIGHTS - ABUSE

children. It also recommends the provision of sufficient financial resources for the implementation of the activities promoted by the new National Committee against Commercial Sexual Exploitation. The Committee further recommends that the State party:

(a) Undertake awareness-raising campaigns, particularly for children, parents and other caregivers;

(b) Ensure that trafficked children and children who have been subjected to sexual exploitation are always treated as victims and that perpetrators are prosecuted;

(c) Provide adequate programmes of assistance and reintegration for sexually exploited and/or trafficked children in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.

- Rwanda, CRC, CRC/C/140 (2004)36 at paras. 195, 196, 225 and 226.

195. The Committee notes that Law No. 27/2001 on the Rights of the Child and Protection of Children against Abuse prohibits any act of torture and cruel, inhuman or degrading treatment or punishment against children, but remains concerned at the absence of a definition of those offences in the Penal Code and that Rwanda is not a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

196. The Committee recommends that the State party adopt appropriate measures to combat torture and cruel, inhuman or degrading treatment and that it ratify the Convention against Torture.

...

225. The Committee welcomes the ratification of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography, but remains concerned about the increasing number of child victims of sexual exploitation, including for prostitution and pornography, especially among girls, child orphans and abandoned and other disadvantaged children. Concern is also expressed at the insufficient programmes for the physical and psychological recovery and social rehabilitation of child victims of such abuse and exploitation.

...

226. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party:

(a) Extend the protection from sexual exploitation and trafficking contained in all relevant legislation to all boys and girls below the age of 18 years;

## CHILDREN'S RIGHTS - ABUSE

(b) Ensure that child victims of sexual exploitation are not considered as offenders;

(c) Implement appropriate gender- and child-sensitive policies and programmes to prevent it and to rehabilitate child victims in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.

- Sao Tome and Principe, CRC, CRC/C/140 (2004) 54 at paras. 292 and 293.

292. The Committee shares the concern of the State party about the gradual increase of cases of prostitution and other forms of sexual abuse which involve children. It is also deeply concerned that child prostitutes are considered by the law as criminals rather than as victims.

293. The Committee recommends that the State party:

(a) Conduct a comprehensive study to assess the scope and nature of sexual exploitation of children;

(b) Take all necessary measures to effectively protect all children from sexual exploitation;

(c) Develop adequate systems of investigation of cases of sexual exploitation and of recovery for the victims;

(d) Undertake awareness-raising campaigns, particularly for children, parents and other caregivers.

- Liberia, CRC, CRC/C/140 (2004) 67 at paras. 360-363.

360. The Committee notes that the Comprehensive Peace Agreement of 18 August 2003 recognizes the special demobilization and reintegration needs of child combatants. However, the Committee expresses its extremely deep consternation at the very high number of children who have been forcibly recruited into armed forces and armed groups by all parties involved in the conflict, including children as young as nine years old. The Committee is also concerned that these children have been forced to carry goods and weapons, guard checkpoints and often fight in the front line, while girls have been raped and forced to become servants of the soldiers as well as combatants. The Committee is deeply concerned at the direct effects of the armed conflict on all child victims, including child combatants, and about the tragic loss of life and severe psychological trauma inflicted upon them...

## CHILDREN'S RIGHTS - ABUSE

361. The Committee urges the State party:

(a) To take every feasible measure to have all child abductees and combatants released and demobilized and to rehabilitate and reintegrate them in society taking into account, in particular, the specific needs of girls and other vulnerable groups;

(b) In the light of article 38, paragraph 3, to ensure to give priority to those who are the oldest when recruiting young persons and to limit recruitment by all armed forces and groups to persons of 18 years of age or older;

(c) To take all necessary measures, in cooperation with national and international NGOs and United Nations bodies such as UNICEF, to address the physical needs of children victims of the armed conflict, in particular the psychological needs of all children affected directly or indirectly by the traumatic experiences of the war. In this regard, the Committee recommends that the State party develop as quickly as possible a long-term and comprehensive programme of assistance, rehabilitation, reintegration and reconciliation;

...

362. The Committee welcomes the efforts the State party is making to deal with the large number of internally displaced persons and refugees. However, the Committee is concerned that refugee and internally displaced children in Liberia do not receive appropriate protection and assistance in the enjoyment of their rights under the Convention. The Committee appreciates the attention that the authorities and humanitarian community in Liberia are giving to the issue of sexual assault and the exploitation of refugee and internally displaced girls, as well as to the forcible conscription of refugee and internally displaced boys, but it remains concerned that such acts of assault and forcible conscription still occur in Liberia.

363. In the light of articles 7, 22 and relevant provisions of the Convention, the Committee recommends that the State party:

...

(b) Prevent sexual assaults and other exploitation of refugee and internally displaced children, with particular attention to girls, and provide for their rehabilitation and reintegration into society;

(c) Prevent forcible conscription of refugee and internally displaced boys and provide for their rehabilitation and reintegration into society;

(d) In carrying out programmes for internally displaced and refugee children, seek assistance and work closely with UNHCR, UNICEF and other competent international, intergovernmental or non-governmental organizations.

- Myanmar, CRC, CRC/C/140 (2004) 81 at paras. 412-415.

## CHILDREN'S RIGHTS - ABUSE

412. The Committee is deeply concerned that article 66 (d) of the 1993 Child Law provides for possible “admonition by a parent, teacher, or other person having the right to control the child” and that corporal punishment continues to be regarded as acceptable in society. The Committee is also concerned that the State party has not repealed the Whipping Act and that the orders prohibiting corporal punishment in schools do not seem to be effective.

413. The Committee strongly recommends that the State party repeal article 66 (d) of the 1993 Child Law and prohibit corporal punishment in the family, the schools and other institutions, and undertake education campaigns to educate families and professionals on alternative forms of discipline.

414. The Committee notes the lack of information regarding ill-conduct by law enforcement officials and army personnel, especially in the light of numerous reports received of torture, serious ill-treatment and sexual abuse, including rape of children by law enforcement officials and army personnel.

415. The Committee recommends that the State party:

(a) Assess the scope, nature and causes of violence against children, in particular sexual violence against girls, with a view to adopting a comprehensive strategy on effective measures and policies and on changing general attitudes;

(b) Duly investigate cases of violence through a child-sensitive judicial procedure, notably by giving appropriate weight to children’s views in legal proceedings, and sanction perpetrators, giving due regard to guaranteeing the right to privacy of the child and ensuring that the child is not revictimized during the legal proceedings;

(c) Undertake public education campaigns to promote a culture of non-violence;

(d) Provide care, recovery, compensation and rehabilitation for victims; and

(e) Take into consideration the recommendations of the Committee adopted at its day of general discussion on the theme “Violence against children” (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745).

- Democratic People’s Republic of Korea, CRC, CRC/C/140 (2004) 111 at paras. 557 and 558.

557. The Committee notes the low number of cases of child abuse reported in families and the absence of any reported cases of abuse outside the family, which may indicate

## CHILDREN'S RIGHTS - ABUSE

underreporting. The Committee is concerned about the State party's assertion that "as violence, abuse, neglect, maltreatment and exploitation of children are no longer a social issue, the social reintegration of the victim is no longer a matter of great concern" (CRC/C/65/Add.24, para. 145). The Committee also notes some seemingly confusing information on the prevalence of abuse and neglect of children. The low number of reported cases may be a reflection of the reality, but may also be indicative of an ineffective reporting system.

558. The Committee recommends that the State party:

- (a) Conduct an in-depth study to find out the nature and the extent of abuse and neglect, with a view to developing a strategy to deal with this phenomenon;
- (b) Give attention to addressing and overcoming sociocultural barriers associated with child abuse and neglect;
- (c) Ensure that child victims receive appropriate support and services;
- (d) Train parents, teachers, law enforcement officials, care workers, judges and health professionals on the identification, on reporting and management of ill-treatment cases; and
- (e) Seek assistance from, among others, UNICEF.

- France, CRC, CRC/C/140 (2004) 124 at paras. 600, 601, 615 and 616.

600. The Committee welcomes the legislative efforts made by the State party to reinforce the rights of the child to express her/his views freely in all matters concerning her/him and have them duly taken into account. However, the Committee remains concerned at inconsistencies in legislation as well as the fact that in practice, the interpretation of the legislation, and determination of which child is "capable of discernment", may leave possibilities of denying a child this right or make it subject to the child's own request and may give rise to discrimination. In addition, the Committee is concerned at the conclusion of the Special Rapporteur on the sale of children, child prostitution and child pornography that, in practice, most judges are not willing to hear children and that in the past, justice has failed child victims of sexual abuse (E/CN.4/2004/9/Add.1, paras. 85 and 89).

601. The Committee recommends that the State party review legislation with a view to removing inconsistencies related to the respect for the views of the child. Furthermore, it is encouraged to continue to promote and facilitate, within the family, schools, institutions as well as in judicial and administrative proceedings, respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the

## CHILDREN'S RIGHTS - ABUSE

Convention, as a right they are informed of, not merely a possibility. It further encourages the State party to provide educational information to parents, teachers and headmasters, government administrative officials, the judiciary, children themselves and society-at-large with a view to creating an encouraging atmosphere in which children can freely express their views, and where in turn, these are given due weight.

...

615. The Committee welcomes the information provided in the State party's report on the Plan of Action to combat child abuse announced in September 2000. It is also encouraged by Law No. 2004 on child protection of 2 January 2004 allowing medical personnel to report cases of abuse and ill-treatment without being subject to disciplinary sanctions. However, information on the number of children under the age of 15 who die each week under troubling circumstances is a cause of great concern to the Committee. The Committee is also particularly concerned at the lack of implementation of Law No. 98-468 of 17 June 1998 which allows, *inter alia*, for a video or audio recording of a victim's testimony to be made.

616. The Committee recommends that the State party pursue its efforts to prevent and combat child abuse and neglect, to sensitize the population, including professionals working with and for children, on the magnitude of the problem with a view to preventing further occurrences and providing adequate treatment programmes for victims of abuse and neglect. Furthermore, it urges the State party to fully implement the law of 17 June 1998 and to ensure training in this respect.

- Brazil, CRC, CRC/C/143 (2004) 10 at paras. 73, 74, 87 and 88.

73. The Committee is deeply concerned at the high number of children victims of violence, abuse and neglect, including sexual abuse, in schools, in institutions, in public places and in the family.

74. The Committee recommends that the State party:

(a) Carry out preventive public education campaigns about the negative consequences of ill-treatment of children;

(b) Take the measures necessary to prevent child abuse and neglect;

(c) In addition to existing procedures, establish effective child-sensitive procedures and preventive mechanisms to receive, monitor and investigate complaints, including through the intervention of social and judicial authorities where necessary, to find appropriate solutions, paying due regard to the best interests of the child;

(d) Give attention to addressing and overcoming sociocultural barriers that inhibit victims

## CHILDREN'S RIGHTS - ABUSE

from seeking assistance;

(e) Seek assistance from, among others, UNICEF and the World Health Organization (WHO).

...

87. The Committee welcomes the decision of the State party's President, to make the fight against child sexual exploitation a priority of his Government. However, the Committee is deeply concerned by the wide occurrence of sexual exploitation and related issues, as also noted in the report of the Special Rapporteur on the sale of children, child prostitution, and child pornography following his mission to Brazil in 2003 (E/CN.4/2004/9/Add.2).

88. The Committee recommends that the State party:

(a) Encourage and facilitate the reporting on incidents of sexual exploitation, investigate, prosecute and impose appropriate sanctions on any perpetrator of the alleged violations;

(b) Provide protection to victims of sexual exploitation and trafficking, especially prevention, social reintegration, access to health care and psychological assistance in a culturally appropriate and coordinated manner, including by enhancing cooperation with non-governmental organizations and with neighbouring countries; and

(c) Follow-up on the recommendation made by the Special Rapporteur that specialized criminal courts for child victims of crimes, together with specialized units of the public prosecutor's and specialized police precincts for the protection of children and adolescents should be established.

- Botswana, CRC, CRC/C/143 (2004) 25 at paras. 159 and 160.

159. The Committee is concerned at the increasing incidence of sexual exploitation and abuse of children as mentioned in the State party report.

160. The Committee recommends that the State party:

(a) Undertake a study of children involved in commercial sexual exploitation and use its data to design policies and programmes to prevent commercial sexual exploitation of children, including through the development of a national plan of action on commercial sexual exploitation of children, as agreed at the first and second World Congresses Against Commercial Sexual Exploitation of Children, held in 1996 and 2001;

(b) Train law-enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints, in a child-sensitive manner that respects the

## CHILDREN'S RIGHTS - ABUSE

privacy of the victim;

(c) Prioritize recovery assistance and ensure that education and training as well as psychosocial assistance and counselling are provided to victims.

- Croatia, CRC, CRC/C/143 (2004) 36 at paras. 204 and 205.

204. The Committee is deeply concerned about cases of violence among children and young adults placed in homes for re-education and other institutions and about cases of violence and bullying among children and young adults in social care institutions.

205. The Committee recommends that the State party take all necessary measures to prevent acts of violence in homes for re-education and social care institutions. In accordance with the recommendation of the Committee against Torture (CAT/C/CR/32/3, para. 9 (k)), the Committee urges the State party to increase the protection of children in social care institutions, *inter alia* by ensuring that violent acts are reported and investigated and providing adequate support and treatment, including psychological treatment to victims of such acts.

- Equatorial Guinea, CRC, CRC/C/143 (2004) 64 at paras. 355 and 356.

355. The Committee notes with concern information indicating a high level of tolerance of promiscuity in families, the lack of information available on child abuse in the family and that legislation for the protection of children from sexual abuse does not expressly prohibit sexual intercourse with minors that are the offender's natural children.

356. The Committee recommends that the State party:

(a) Undertake studies on domestic violence, ill-treatment and abuse (including sexual abuse within the family) in order to adopt effective laws, policies and programmes to combat all forms of abuse;

(b) Develop a national system for receiving, monitoring and investigating complaints and, when necessary, prosecuting cases in a manner that is child-sensitive and respects the victims' privacy;

(c) Reform legislation on child abuse in the family to expressly prohibit sexual abuse;

(d) Set up a comprehensive and nationwide response system that is designed to provide,

## CHILDREN'S RIGHTS - ABUSE

where appropriate, support and assistance to both victims and perpetrators of family violence, rather than only intervention or punishment, and that ensures that all victims of violence have access to counselling and assistance with recovery and reintegration, while preventing stigmatization of victims of abuse;

(e) Seek technical assistance from, among others, UNICEF, in this regard.

- Angola, CRC, CRC/C/143 (2004) 78 at paras. 407, 408, 413, 414, 443 and 444.

407. The Committee expresses its deep concern at the re-emergence of the persecution of children accused of witchcraft and the very negative consequences of such accusations, including cruel, inhuman and degrading treatment, and even murder.

408. The Committee urges the State party to take immediate action to eliminate the mistreatment of children accused of witchcraft, including by prosecuting the perpetrators of this mistreatment and intensive education campaigns that involve local leaders.

...

413. The Committee is concerned about the growing number of cases of abuse and violence against children, including sexual abuse in their homes, in schools and in other institutions.

414. The Committee recommends that the State party strengthen current efforts to address the problem of child abuse, including by ensuring that:

(a) Child-sensitive mechanisms to receive and investigate complaints regarding ill-treatment and abuse are established;

(b) Public education campaigns about the negative consequences of ill-treatment and preventive programmes, including family development programmes, promoting positive, non-violent forms of discipline are conducted;

(c) Counselling and assistance with recovery and reintegration are provided to all victims of violence;

(d) Adequate protection to child victims of abuse in their homes is provided;

(e) The national plan of action to combat sexual abuse of minors is effectively implemented.

...

443. The Committee is concerned about the extent of the problem of sexual exploitation of and trafficking in children in the State party and notes that internally displaced and street children are particularly vulnerable to such abuse.

## CHILDREN'S RIGHTS - ABUSE

444. The Committee recommends that the State party further strengthen its efforts to identify, prevent and combat trafficking in children for sexual and other exploitative purposes, including by finalizing the national plan of action in this area and providing the appropriate legal framework and sufficient human and financial resources for its implementation. The Committee also encourages the State party to define "trafficking" as a special criminal offence under the Penal Code.

- Antigua and Barbuda, CRC, CRC/C/143 (2004) 93 at paras. 499, 500, 516 and 517.

499. The Committee welcomes the adoption of the Sexual Offences Act of 1995 which protects the child against incest, but is concerned that the Offences Against the Person Act protects only girl children from rape and not boys, and that there are no local laws that specifically deal with the issue of protecting children against psychological violence. The Committee is further concerned that there are no officially designated places of safety for child victims of abuse where they can stay until their cases are heard by a magistrate, and that in practice, children are usually held at the police station, which is a cause of serious alarm. The Committee also expresses concern about the lack of adequate complaint filing mechanisms for child victims of abuse and neglect. The Committee is also concerned that prosecution for child abuse and neglect may be impeded as a result of major infrastructural problems in the legal system.

500. The Committee recommends that the State party take the necessary measures to prevent child abuse and neglect by, *inter alia*:

- (a) Carrying out public education campaigns that raise awareness of the consequences of ill-treatment of children and alternative measures of disciplining children, addressing sociocultural barriers that inhibit victims from seeking assistance;
- (b) Introducing legislation making it mandatory for all professionals working for and with children to report suspected cases of abuse and neglect, and train them in the identification, reporting and management of ill-treatment cases;
- (c) In addition to existing procedures, establishing effective mechanisms to receive, monitor and investigate complaints in a child-sensitive manner and ensuring proper prosecution of perpetrators of child abuse and neglect;
- (d) Providing services for the physical and psychological recovery and social reintegration to victims of sexual abuse and any other child victims of abuse, neglect, ill-treatment, violence or exploitation, and taking appropriate measures to prevent the criminalization and stigmatization of victims, including through cooperation with NGOs;

## CHILDREN'S RIGHTS - ABUSE

(e) Seeking technical assistance from, *inter alia*, UNICEF and WHO.

...

516. The Committee is concerned that the Sexual Offences Act of 1995 does not afford the same protection to boys as it does to girls. The Committee is also concerned at the low rate of prosecutions of those who sexually exploit children and that there is little in the way of public campaigns to educate the population about the laws governing sexual exploitation. The Committee notes that sexual exploitation of children should be a particular and growing concern for the State party, given its heavy reliance on commercial tourism.

517. The Committee recommends that the State party:

(a) Take appropriate legislative measures and ensure protection from sexual abuse and exploitation for boys and girls under 18 years;

(b) Undertake a comprehensive study to examine the sexual exploitation of children, gathering accurate data on its prevalence;

(c) Take appropriate legislative measures and develop an effective and comprehensive policy addressing the sexual exploitation of children, including the factors that place children at risk of such exploitation;

(d) Avoid criminalizing child victims of sexual exploitation and ensure proper prosecution of perpetrators; and

(e) Implement appropriate policies and programmes for the prevention of this crime and the recovery and reintegration of its victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.

- Sweden, CRC, CRC/C/146 (2005) 8 at paras. 67 and 68.

67. The Committee notes with appreciation that, following the First World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996, a National Plan of Action was adopted to protect children against sexual abuse and ill-treatment, which was brought up to date in 2001 for the Second World Congress, held in Yokohama, Japan. It also welcomes the proposed revisions to the Criminal Code regarding sexual offences, which, if adopted, will improve the protection of children against sexual exploitation. However, the Committee is concerned at:

(a) The occurrence of trafficking in children, prostitution and related issues in Sweden and abroad committed by Swedish citizens;

## CHILDREN'S RIGHTS - ABUSE

(b) Reports of cases of sexually abused children as a result of contacts via the Internet;

(c) The little protection provided by Swedish legislation, due in part to the subjective and incomplete definition of the child under the Penal Code concerning child pornography.

68. The Committee recommends that the State party:

(a) Strengthen the protection measures for children who are using the Internet and the awareness-raising programmes for children about the negative aspects of the Internet, including by working with service providers, parents and teachers;

(b) Strengthen measures to reduce and prevent the occurrence of sexual exploitation and trafficking, including by sensitizing professionals and the general public to the problems of sexual abuse of children and trafficking through education, including media campaigns;

(c) Strengthen the legislation against possession and production of child pornography, including by prohibiting the display of child pornography on the Internet by service providers, and by revising the definition of the child in the Penal Code concerning child pornography, setting a clear objective age limit at 18 years;

(d) Strengthen the legislation allowing the prosecution of Swedish citizens involved in sexual exploitation of children abroad, including by prohibiting the reissuance of passports for persons freed after posting bail;

(e) Increase the protection provided to victims of sexual exploitation and trafficking, including prevention, witness protection, social reintegration, access to health care and psychological assistance in a coordinated manner, including by enhancing cooperation with NGOs, taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the First and Second World Congresses against Commercial Sexual Exploitation of Children, held in 1996 and 2001 respectively

- Albania, CRC, CRC/C/146 (2005) 19 at paras. 96, 97, 115, 116, 123 and 124.

96. The Committee welcomes the information that the age of marriage is now 18 years for all children and that discrimination contained in previous legislation has been removed. However, the Committee notes the lack of clarity related to the status of children between 14 and 18 years (e.g. in the areas of sexual abuse or exploitation, juvenile justice) and is concerned that children in this age group may not be accorded the special protection or the rights they are entitled to in accordance with the Convention.

97. The Committee recommends that the State party take all necessary measures to clarify

## CHILDREN'S RIGHTS - ABUSE

the definition of the child in Albania and that existing legislation be reviewed to ensure that all children under 18 years of age receive the protection they need as provided for in the Convention.

...

115. The Committee notes article 25 of the Constitution and the general provisions of the Criminal Procedure Code, according to which torture and degrading treatment or punishment are prohibited. However, the Committee regrets the lack of relevant practical information in the report, and is concerned about allegations of ill-treatment and improper use of force, in particular against children, both by public officials and the police in pre-trial detention centres, in prisons and in other institutions in which children are in the care of the State. Furthermore, the Committee is concerned that these allegations have not been investigated promptly by an independent authority.

116. In light of article 37 (a) of the Convention the State party should take all necessary and effective steps to address the causes and to prevent incidents of ill-treatment of children while in State care, including by adopting a prevention strategy against institutional violence. The Committee further urges the State party to undertake adequate measures to ensure that an effective system is set up for filing complaints about acts of ill-treatment and that such acts receive an appropriate response through the judicial process, in order to avoid impunity for the perpetrators.

...

123. The Committee is concerned that "maltreatment" is one of the most acute problems in the Albanian society, as noted by the State party. The Committee notes that domestic violence remains underreported but is common, as are other forms of ill-treatment and abuse, including sexual abuse. Concern is also expressed at the insufficient resources, including lack of adequately trained personnel, to prevent and combat such abuses.

124. The Committee recommends that the State party:

- (a) Undertake comprehensive studies on domestic violence, ill-treatment and abuse to understand the causes, scope and nature of these practices;
- (b) Strengthen its efforts to prevent and combat all forms of physical and mental domestic violence, ill-treatment and abuse as well as to adopt measures and policies to contribute to changing attitudes to violence and abuse within the family;
- (c) Ensure that a referral system is set-up, that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, are properly investigated within a child-friendly judicial procedure, and that sanctions are applied to perpetrators, giving due regard to protecting the child's right to privacy;
- (d) Ensure the provision of support services, such as psychological recovery and social

## CHILDREN'S RIGHTS - ABUSE

reintegration, and the prevention of stigmatization of victims.

- Luxembourg, CRC, CRC/C/146 (2005) 36 at paras. 196 and 197.

196. The Committee is concerned at the number of reported cases of sexual abuse of children.

197. In the light of article 19 of the Convention, the Committee recommends that the State party undertake a study on violence, more particularly on sexual abuse and violence, in order to assess the extent, causes, scope and nature of such practices. The Committee also recommends that the State party strengthen measures to address ill-treatment of children within the family and to ensure the prevention, timely reporting and prosecution of instances of child abuse.

- Austria, CRC, CRC/C/146 (2005) 47 at paras. 259 and 260.

259. The Committee welcomes the various amendments to the criminal law and criminal procedure on sexual abuse and violence in the family. However, the Committee is concerned about the effectiveness of law enforcement and the recovery of child victims.

260. The Committee recommends that the State party:

(a) Provide for the training of the personnel involved, both in the prosecution process as and in the recovery process;

(b) Provide programmes for the modification of attitudes and behaviour of abusers and perpetrators;

(c) Improve the recovery programmes for child victims;

(d) Make an attempt to have a one-stop service where multidisciplinary and intersectoral services are provided.

- Belize, CRC, CRC/C/146 (2005) 59 at paras. 340, 341 and 359-361.

340. While noting the State party's efforts to combat violence against children and child abuse, including through the Families and Children (Child Abuse) (Reporting) Regulations, the Committee remains gravely concerned at the generally violent environment in which Belizean children are living and at the growing number of cases of murders, abductions,

## CHILDREN'S RIGHTS - ABUSE

violence in the streets, domestic violence and sexual abuse of minors, especially girls.

341. The Committee recommends that the State party take all necessary measures:

(a) To effectively implement the Families and Children (Child Abuse) (Reporting) Regulations and conduct timely and adequate investigations of cases of child abuse and violence in order to bring perpetrators to justice;

(b) To introduce awareness-raising campaigns, with the involvement of children themselves, in order to prevent all forms of violence against children and to combat child abuse, including sexual child abuse, and to change public attitudes and prevailing cultural practices in this respect;

(c) To ensure due adherence to all relevant protocols, policies and procedures regarding the management of child abuse cases;

(d) To ensure that child victims of violence and abuse have access to “one-stop service” and adequate counselling and multidisciplinary assistance with recovery and reintegration.

...

359. The Committee welcomes the adoption in 2003 of the Trafficking in Persons (Prohibition) Act, which provides special protection for children, and the subsequent establishment of a special Task Force to give greater effect to the implementation of the Act, and notes the State party's efforts to combat sexual exploitation of children, for instance, through the “Stamp Out Child Abuse” campaign. Notwithstanding these positive steps taken by the State party, the Committee is concerned about the sexual exploitation of children, child pornography and trafficking of children in Belize and draws attention to the existing risk factors, such as the growing tourism.

360. The Committee also notes with concern that the sex offence legislation of the State party is discriminatory, leaving boys without equal legal protection from sexual assault and abuse. Furthermore, the reported cases of the so-called “sugar daddies”, adult men having sexual relations with girls and providing both girls and their families with monetary and material benefits in exchange for sex, give rise to serious concerns.

361. The Committee recommends that the State party continue and strengthen its efforts:

(a) To conduct a comprehensive study to assess the causes, nature and extent of trafficking and commercial sexual exploitation of children;

(b) To take all necessary measures to effectively prevent, and protect all children from, trafficking, sexual exploitation and child pornography, including through implementing the Trafficking in Persons (Prohibition) Act, and to provide the recently established Task Force

## CHILDREN'S RIGHTS - ABUSE

with adequate financial, human and technical resources;

(c) To develop adequate systems of prevention and early detection and investigation of cases of sexual exploitation and ensure that perpetrators are prosecuted;

(d) To provide adequate programmes of assistance and reintegration for sexually exploited and/or trafficked children in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;

(e) To critically review its sex offence legislation in order to ensure equal legal protection from sexual assault and abuse for girls and boys;

(f) To pay particular attention to the phenomenon of the so-called "sugar daddies" and existing risk factors, such as the growing tourism in the region, and to take all necessary preventive measures, in close cooperation with the tourism industry, in this respect;

(g) To introduce awareness-raising campaigns for children, parents and other caregivers, in order to prevent trafficking, sexual exploitation and pornography involving children, and to strengthen its cooperation with NGOs in this respect.

- Islamic Republic of Iran, CRC, CRC/C/146 (2005) 88 at paras. 482 and 483.

482. The Committee continues to be concerned about legislation that provides for corporal punishment within the family. While welcoming the new Law on the Protection of Children and Adolescents (2003), which includes the prohibition of all forms of molestation and abuse of children and the obligation to report cases of child abuse, the exceptions stated therein continue to legally allow various forms of violence against children. More particularly, several articles of the Civil and Penal Code have been excluded, including article 1179 of the Civil Law and article 59 of the Penal Code, which gives parents the right to physically discipline their children within non-defined "normal limits". In the Committee's view, such exceptions contribute to the abuse of children inside and outside the family and contravene the principles and provisions of the Convention, in particular article 19. The Committee also notes with concern that certain forms of sexual abuse of children or grandchildren are not explicitly prohibited.

483. The Committee recommends that the State party:

(a) Continue and strengthen its efforts, including through legislative and other measures, to prohibit and prevent all forms of physical and mental violence against children, including corporal punishment and sexual abuse, in the family, in schools, and in other institutions, and

## CHILDREN'S RIGHTS - ABUSE

take the necessary legislative measures to ensure that all those who sexually abuse children are punished without discrimination;

(b) Initiate public education campaigns against the use of all forms of violence against children and encourage alternative forms of discipline;

(c) Promote and support the effective operation of the child helpline, established in 2001, to allow children to seek advice and counselling in cases of, *inter alia*, abuse and neglect;

(d) Ensure the protection of victims of child abuse, including during investigation and court proceedings of child abuse cases. Such protection should include the provision of legal assistance, psychosocial assistance, child medical experts and the necessary facilities for hearing child abuse cases in court, such as video recording or closed-circuit television.

- Togo, CRC, CRC/C/146 (2005) 104 at paras. 572, 574, 581 and 582.

572. The Committee is...concerned about:

...

(f) Reports of sexual harassment by teachers of their pupils.

...

574. The Committee recommends that the State party:

...

(d) Take the necessary measures to prevent and punish the abuse of school pupils by teachers, including sexual harassment and economic exploitation, *inter alia*, by promoting the hiring of female teachers;

...

581. The Committee is concerned at the large number of children living and working on the streets, at the vulnerability of these children to various forms of violence, including sexual abuse and economic exploitation, at the lack of a systematic and comprehensive strategy to address the situation and protect these children, and at the very poor registration and tracing of missing children by the police.

582. The Committee recommends that the State party:

(a) Develop a comprehensive strategy to address the root causes of the large number of street children, with the aim of reducing and preventing this phenomenon, including by strengthening the capacities of the families;

...

(c) Provide street children with adequate protection from abuse and violence, and with assistance when they are victims of such violence;

## CHILDREN'S RIGHTS - ABUSE

- (d) Facilitate the recovery and social reintegration, especially through strengthening family relationships, of street children;
  - (e) Ensure adequate registration and effective tracing of missing children;
  - (f) Provide psychosocial support to street children when they return to their families;
  - (g) Seek technical cooperation in this regard from, among others, UNICEF.
- Bolivia, CRC, CRC/C/146 (2005) 121 at paras. 626, 627, 652 and 653.

626. The Committee is concerned at reported cases of police brutality against children in the State party.

627. The Committee recommends that the State party adopt measures to prevent and eliminate all kinds of institutional violence. It also recommends that the State party ensure that alleged cases of police brutality against children are duly investigated and that those responsible for such crimes are prosecuted.

...

652. While welcoming the measures taken by the State party to combat the worst forms of child labour, including through cooperation with ILO-IPEC, the Committee expresses its deep concern at the widespread occurrence of child labour in the State party and at the absence of rights-based policies to protect the rights of children and adolescents involved in child labour. The Committee is particularly concerned about the large number of child domestic workers, who are vulnerable to abuse, and about children working in mines, on sugar cane plantations and in other hazardous conditions.

653. The Committee urges the State to strengthen measures to combat child labour. It recommends, in this regard, that the State party formulate, in a participatory manner, a strategy and plan of action to eliminate the worst forms of child labour as well as to safeguard the rights of working children. The Committee also recommends that the State party strengthen the labour inspectorate to ensure the effective implementation of child labour laws, including the prohibition against employing children under the age of 18 in harmful or hazardous work. The State party is encouraged to give priority to children working in the sugar cane and mining industries and to child domestic workers, with special attention to the rights of the girl child, and to continue to seek assistance from ILO-IPEC in this respect.
  - Nigeria, CRC, CRC/C/146 (2005) 135 at paras. 708, 709, 727-730, 735-737 and 739.

## CHILDREN'S RIGHTS - ABUSE

708. The Committee is deeply concerned about:

- (a) Traditional and discriminatory attitudes and behaviour towards women and children, contributing to violence, abuse, including sexual abuse, neglect, killing, torture and extortion;
- (b) Generally high level of acceptance of domestic violence among law enforcement officials and court personnel; and
- (c) Lack of adequate measures taken by the State party to prevent and combat violence, abuse and neglect against women and children.

709. The Committee urges the State party to strengthen considerably its efforts to prevent and combat violence in society, including violence against women and children, in the context of the family, as well as in schools and other environments. In this regard, the Committee recommends the State party to take the following specific actions:

- (a) Carry out public education campaigns about the negative consequences of violence and ill-treatment of children and promote positive, non-violent forms of conflict resolution and discipline, especially within the family and in the educational system and in institutions;
- (b) Take all legislative measures to prohibit all forms of physical and mental violence, including sexual abuse, against children in all contexts in society, as well as take effective measures for the prevention of violent acts committed within the family, in schools and by the police and other State agents, making sure that perpetrators of these violent acts are brought to justice, putting an end to the practice of impunity;
- (c) Give attention to addressing and overcoming sociocultural barriers, especially the submission and acceptance of maltreatment on the part of girls and women, which inhibit them from seeking assistance;
- (d) Provide care, recovery and reintegration for child victims of direct or indirect violence and ensuring that the child victim is not re-victimized in legal proceedings and that his/her privacy is protected;
- (e) Train parents, teachers, law enforcement officials, care workers, judges and health professionals in identification, reporting and management of ill-treatment cases, using a multidisciplinary approach;
- (f) Use as a guidance for further actions the recommendations of the Committee adopted on its days of general discussion (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745); and

## CHILDREN'S RIGHTS - ABUSE

(g) Seek assistance from, among others, UNICEF and WHO.

...

727. The Committee notes that communal clashes linked to political, religious and ethnic differences have led to a large population of internally displaced persons in the State party, and that Nigeria is a host to a large group of refugees from neighbouring countries such as Chad, Sierra Leone and Liberia. The Committee is concerned about the situation of refugee and internally displaced children living in refugee camps, and regrets the paucity of information with regard to these children in the State party report and the State party's position that the issue of asylum-seeking children do not arise in Nigeria. The Committee is particularly concerned about reports of sexual exploitation of refugee girls and women within and outside of the camps, including female teenagers who are forced into prostitution...

728. The Committee recommends that the State party:

(a) Seek to ensure, as a matter of priority, that all displaced and refugee children and their families have access to health and education services, and that all their rights contained in the Convention are protected, including the right to be registered at birth;

...

(c) Take immediate measures to ensure that all displaced and refugee women and children are protected from all forms of sexual abuse and exploitation and that perpetrators are duly prosecuted;

...

(f) Continue its collaboration with, among others, UNHCR.

729. The Committee is deeply concerned by the impact of communal conflicts on children in Nigeria. The Committee is alarmed by the reports of indiscriminate extrajudicial killings in these conflicts, where children as well as adults are routinely killed, shot to death and burnt. The Committee is seriously concerned at the direct effects of this violence on child victims, including child combatants, and about the severe physical and psychological trauma inflicted upon them. The Committee notes that the State party has signed but not yet ratified the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict.

730. The Committee recommends the State party to take all possible measures to prevent the occurrence of communal conflicts, and to develop a comprehensive policy and programme for implementing the rights of children who have been affected by conflict, and allocate human, technical and financial resources accordingly. In particular, the Committee recommends that the State party:

(a) Develop, in collaboration with NGOs and international organizations, a comprehensive system of psychosocial support and assistance for children affected by conflict, in particular

## CHILDREN'S RIGHTS - ABUSE

child combatants, unaccompanied IDPs and refugees, returnees;

...

(c) Ratify the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict as a matter of priority.

...

735. The Committee is of the view that implementation of the existing legislation is not effective, and is deeply concerned that the number of children who fall victim to sexual exploitation is on the increase in the State party. The Committee also notes with concern that reports of sexual assaults and rape of young girls are on the increase, especially in the north. The Committee is concerned that children victims of sexual exploitation often do not receive adequate protection and/or recovery assistance, but may even be treated as perpetrators of a crime.

736. The Committee recommends that the State party:

(a) Undertake a comprehensive study to examine the sexual exploitation of children and child pornography, gathering accurate data on its prevalence;

(b) Take appropriate legislative measures and develop an effective and comprehensive policy to prevent and combat sexual exploitation of children and child pornography, including the factors that place children at risk of such exploitation;

(c) Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute cases, in a child-sensitive manner that protects children and respects the privacy of the victim;

(d) Prioritize recovery assistance and ensure that education and training as well as psychosocial assistance and counselling are provided to victims, and that victims that cannot return to their families are provided with adequate alternative solutions and are institutionalized only as a last resort;

(e) Avoid criminalizing child victims of sexual exploitation in all circumstances; and

(f) Implement appropriate policies and programmes for the prevention, recovery and reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.

737. The Committee notes with appreciation the State party's ratification of the ILO Convention No. 138 concerning Minimum Age for Admission to Employment and the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in October 2002. However, it remains concerned at the

## CHILDREN'S RIGHTS - ABUSE

significant number of children in Nigeria working as domestic servants, in plantations, in the mining and quarrying sector, and as beggars on the streets. The Committee is also concerned that exploitation and abuse commonly take place in the context of extended family fostering and apprenticeship.

...

739. The Committee recommends that the State party:

...

(b) Make every effort, including preventive measures, to ensure that those children who do work do so in accordance with international standards, do not work under conditions which are harmful to them, receive appropriate wages and other work-related benefits and continue to have access to formal education and other developmental opportunities; and

(c) Take action to implement all policies and legislation relevant to child labour, *inter alia*, through awareness-raising and educational campaigns for the public on the protection of the rights of children.

- Saint Lucia, CRC, CRC/C/150 (2005) 10 at paras. 74, 75, 95 and 96.

74. The Committee is encouraged that a draft protocol for the management of child abuse and neglect in Saint Lucia has been drawn up to deal with the identification, reporting, treatment and management of abuse and neglect cases; however, it remains concerned that this protocol has not yet been enacted and subsequent safeguards and complaint procedures have not been structured and fully implemented. The Committee is also concerned about the lack of training programmes for professionals who work with children on situations of abuse, neglect and inadequate personnel.

75. The Committee recommends that the State party adopt and implement as a matter of priority the draft protocol mentioned in order to ensure:

(a) The establishment of an effective reporting and referral system for cases of child abuse and neglect with the necessary provisions for a child-sensitive investigations of such cases;

(b) The establishment of programmes for psychological and physical recovery and social reintegration for victims of sexual abuse and any other child victims of abuse, neglect, ill-treatment, violence or exploitation;

(c) That recruitment and training programmes are ongoing for all professionals who may have to deal with the investigation and treatments of cases of child abuse and neglect; and

(d) Consider seeking technical assistance from, *inter alia*, UNICEF.

...

## CHILDREN'S RIGHTS - ABUSE

95. The Committee notes with appreciation that the problem of sexual abuse has been recognized by the State party, however it remains concerned that the scope of the issue has not been fully and systematically uncovered and that existing legislation protecting children from sexual abuse and exploitation does not explicitly refer to the male child.

96. The Committee recommends to the State party that it:

(a) Undertake a comprehensive study on the sexual exploitation and abuse of children and use the data to design policies and programmes to prevent commercial sexual exploitation of children, including through the development of a national plan of action on commercial sexual exploitation of children as agreed at the First and Second World Congresses against Commercial Sexual Exploitation of Children;

(b) Adopt legislative measures and ensure protection from sexual abuse and exploitation for both boys and girls;

(c) Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints in a child-sensitive manner that respects the privacy of the victim.

- Philippines, CRC, CRC/C/150 (2005) 24 at paras. 153-155 and 186-190.

153. The Committee is deeply concerned about the increasing reports of cases of child abuse and neglect in the State party and the notable deficiencies in the domestic legislation as regards penalizing all forms of abuse, neglect and mistreatment, including sexual abuse. In addition, the Committee deeply regrets the alleged cases of sexual abuse of children in the framework of religious institutions.

154. The Committee urges the State party to review its domestic legislation in order to penalize all forms of abuse, including sexual abuse, neglect, mistreatment and violence against children and to clearly define these crimes against children, including incest. The Committee recommends to the State party that it take effective measures to prevent and protect children from sexual abuse and exploitation in the framework of religious institutions, including by investigating the magnitude of such cases and by ensuring that the perpetrators of such abuse are brought to justice and that officials of religious institutions are held accountable in these cases of sexual abuse and the exploitation of minors.

155. The Committee urges the State party to conduct timely and adequate investigations of all cases of child abuse and violence with full practice of the rights of the child victim in legal proceedings, for example by allowing videotaped evidence, in order to bring perpetrators to justice and to ensure that child victims of violence and abuse have access to

## CHILDREN'S RIGHTS - ABUSE

adequate counselling and multidisciplinary assistance with recovery and reintegration.

...

186. The Committee reiterates its grave concern at the high number of children living in the streets and their special vulnerability to various forms of violence and abuse, including sexual abuse and exploitation, economic exploitation and substance abuse. The Committee notes the lack of a systematic and comprehensive strategy to address the situation and protect children living in the streets. The Committee emphasizes that unlawful arrest and detention of street children are serious violations of the provisions and principles of the Convention...

187. The Committee recommends that the State party:

...

(b) Ensure that children living in the streets are not unlawfully arrested and detained, protect them from police brutality and where needed, secure their access to adequate legal services;

...

(d) Provide street children with adequate recovery and social reintegration services for physical, sexual and substance abuse and promote reunification with their families, when feasible;

...

188. The Committee expresses its grave concern about the sexual exploitation of children, including growing child prostitution, and the reported cases of child pornography in the State party. The Committee notes with concern that the provisions of the Special Protection of Children against Child Abuse, Exploitation and Discrimination Act are mainly related to child prostitution and do not adequately protect victims of other forms of sexual exploitation. Furthermore, the Committee notes with concern that the minimum age of sexual consent is not clearly enough established in the State party's domestic legislation and that the Revised Penal Code (Republic Act No. 3815) imposes maximum penalties for sexual offences when the victim is under 12 years of age but imposes lower penalties for sexual offences against minors over 12 years of age.

190. The Committee urges the State party to:

(a) Review its domestic laws on the protection of children against sexual exploitation, including the use of children for pornography, in order to provide all child victims of such exploitation with equal protection, *inter alia*, by including in the law equal sanctions to all perpetrators of sexual offences against children;

(b) Set a clearly defined minimum age of sexual consent at an internationally acceptable level in its domestic law;

(c) Conduct a comprehensive study to assess the causes, nature and extent of commercial sexual exploitation and trafficking of children;

## CHILDREN'S RIGHTS - ABUSE

(d) Provide adequate programmes of assistance and reintegration for sexually exploited and/or trafficked children in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the First and Second World Congresses against Commercial Sexual Exploitation of Children;

(e) Pay particular attention to existing risk factors, such as the growing sex tourism in the region and continue to collaborate with the Department of Tourism and tourism service providers in this respect;

(f) Launch awareness-raising campaigns for children, parents and other caregivers, in order to prevent trafficking, sexual exploitation and pornography involving children, and sensitize officials working with and for victims of trafficking.

- Nepal, CRC, CRC/C/150 (2005) 66 at paras. 316, 318, 336-338, 348, 349, 359, 361-363, 369 and 370.

316. While noting that discrimination is prohibited under the Constitution and other relevant legislation, as well as the various efforts undertaken by the State party to eliminate discrimination, the Committee reiterates its deep concerns about the widely prevailing *de facto* discrimination against girls and children belonging to the most vulnerable groups such as the *Dalit* community, children belonging to indigenous or ethnic minority groups, refugee and asylum-seeking children, street children, children with disabilities and children living in rural areas. The Committee notes with grave concern that as a consequence of prevailing discriminatory attitudes, children belonging to vulnerable groups are particularly likely to fall victim to abuse and exploitation.

...

318. The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the right to non-discrimination, and to adopt appropriate legislation, where necessary, to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2. In this regard, the Committee urges the State party to prioritize and target social services for children belonging to the most vulnerable groups, and to take all effective measures to ensure their protection from exploitation. The Committee encourages the State party to launch comprehensive public information campaigns to prevent and combat all forms of discrimination.

...

336. While noting that the Children's Act prohibits any cruel treatment of children by parents, guardians or teachers, the Committee is alarmed by the prevalence of child abuse and domestic violence in the State party and is of the view that the domestic legislation currently in place in the State party does not afford adequate protection to children and women against abuse and domestic violence. In particular, the Committee notes that the

## CHILDREN'S RIGHTS - ABUSE

Children's Act which protects children from cruel treatment does not provide for an effective remedy mechanism, and that violation of the Act is not considered as a State crime and thus only provides remedy under civil court procedures. The Committee further regrets that the Domestic Violence Control Bill which was passed in April 2002 by the Parliament before it was dissolved, was never enacted. The Committee is concerned that insufficient awareness exists in the State party, of violence against women and children as a crime punishable by law, including among law enforcement officials.

337. The Committee, while noting that the Children's Act also provides for inspection of care provided in children's homes, rehabilitation centres and orphanages, is concerned about the lack of appropriate complaint filing mechanisms and of designated places of safety for child victims of abuse and neglect. The Committee is also concerned that prosecution against child abuse and neglect may be impeded as a result of major infrastructural problems in the legal system.

338. The Committee recommends the State party to take the necessary measures to prevent child abuse and neglect, by, *inter alia*:

- (a) Undertaking a study on the causes and scope of this phenomenon and establishing a comprehensive strategy to address the high and increasing number of child abuse, neglect and domestic violence cases, with the aim of preventing and reducing this phenomenon;
- (b) Introducing legislation making reporting obligations mandatory for suspected cases of abuse and neglect for all professionals working for and with children, and training them in the identification, reporting and management of cases of ill-treatment;
- (c) Carrying out public education campaigns that raise awareness of the consequences of ill-treatment of children and the alternative measures of discipline for children, addressing sociocultural barriers that inhibit victims from seeking assistance;
- (d) Establishing effective mechanisms for receiving, monitoring and investigating complaints in a child-sensitive manner and ensuring proper prosecution of perpetrators of child abuse and neglect, as well as instituting appropriate witness and victim protection systems;
- (e) Providing services for the physical and psychological recovery and social reintegration of victims of sexual abuse and any other child victims of abuse, neglect, ill-treatment, violence or exploitation, and taking appropriate measures to prevent the criminalization and stigmatization of victims, including through cooperation with NGOs;
- (f) Seeking technical assistance from, *inter alia*, UNICEF and WHO.

...

## CHILDREN'S RIGHTS - ABUSE

348. The Committee notes with concern that certain harmful traditional practices continue to prevail in the State party, most notably the caste system and traditions such as the *Deuki*, *Kumari*, *Jhuma*, *Badi*, *Kamlari* and *Chaupadi*, causing extreme insecurity, health hazards and cruelty to girl children. The Committee regrets the absence of legal prohibition and sufficient interventions on the part of the State party to address the harmful effects of these traditional practices on the enjoyment of rights by children who are affected by these practices.

349. The Committee recommends that the State party, as a matter of urgency, take all necessary measures to eradicate all traditional practices harmful to the physical and psychological well-being of children, by strengthening awareness-raising programmes. The Committee further recommends the State party to adopt legislation prohibiting such practices.

...

359. The Committee welcomes the adoption in August 2004 of an official policy that is grounded on the principle of *non-refoulement*, but it regrets that the State party has not yet ratified the Convention relating to the Status of Refugees, Convention relating to the Status of Stateless Persons or the Convention on the Reduction of Statelessness, and that there is no domestic legislation that covers the rights of refugees and asylum-seeking persons. In this regard, and given the fact that a large population of these persons are children the Committee is concerned about:

(a) The reports of discrimination and ill-treatment, including high incidence of sexual abuse of women and children in Bhutanese camps in Nepal;

...

361. The Committee recommends that the State party:

...

(b) Seek to ensure, as a matter of priority, that all internally displaced, refugee and asylum-seeking children and their families have access to health and education services, and that all their rights contained in the Convention are protected, including the right to be registered at birth;

(c) Take immediate measures to ensure that all internally displaced, refugee women and children under its jurisdiction are protected from all forms of sexual exploitation and that perpetrators are duly prosecuted;

...

362. The Committee is highly alarmed by the number of children who were killed in armed conflicts in the State party. The Committee notes with grave concern the reports of abduction and forcible conscription of children by the armed groups for political indoctrination and for use as combatants, informants, cooks or porters and as human shields. The Committee is equally concerned that Government forces target under 18s suspected of being members of the armed groups and about the highly alarming reports of disappearances

## CHILDREN'S RIGHTS - ABUSE

and arbitrary detention and of Government forces allegedly using children as spies and messengers... The Committee is concerned at the direct effects of this violence on child victims, including child combatants, and about the severe physical and psychological trauma inflicted upon them...

363. The Committee recommends that the State party develop a comprehensive policy and programme for implementing the rights of children who have been affected by conflict, and allocate human and financial resources accordingly. In particular, the Committee recommends that the State party:

(a) Criminalize abduction, recruitment and use of children for military purposes by any armed forces or armed group;

...

(d) Develop, in collaboration with NGOs and international organizations, a comprehensive system of psychosocial support and assistance for children affected by conflict, in particular child combatants, unaccompanied internally displaced persons and refugees, returnees;

...

(f) Ratify the Hague Convention on the Civil Aspects of International Child Abduction;

...

369. The Committee...notes that article 7 of the Children Act which protects children from cruel treatment and torture is not applicable to sexual abuse cases that do not necessarily reach the threshold of cruel treatment or torture. The Committee is also concerned at the low rate of prosecutions for perpetrators of sexual exploitation of children and that there is little in the way of public campaigns to educate the population on the laws governing sexual exploitation.

370. The Committee recommends that the State party, allocate resources as a matter of priority to:

(a) Enact appropriate legislation that ensures protection from sexual abuse and exploitation for boys and girls under 18 years;

(b) Undertake a comprehensive study to examine the sexual exploitation of children, gathering accurate data on its prevalence;

(c) Take appropriate legislative measures and develop an effective and comprehensive policy addressing the sexual exploitation of children, including the factors that place children at risk of such exploitation, in particular children belonging to the *Bedi* and other lower castes;

(d) Avoid criminalizing child victims of sexual exploitation and ensure proper prosecution of perpetrators;

## CHILDREN'S RIGHTS - ABUSE

(e) Implement appropriate policies and programmes for the prevention, recovery and reintegration of child victims, including establishment of rehabilitation centres in all regions, in accordance with the Declaration and Agenda for Action adopted at the First World Congresses against Commercial Sexual Exploitation of Children and the Yokohama Global Commitment 2001 adopted at the Second World Congress;

(f) Seek assistance from, *inter alia*, UNICEF.

- Ecuador, CRC, CRC/C/150 (2005) 91 at paras. 459 and 460.

459. The Committee takes note of the various measures undertaken by the State party with regard to indigenous children, including the implementation of the bilingual intercultural education system... It is...concerned that indigenous children:

...

(b) Are subjected to punishment, including forms of public shaming; and

(c) Are often victims of sexual abuse.

460. The Committee recommends that the State party take all necessary measures to protect the rights of indigenous children against discrimination and to guarantee their enjoyment of the rights enshrined in domestic law and in the Convention. In this regard, the Committee refers the State party to its recommendations adopted following its day of general discussion on the rights of indigenous children at its thirty-fourth session in 2003. The Committee further recommends that the State party provide indigenous communities, including children with sufficient information regarding birth registration procedures, child labour, HIV/AIDS, child abuse and neglect, including corporal punishment.

- Norway, CRC, CRC/C/150 (2005) 105 at paras. 491, 492, 505, 506, 509 and 510.

491. The Committee is concerned that children who are exposed to violence within the family do not always receive sufficient care and assistance.

492. The Committee recommends that the State party continue to strengthen its efforts to provide adequate assistance to children who are exposed to violence within the family or whose parents are psychiatric patients and/or drug abusers, including through:

(a) Ensuring that all victims of violence have access to counselling and assistance with recovery and reintegration;

(b) Providing adequate protection to child victims of abuse within their homes;

## CHILDREN'S RIGHTS - ABUSE

(c) Strengthening measures to address the root causes of violence within the family, giving special attention to marginalized and disadvantaged groups;

(d) Public education campaigns about the negative consequences of ill-treatment and preventive programmes, including family development programmes promoting positive, non-violent forms of discipline.

...

505. The Committee expresses concern about the large number of unaccompanied asylum-seeking children (33 in 2003) who disappear from reception centres in the State party. It is particularly concerned that these children are vulnerable to abuse and exploitation. The Committee is also concerned about the insufficient supervision of and care provided to unaccompanied asylum-seeking children as well as the insufficient psychological and psychiatric services provided to children living in reception centres...

506. The Committee urges the State party to strengthen measures to ensure that adequate support and supervision are provided to children living in reception centres, as well as adequate psychological and psychiatric care for traumatized asylum-seeking children. The Committee recommends that the State party improve the situation in reception centres for unaccompanied children seeking asylum, in terms of resources and adequately trained and competent staff, so that the assistance and care for these children reaches the same level as that provided in other institutions under the child welfare system...

...

509. The Committee is concerned at the incidence of sexual abuse of children and young people in the State party, and regrets the lack of recent studies into this problem.

510. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party:

(a) Conduct a comprehensive study to assess the nature and extent of sexual abuse of children as well as the characteristics of abused children with a view to identifying those groups which are particularly vulnerable to abuse;

(b) Strengthen measures to combat sexual abuse of children and adolescents;

(c) Ensure that children's testimony is recorded in an appropriate way and that the persons carrying out the hearing have the necessary specialist qualifications.

- Mongolia, CRC, CRC/C/150 (2005) 113 at paras. 552 and 553.

552. While acknowledging that the State party is aware of the grave magnitude and negative repercussions of abuse and violence against children and that it has taken measures to

## CHILDREN'S RIGHTS - ABUSE

prevent it, the Committee remains concerned at the persistence of this problem. The Committee is particularly concerned at the absence of a legal framework to protect children from incest.

553. In the light of the recommendations adopted by the Committee on its days of general discussion on violence against children within the family and in schools (see CRC/C/111) and on State violence against children (see CRC/C/100), the Committee recommends that the State party:

(a) Take all appropriate measures to address and prevent domestic violence, whether physical or mental, including violence against women, within the family, *inter alia*, by implementing the Law against Domestic Violence, adopted in May 2004, and to ensure the full protection of children against this type of violence;

(b) In order to prevent and reduce the phenomenon of domestic violence, and violence in society in general, undertake studies on the root causes and scope of the problem of violence against children;

(c) Take steps to end the sexual abuse of children, including through establishing a legal framework to protect children from incest, improving the access of children and adults to reporting mechanisms, giving its full support to a toll-free three-digit telephone helpline open 24 hours per day, and increasing the investigation of cases and the prosecution of persons responsible;

(d) Raise awareness among the public of the problem of domestic violence, with a view to changing public attitudes and traditions that inhibit victims, particularly women and girls, from reporting it, and strengthen its cooperation with non-governmental organizations, such as the National Centre Against Violence, working in this field;

(e) Investigate cases of domestic violence and sexual abuse, through a child-sensitive judicial procedure, and ensure that sanctions be applied to perpetrators with due regard given to guaranteeing the right to privacy of the child; and

(f) Address the shortage of child psychiatrists, psychologists, social workers and other professionals in order to provide child victims and perpetrators of sexual abuse and violence against children with adequate access to counselling and other recovery and reintegration-related services.

- Nicaragua, CRC, CRC/C/150 (2005) 132 at paras. 624, 625, 630 and 631.

624. The Committee notes that torture and other cruel, inhuman or degrading treatment or

## CHILDREN'S RIGHTS - ABUSE

punishment is prohibited in the State party. However, the Committee is concerned by allegations of instances of ill-treatment of children by law enforcement officials, especially in police establishments.

625. In the light of article 37 (a) of the Convention, the State party should take all necessary measures to address the causes and to prevent incidents of ill-treatment of children while in State care, including by adopting a prevention strategy against institutional violence.

...

630. While the Committee welcomes the National Plan of Action 2001-2006 for the prevention of domestic and sexual violence and the fact that children who are victims of abuse can directly file a complaint, it is concerned that domestic violence and abuse of children is an increasing phenomenon in Nicaraguan society.

631. The Committee, reiterating its previous recommendation, urges the State party to strengthen its efforts in order to address ill-treatment of children within the family and reinforce the mechanisms monitoring the extent of the forms of violence, injury or abuse, neglect, maltreatment or exploitation considered by article 19, including within the family, schools, in institutional or other care, of a welfare, educational or penal nature. The Committee also recommends that the State party ensure adequate protection of child victims of abuses and avoid re-victimization of children who are involved in legal procedures, *inter alia*, by accepting videotaped testimony of children as admissible evidence in court.

- Costa Rica, CRC, CRC/C/150 (2005) 149 at paras. 706 and 707.

706. With reference to its previous recommendation (CRC/C/15/Add.117, para. 20) concerning the prevention of abuse and ill-treatment of children, the Committee notes the effort made by the State party to address the problems of child abuse and neglect, *inter alia* by promoting the reporting of alleged cases of child abuse, the waiver of civil/criminal responsibility in case of reporting in good faith, the establishment of a protocol for dealing with cases of child abuse and the functioning of the helpline 911. But the Committee is concerned that the provision of services to child victims is to a large degree left to non-governmental organizations and that a comprehensive prevention policy has not been developed.

707. The Committee recommends the State party to strengthen its efforts to combat child abuse and neglect in particular by actively supporting helplines such as 911 and *Línea cuenta conmigo*, increase its support to non-governmental organizations and implement programmes under PANI's responsibility to ensure that child victims do receive the necessary protection, counselling and other support. The Committee also recommends the review of existing legislation in order to ensure that legal procedures dealing with cases of child abuse are child sensitive, do respect the child's privacy and prevent revictimization of the child, *inter alia*,

## CHILDREN'S RIGHTS - ABUSE

by accepting videotaped testimony of the child victim as admissible evidence. The Committee further recommends the State party to develop and implement a comprehensive policy for the prevention of child abuse and neglect...

- Yemen, CRC, CRC/C/150 (2005) 161 at paras. 795 and 796.

795. The Committee notes the various measures adopted by the State party in order to address the problem of child labour, including the establishment of a child labour unit within the Ministry of Social Affairs and Labour and the appointment of a national coordinator for the International Labour Organization International Programme on the Elimination of Child Labour (IPEC). However, the Committee remains deeply concerned about:

...

(b) The fact that many child labourers, notably children working as domestic servants, are very vulnerable to abuse, including sexual abuse, and completely lack protection.

796. The Committee recommends that the State party:

...

(c) Undertake a study to address the problems faced by children working in the informal sector, including those working as domestic servants and ensure their rights to education, health and family links...

...