

CHILDREN’S RIGHTS - CIVIL RIGHTS

III. CONCLUDING OBSERVATIONS, CONTINUED

CERD

- Malawi, CERD, A/58/18 (2003) 93 at para. 558.

558. The Committee is concerned that the registration of births is not compulsory, except for children of non-African origin.

The Committee underlines the existing link between the registration of births and the ability of children to enjoy civil, political, economic, social and cultural rights, as enumerated under article 5 of the Convention. It recommends that the State party review the Births and Deaths Registration Act in order to make birth registration compulsory for all children without any discrimination.

ICCPR

- Luxembourg, ICCPR, A/58/40 vol. I (2003) 45 at para. 80(9).

(9) The Committee notes that the Civil Code still draws a distinction between “legitimate” children and children born out of wedlock, whereas by law, they are entitled to the same rights (article 26 of the Covenant).

The State party should remove this obsolete distinction from the Civil Code.

ICESCR

- Malta, ICESCR, E/2005/22 (2004) 45 at paras. 349 and 367.

349. The Committee notes with concern the distinction made between “legitimate” and “illegitimate” children in the Civil Code of the State party and the fact that children born out of wedlock do not have the same rights as children born in wedlock.

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367. The Committee urges the State party to expedite the planned revision of the Civil Code so as to abolish the terminology “legitimate” and “illegitimate” children and ensure equality in the enjoyment of rights of children born both in and out of wedlock.

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CAT

- 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:

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(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;

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48. The Committee recommends that the State party:

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(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...

...

CRC

- Mauritania, CRC, CRC/C/111 (2001) 8 at paras. 50 and 51.

50. The Committee is concerned that the principles of non-discrimination (art. 2 of the Convention), best interests of the child (art. 3), right to life and maximum possible survival and development of the child (art. 6) and respect for the views of the child (art. 12) are not fully reflected in the State party's legislation and administrative and judicial decisions, as well as in policies and practices relevant to children at both national and local levels.

51. The Committee recommends that the general principles of the Convention, in particular the provisions of articles 2, 3, 6 and 12:

(a) Be appropriately integrated in all relevant legislation concerning children;

(b) Be applied in all political, judicial and administrative decisions, as well as in projects,

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programmes and services which have an impact on all children; and

(c) Guide planning and policy-making at every level, as well as actions taken by social and health welfare institutions, courts of law and administrative authorities.

- Kenya, CRC, CRC/C/111 (2001) 21 at paras. 110 and 111.

110. The Committee notes with concern that, *inter alia*, traditional practices and attitudes still limit the full implementation of article 12 of the Convention.

111. The Committee recommends that the State party develop a systematic approach to increasing public awareness of the participatory rights of children, particularly at the local level and in traditional communities, and encourage respect for the views of the child in the family, in schools and care institutions, and in the judicial system. The Committee further recommends that the State party introduce child-sensitive hearings for placement decisions and in courts and take into account the views of the child, according to their maturity and age.

- Oman, CRC, CRC/C/111 (2001) 36 at paras. 162, 163, 179 and 180.

162. Noting good cooperation in the development and welfare sectors between the Government and national associations, bilateral aid agencies, international organizations and NGOs, the Committee is concerned that insufficient efforts have been made to involve civil society, particularly in the area of civil rights and freedoms, with respect to awareness-raising and in the implementation of the Convention.

163. The Committee recommends that the State party:

(a) Develop a systematic approach to involving civil society, especially children's associations, throughout all stages in the implementation of the Convention, in particular with respect to civil rights and freedoms; and

...

179. The Committee is concerned that traditional attitudes towards children in society may limit respect for their views, especially within the family and schools.

180. The Committee recommends that the State party:

(a) Continue to promote and facilitate within the family, the school, institutions, the courts and administrative bodies respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention;

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(b) Develop skills-training programmes in community settings for parents, teachers, social workers and local officials so that they can learn how to help children to express their informed views and opinions and to take those views into consideration; and

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

See also:

- Qatar, CRC, CRC/C/111 (2001) 59 at paras. 279 and 280.
- Cameroon, CRC, CRC/C/111 (2001) 71 at paras. 344 and 345.
- Bahrain, CRC, CRC/C/114 (2002) 122 at paras. 466 and 467.

- Portugal, CRC, CRC/C/111 (2001) 48 at paras. 226 and 227.

226. The Committee notes the State party's ongoing efforts to ensure child participation and welcomes the fact that the age at which a child's opinions must be heard in administrative and judicial proceedings affecting the child has been defined under relevant legislation and taken into consideration in accordance with the age and maturity of the child. The Committee notes, in addition, ongoing efforts to address concerns regarding cultural conceptions of the value of a child's opinion within schools and society (see paragraph 123 of the State party's report) and in decision-making at national and local levels in matters affecting children.

227. In the light of article 12, the Committee encourages the State party to continue to enhance child participation and respect for the opinions of the child, including at national and local levels and in accordance with the age and maturity of the child.

- Cameroon, CRC, CRC/C/111 (2001) 71 at paras. 355 and 356.

355. While noting that the much appreciated Children's Parliament serves as a forum for children to express their views, the Committee is concerned that respect for the views of the child remains limited within the family, in schools, in the courts and before administrative authorities and in the society at large owing to traditional attitudes.

356. The Committee encourages the State party to pursue its efforts to:

(a) Promote and facilitate within the family, in schools, in the courts, including customary courts, and in administrative bodies respect for the views of children and their participation in all matters affecting them, in accordance with their age and maturity, in the light of article 12 of the Convention;

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(b) Provide educational information to, *inter alia*, parents, teachers, government administrative officials, the judiciary, traditional leaders and society at large on children's right to participate and to have their views taken into consideration;

(c) Establish municipal councils for children.

- Uzbekistan, CRC, CRC/C/111 (2001) 117 at paras. 560 and 561.

560. In the light of article 13 (the child's right to seek, receive and impart information) and article 17 of the Convention (the right of access to information, including information and material from a diversity of cultural, national and international sources), the Committee is concerned that stringent registration and licensing requirements for the media and publications, as well as restrictions on Internet access, do not comply with article 13, paragraph 2, of the Convention.

561. The Committee recommends that the State party take all effective measures, including enacting or rescinding legislation where necessary, to ensure that the child's freedom of expression and the right of access to information are guaranteed and implemented.

- Cape Verde, CRC, CRC/C/111 (2001) 135 at paras. 626 and 627.

626. While noting the State party's efforts in this regard, including both the establishment of a children's parliament and the State party's efforts in 1998 to raise awareness of children's right to participate, the Committee remains concerned that this right is not adequately respected in the context of, *inter alia*, the family, schools and policy-making.

627. In light of article 12, the Committee recommends that the State party strengthen its efforts to ensure respect for children's right to participate through, *inter alia*:

(a) The use of promotion campaigns targeting parents, teachers and children;

(b) Continuing support to the children's parliament and ensuring that conclusions and recommendations made by this parliament are taken into consideration in the State party's decision-making process.

- Greece, CRC, CRC/C/114 (2002) 25 at paras. 121, 122, 130, 131, 144 and 145.

121. Taking note of the State party's indication of its intention to change legislation and

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define the age of majority uniformly as 18, and noting the Special Committee that has been appointed in this regard, the Committee is concerned:

(a) At inconsistencies in the definitions of a child within the State party's legislation, including that under civil law a minor is a person who has not reached age 18 while under penal law a minor is a person who has not reached 17;

...

122. The Committee recommends that the State party:

(a) Clarify the age of majority, with particular regard to penal law and the international practice that juvenile justice standards are extended to children up until age 18;

...

130. The Committee is concerned that children's opinions are insufficiently taken into consideration in the context of judicial or administrative decisions, including in the context of child custody procedures following parental separation and decisions to place a child in a State institution, foster care, or other form of alternative care. The Committee is also concerned that the Youth Parliament does not represent the views of a sufficiently wide spectrum of children in the State party.

131. The Committee recommends that the State party:

(a) Strengthen its efforts, including in respect of legislation, to ensure that children's views are heard and taken into consideration in all judicial, administrative and other decisions affecting them and in accordance with the child's age and maturity;

(b) Ensure that the Youth Parliament is representative of all sectors of the State party's child population, including children from distinct ethnic, religious, linguistic or cultural groups.

...

144. The Committee is concerned that upon the separation of some Muslim parents, custody of children below a certain age is systematically awarded to mothers and custody of children above a certain age is systematically awarded to fathers, without due regard for the best interests and opinion of the child.

145. The Committee recommends that in the context of child custody decisions the State party ensure full respect for the Convention including, *inter alia*, the obligation to give due consideration to the best interests and views of the child.

- Gabon, CRC, CRC/C/114 (2002) 47 at paras. 203, 204, 213 and 214.

203. While welcoming the existence of a Children's Parliament, the Committee is concerned that, owing to traditional attitudes, respect for the views of the child remains limited within

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the family, in schools, in the courts, and before administrative authorities and in the society at large.

204. The Committee encourages the State party to pursue its efforts to:

(a) Promote and facilitate within the family, the school, the courts and administrative bodies, through the adoption of legislation, respect for the views of children and their participation in all matters affecting them, in accordance with their age and maturity, and in light of article 12 of the Convention;

(b) Provide educational information to, among others, parents, teachers, government administrative officials, the judiciary, traditional leaders and the society at large on children's rights to participate and to have their views taken into consideration;

(c) Promote the activities and take duly into consideration the decisions of the Children's Parliament and take care that all groups of children are represented.

...

213. The Committee is very concerned that current facilities available for the alternative care of children deprived of a family environment are insufficient and that many children do not have access to such assistance...In addition, the Committee is concerned that children themselves are not heard prior to and during their placement...

214. The Committee recommends that the State party:

...

(b) Systematize the hearing of the views of the child concerning his/her placement;

...

See also:

- Burkina Faso, CRC, CRC/C/121 (2002) 103 at paras. 453 and 454.
- Mozambique, CRC, CRC/C/114 (2002) 65 at paras. 281 and 282.

281. While noting the State party's efforts to establish a child legislative assembly and consultations of children throughout the country, the Committee remains concerned that:

(a) The principle of respect for the views of the child is not expressly provided for in legislation;

(b) Children's views are not systematically sought and taken into consideration with regard to decisions that may affect them.

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282. The Committee recommends that the State party:

(a) Continue and strengthen efforts to ensure the participation of children in all spheres that affect their lives, including through reinforcing the work of the children's parliament and the consideration of its recommendations;

(b) Adopt legislation providing for the principle of respect for the views of the child;

(c) Implement measures, including information campaigns and the training of professionals and children on this right, with a view to ensuring that children's views are respected, including in the family, at school and in institutions.

- Chile, CRC, CRC/C/114 (2002) 90 at paras. 353 and 354.

353. The Committee notes with concern that, due to traditional and paternalistic attitudes still widespread in the country, children are not encouraged to express their views and that, in general, their views are not heard nor given due weight in decisions affecting them in the family, at school, in the community and in social life at large. In particular, it notes with deep concern that, according to article 30 of the Juvenile Act, the juvenile judge may impose a protection measure on children without summoning them to appear when the case does not constitute a crime, ordinary offence or minor offence.

354. In light of articles 12 to 17 of the Convention, the Committee recommends that the State party undertake measures in order to take into account the views of children, in accordance with the concept of their evolving capacities, in all matters affecting them, in particular in judicial and administrative proceedings, and integrate this principle in the new legislation and in policies and programmes affecting children, including the National Policy. It encourages the State party to seek technical cooperation from, among others, UNICEF.

- Malawi, CRC, CRC/C/114 (2002) 104 at paras. 408 and 409.

408. The Committee welcomes the introduction of the principle of respect of the views of the child in several laws such as the Children and Young Persons Act, the Adoption Act and the establishment of the Children's Parliament, but it remains concerned that, *inter alia*, traditional attitudes still limit the full implementation of article 12 of the Convention.

409. The Committee recommends that the State party develop a systematic approach to increasing public awareness of the participatory rights of children in the best interests of the child, particularly at the local levels and in traditional communities, with the involvement of community and village leaders, and ensure that the views of the child are heard and taken

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into consideration in accordance with their age and maturity in families, communities, schools, care institutions, and the judicial and administrative systems. In that regard, the Committee recommends that the State party launch campaigns to change the traditional attitude and values which do not allow children to express their views.

See also:

- Niger, CRC, CRC/C/118 (2002) 37 at paras. 157 and 158.
- Belgium, CRC, CRC/C/118 (2002) 29 at paras. 112 and 113.

112. The Committee welcomes the information that several structures have been set up with the support of the State party through which children can make their views known. These include conferences, courses on children's rights, councils in schools and communities, and the "What do you think?" project. However, the Committee is concerned that children are not adequately informed on how they can have input into policies that affect them, nor how their views will be taken into consideration once they have been solicited; and that sufficient attention has not been accorded to the participation of primary and secondary students in school governance, including in areas such as school regulations and management of discipline. With respect to court or administrative proceedings affecting the child, the Committee is concerned that the right to be heard is largely discretionary under article 931 of the Judicial Code, and is not adequately guaranteed to the child. The Committee welcomes the information concerning a draft law in this regard.

113. The Committee recommends that the State party, in accordance with article 12, take further steps to promote and facilitate meaningful participation of children in society, including in schools. Moreover, it recommends that legislation governing procedure in courts and administrative proceedings ensure that a child capable of forming his/her own views has the right to express those views and that they are given due weight.

- Niger, CRC, CRC/C/118 (2002) 37 at paras. 163 and 164.

163. The Committee is concerned at the practice of repudiation of women, which can lead to the separation of the child from his/her mother, and at the custom applicable in divorce cases which holds that children are entrusted to their mothers before they are 7 years old and to their fathers when older, without the views of the child and his/her best interests being taken into account. In addition, the Committee is concerned that the recovery of maintenance is not ensured.

164. The Committee recommends that the State party take all necessary measures to stop these practices and reinforce its efforts to sensitize the population on the obvious negative

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impact and the contradiction of these practices with the best interests of the child and other relevant provisions of the Convention. In addition, the Committee recommends that the State party take all necessary measures to ensure the recovery of maintenance.

- Belarus, CRC, CRC/C/118 (2002) 54 at paras. 231-234.

231. Noting the provisions which allow the child to be heard, the Committee is concerned that judges or other decision-making bodies have too much discretionary power in that regard.

232. In light of article 12, the Committee recommends that the State party:

(a) Make sure that all children mature enough to express their views are heard in all judicial and administrative procedures affecting them; and

(b) Undertake campaigns to make parents, professionals working with and for children and the public at large aware that children have the right to be heard and to have their views taken seriously.

233. The Committee notes with concern that the implementation of articles 13, 15 and 17 is limited.

234. The Committee recommends that the State party guarantee to all children the full implementation of the rights to freedom of expression, freedom of association and peaceful assembly and access to appropriate information, recognized in articles 13, 15 and 17 of the Convention.

- Tunisia, CRC, CRC/C/118 (2002) 68 at paras. 279 and 283-286.

279. In accordance with article 2 of the Convention, the Committee recommends that the State party:

(a) Make concerted efforts at all levels to address discrimination, notably discrimination based on the political and human rights activities, expressed opinions or beliefs of children or their parents, legal guardians or family members; disability; national, ethnic, or social origin, by means of a review and reorientation of policies, including increased budgetary allocations for programmes targeting the most vulnerable groups;

...

283. The Committee is concerned that the right of the child to freedom of expression, including to receive information, and to freedom of association and peaceful assembly are

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not fully guaranteed in practice.

284. The Committee recommends that the State party take all necessary measures to ensure the full practical implementation of the rights to freedom of expression and freedom of association and peaceful assembly, in accordance with articles 13 and 15 of the Convention.

285. The Committee is concerned about information brought to its attention which indicates that the exercise of the right to freedom of religion may not always be fully guaranteed, particularly with regard to regulations prohibiting the wearing of a headscarf by girls in schools.

286. The Committee recommends that the State party take all necessary measures to ensure the full implementation of the right to freedom of thought, conscience and religion.

- United Arab Emirates, CRC, CRC/C/118 (2002) 90 at paras. 381, 382, 394 and 395.

381. The Committee notes significant investment in and increased budgetary allocations for health, education and other parts of the social sector. However, it is concerned that insufficient attention has been given to the allocation of resources for programmes and policies to promote the civil and political rights of children.

382. The Committee recommends that the State party:

(a) Strengthen its efforts to allocate resources for programmes and policies to promote the civil and political rights of children; and

(b) Systematically assess the impact of budgetary allocations on the implementation of child rights.

...

394. The Committee notes information on the existence of a children's parliament in Sharjah, student councils at secondary schools, as well as social service units, which deal with complaints about student behaviour. However, it is concerned that traditional attitudes towards children in society may limit the respect for their views, especially within the family and in schools. In particular, it is concerned that children are not adequately informed about how to have input into policies that affect them, nor about how their views will be taken into consideration once they have been solicited, and that sufficient attention has not been accorded to the participation of primary and secondary students in school governance, including in areas such as school regulations and management of discipline.

395. The Committee recommends that the State party:

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(a) Continue to promote and facilitate within the family, the school, institutions, the courts, and administrative bodies, respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention;

(b) Strengthen the mandate of the social service units to allow students to submit complaints about violations of their rights in the school setting;

(c) Develop skills-training programmes in community settings for parents, teachers, social workers, and local officials to support children to express their informed views and opinions and to have them taken into consideration; and

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

- The Netherlands (Antilles), CRC, CRC/C/118 (2002) 129 at paras. 536, 537, 555, 556, 573 and 574.

536. The Committee welcomes efforts by the State party to harmonize legislation with the Convention, such as the introduction of a new Civil Code in January 2001. Yet, the Committee is concerned that the new Civil Code and the Family Law are not sufficiently known within the Netherlands Antilles.

537. The Committee recommends that the State party:

(a) Continue in its effort to ensure that the new provisions of the Civil Code and Family Law are published and accessible to the public, and are sufficiently known and understood by all professional groups working for and with children;

...

555. While noting the State party's efforts in this regard, including the establishment of Youth Summits, Youth Advisory Groups and a Youth Parliament, the Committee remains concerned that:

(a) The views of the child are still not fully respected and taken into account at school and at home;

(b) Few of the Youth Advisory Groups are still active, and the Youth Parliament only includes a minority of persons under 18.

556. The Committee recommends that the State party:

(a) Promote and facilitate, within the family, the school, the courts and administrative bodies, respect for the views of children and their participation in all matters affecting them,

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according to their age and majority;

(b) Provide information to children and their parents, teachers, government officials, the judiciary, traditional leaders and society at large on children's right to participate and to have their views taken into account;

(c) Continue and strengthen its efforts to assure child participation in all spheres that affect their lives, including through reinforcing the work of and increasing the number and representation of children involved in Youth Parliaments, Summits and Advisory Groups, and ensure that girls in particular take an active role within these bodies and other participatory mechanisms;

(d) Ensure that the current education reforms include specific mechanisms to guarantee children's involvement and expression in school policy and the development of curriculum.

...

573. ...The Committee is deeply concerned about the very serious impact of HIV/AIDS on the cultural, economic, political, social and civil rights and freedoms of children infected with or affected by HIV/AIDS, including the general principles of the Convention and with particular reference to non-discrimination and the rights to health care, education, food and housing, as well as to information and freedom of expression.

574. The Committee recommends that the State party integrate respect for the rights of the child into the development and implementation of its HIV/AIDS policies and strategies on behalf of children infected with and affected by HIV/AIDS, as well as their families, including by taking into consideration the recommendations the Committee adopted at its day of general discussion on "Children living in a world with HIV/AIDS" (CRC/C/80, para.243) and to involve children in implementing this strategy.

- Argentina, CRC, CRC/C/121 (2002) 8 at paras. 57 and 58.

57. The Committee notes that the right of all children to participate in schools, as well as outside in all matters concerning them, needs to be further strengthened.

58. In light of article 12, the Committee recommends that the State party:

(a) Follow up on the Committee's previous recommendation ([CRC/C/15/Add.36], para. 21) that further steps be taken to encourage the active participation of children in schools, and in society in general, in the spirit of article 12 of the Convention;

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(b) Make sure that all children mature enough to express their views are heard in all judicial and administrative procedures affecting them;

(c) Undertake campaigns to make children, parents, professionals working with and for children and the public at large aware that children have the right to be heard and to have their views taken seriously.

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/121 (2002) 23 at paras. 121, 122, 139 and 140.

121. The Committee welcomes the increasing encouragement of participation of and consultation with children in government, local authorities and civil society throughout the State party, the establishment of a consultative process with children in local authority service planning, the establishment of a youth advisory forum in the Children and Young People's Unit and other platforms for children and young people in all parts of the State party, such as the Scottish Youth Parliament. However, the Committee is concerned that the obligations of article 12 have not been consistently incorporated in legislation, for example in private law procedures concerning divorce, in adoption, in education and in protection throughout the State party. In addition, the Committee is concerned that the right of the child to independent representation in legal proceedings, as laid down in the Children Act 1989, is not systematically exercised. The Committee is also concerned that in education, schoolchildren are not systematically consulted in matters that affect them. The Committee notes that groups of children in the State party expressed their feelings that their views are duly taken into consideration.

122. The Committee recommends that the State party, in accordance with articles 12 to 17 of the Convention, take further steps to promote, facilitate and monitor systematic, meaningful and effective participation of all groups of children in society, including in schools, for example through school councils. Furthermore, it recommends that the State party take further steps to consistently reflect the obligations of both paragraphs of article 12 in legislation, and that legislation governing court procedures and administrative proceedings (including divorce and separation proceedings) ensure that a child capable of forming his/her own views has the right to express those views and that they are given due weight. The Committee further recommends that procedures be established that would allow the views expressed by children to be taken into account in and to have an impact on developing programmes and policies affecting them.

...

139. ...[T]he Committee welcomes the development of legislation in Scotland to reflect article 12 of the Convention, but notes that similar legislation is required throughout the State party and that guidelines are insufficient measures to implement article 12...

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140. In light of articles 2, 12, 28 and 29 of the Convention, and in line with its previous recommendations ([CRC/C/15/Add.34], para. 32), the Committee recommends that the State party:

(a) Ensure that legislation throughout the State party reflects article 12 and respects children's rights to express their views and have them given due weight in all matters concerning their education, including school discipline;

(b) Take appropriate measures to reduce temporary or permanent exclusion, ensure that children throughout the State party have the right to be heard before exclusion and to appeal against temporary and permanent exclusion, and ensure that children who are excluded do continue to have access to full-time education;

...

- Seychelles, CRC, CRC/C/121 (2002) 41 at paras. 185, 186, 193 and 194.

185. Noting the recognition of the best interests principle in the Children's Act, the Committee remains concerned that the principle is not fully recognized and implemented in all legislation, policies and programmes for children.

186. In light of article 3, the Committee recommends that the State party ensure that the best interests principle is reflected in all relevant legislation, policies and programmes for children, in particular in the proceedings and decisions of the Family Tribunal.

...

193. While acknowledging the State party's efforts to destigmatize and streamline judicial proceedings with respect to family issues through the creation of the Family Tribunal, the Committee is concerned that the functioning of the Tribunal is not always in conformity with the principles and provisions of the Convention.

194. The Committee recommends that the State party:

(a) Ensure that the general principles of the Convention, in particular the best interests principle and respect for the views of the child, are integrated into all proceedings and decisions of the Family Tribunal;

...

- Sudan, CRC, CRC/C/121 (2002) 53 at paras. 250, 251, 264 and 265.

250. While welcoming efforts to establish children's parliaments, the Committee remains concerned that the views of the child, especially girls, are not often respected and may be

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seen as contrary to traditional concepts of the role of the family, clan and tribe.

251. The Committee recommends that the State party:

(a) Ensure full respect for the views of the child and consider ways of ensuring that a child's views are given due consideration in accordance with the age and maturity of the child within the family, clan and tribe;

(b) Give particular attention to ensuring respect for the views of girls.

...

264. While encouraged by the progress indicated by the delegation, the Committee remains concerned at societal stigmatization and discrimination against disabled children, the lack of disaggregated data concerning them and the very limited services and opportunities offered to those children.

265. In the context of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and the results of the Committee's day of general discussion on the rights of children with disabilities, held on 6 October 1997 (see CRC/C/69, paras. 310-339) the Committee recommends that the State party:

...

(c) Ensure the integration within its child-rights policy of the perspectives of the rights of children with disabilities with regard to, *inter alia*, non-discrimination, participation, survival and development, health, education (including vocational education for future professional employment) and integration in society;

...

- Poland, CRC, CRC/C/121 (2002) 120 at paras. 523 and 524.

523. The Committee notes the State party's efforts to require administrative and judicial proceedings to take into account the views of the child, but is concerned that in practice this principle is not always implemented, particularly in proceedings involving unaccompanied children applying for refugee status, juvenile offenders and children placed in institutions, as well as in custody hearings.

524. The Committee recommends that the State party:

(a) Take effective measures, including legislation, to promote and facilitate respect for the views of children, by courts and all administrative bodies and the participation of children

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in all matters affecting them, in accordance with article 12 of the Convention;

(b) Provide educational information to, among others, parents, teachers, government administrative officials, the judiciary, the Roman Catholic Church and other religious groups, and society at large, on children's right to have their views taken into account and to participate in matters affecting them.

- Republic of Korea, CRC, CRC/124 (2003) 24 at paras. 114 and 115.

114. The Committee is concerned at the limitations on students' freedom of expression and association due to strict administrative control of student councils and school regulations that limit or prohibit outside political activities of students in elementary and secondary schools. It is further concerned about allegations that Internet chat rooms, set up independently by teenagers, have been arbitrarily closed down by the authorities.

115. In the light of articles 12 to 17 of the Convention, the Committee recommends that the State party amend legislation, guidelines issued by the Ministry of Education and school regulations to facilitate children's active participation in decision-making processes and in political activities both within and outside schools and ensure that all children fully enjoy their right to freedom of association and expression.

- Italy, CRC, CRC/124 (2003) 36 at paras. 184 and 185.

184. ...[T]he Committee is concerned at the prevalence of bullying in schools and at the lack of consideration of the views of children within education.

185. The Committee recommends that the State party:

...

(c) Take measures to set up adequate mechanisms and structures with the participation of children to prevent bullying and other forms of violence in schools and include children in the development and implementation of these strategies;

(d) Ensure that legislation throughout the State party reflects article 12 of the Convention and respects children's rights to express their views and have them given due weight in all matters concerning their education, including school discipline.

- Romania, CRC, CRC/124 (2003) 49 at paras. 236 and 237.

236. The Committee notes the introduction of the government programme of

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deinstitutionalization of children initiated in 2001 and welcomes the information that over the past two years many institutions have been closed down. Nevertheless, it remains concerned:

...

(d) That children lack effective mechanisms to which they can communicate concerns and complaints about their placement;

...

237. The Committee recommends that the State party:

...

(d) Increase the effective participation of children living in institutions;

...

(g) Establish procedures to ensure that children currently residing in institutions that are being closed down are fully informed and able to participate in deciding their future placement, and that these children retain their rights to social protection;

...

- Czech Republic, CRC, CRC/C/124 (2003) 78 at paras. 356 and 357.

356. The Committee welcomes the amendment to the Civil Procedure Code, including the information by the State party referring to the regulation of the respect for the child's views in the Act on Social and Legal Protection of Children and by amendment to the Act on the Family. The Committee is concerned that children's participation in other areas, such as school and institutions, is not regulated by legislation or sufficiently observed in practice. Furthermore, the Committee is concerned that awareness of these provisions is quite low, thus contributing to weak observance.

357. The Committee recommends that the State party introduce a comprehensive legal provision establishing the right of the child to participate that would be applicable to courts, administrative bodies, institutions, schools, childcare institutions and families in matters affecting children, and guarantee the right to appeal the decisions, in accordance with article 12 of the Convention. Awareness-raising and educational programmes on the implementation of these principles should be reinforced in order to change traditional perceptions of children as objects rather than subjects of rights.

- Haiti, CRC, CRC/124 (2003) 95 at paras. 430 and 431.

430. The Committee is particularly concerned about the high number of children who are separated from their parents. The Committee is further concerned at the fact that the views of the child are not taken into consideration when such a decision is taken...

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431. In the light of articles 9, 12, 20 and 25 of the Convention, the Committee recommends that the State party:

(a) Ensure that a child shall not be separated from his or her parents against his/her will, unless such separation is in the best interests of the child and if it has been decided by a competent authority, subject to judicial review;

(b) Ensure that a child who is temporarily or permanently deprived of his or her family environment is entitled to special protection and assistance;

(c) Ensure that the child is given an opportunity to participate in the proceedings and that he or she can make his or her views known;

...

- Eritrea, CRC, CRC/C/132 (2003) 8 at paras. 49, 50, 53 and 54.

49. The Committee notes with concern that the Transitional Civil Code guarantees the right to be heard only to children who have attained the age of 15 and that traditional practices and attitudes still limit the full implementation of article 12 of the Convention, in particular for girls.

50. The Committee recommends that the State party amend its legislation to fully reflect article 12 of the Convention so that any child “who is capable of forming his or her own views” can express those views freely, including in all administrative and judicial proceedings affecting them. It also recommends that the State party develop a nationwide campaign to increase public awareness of the participatory rights of children, particularly at the local levels and in traditional communities, and encourage respect for the views of the child in families, schools, and the care, administrative and judicial systems.

...

53. The Committee, noting that the State party’s Constitution guarantees the right to freedom of expression and religion, is concerned at reports that measures affecting children and young people were taken against students and religious groups, indicating that these rights were not fully upheld.

54. The Committee recommends that the State party take all necessary measures to ensure that these rights are fully respected for all children, as stipulated in the Convention, and that violations of the freedom of expression and religion are prevented.

- Cyprus, CRC, CRC/C/132 (2003) 21 at paras. 120 and 121.

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120. The Committee is concerned that inadequate attention has been paid to the promotion of the civil rights and freedoms of the child and, in particular, regrets that there is no information in the State party's report on article 14 of the Convention.

121. The Committee urges the State party to redouble its efforts to educate and sensitize parliamentarians, government officials, members of the judiciary and other professional groups, parents and children on the importance of accepting fully the concept of child rights. It recommends that further measures be undertaken to ensure freedom of religion to children, particularly in light of the child's right to non-discrimination on the grounds of religion.

- Solomon Islands, CRC, CRC/C/132 (2003) 58 at para. 318.

318. The Committee recommends that the State party:

...

(d) Ensure that children's views are heard and taken into consideration in alternative care decisions, in accordance with the principles and provisions of the Convention;

...

- Libyan Arab Jamahiriya, CRC, CRC/C/132 (2003) 74 at paras. 360-363.

360. The Committee welcomes information on progress achieved in addressing economic disparities between regions, but is concerned at the lack of specific information in terms of the percentage of the national budget allocated for expenditures in the various areas covered by the Convention, and that insufficient attention has been given to the allocation of resources for programmes and policies to promote the civil and political rights of children.

361. The Committee recommends that the State party:

...

(b) Strengthen its efforts to allocate resources for programmes and policies to promote the civil and political rights of children.

362. The Committee notes the information on cooperation with national associations in the development and welfare sectors, but is concerned that little effort has been made to involve civil society in the implementation of the Convention, particularly in the area of civil rights and freedoms. The Committee notes that the delegation was unable to provide complete information on the limitations imposed by law on, in particular, the registration and funding of organs of civil society.

363. The Committee recommends that the State party:

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(a) Systematically involve civil society, especially children's associations, throughout all stages of the implementation of the Convention, especially with respect to civil rights and freedoms;

(b) Ensure that legislation regulating NGOs (including article 206 of the Penal Code) conforms to article 15 of the Convention and other international standards on freedom of association, as a step in facilitating and strengthening their participation.

- Morocco, CRC, CRC/C/132 (2003) 100 at paras. 479 and 480.

479. The Committee welcomes the efforts undertaken to fight against gender discrimination within the framework of a national plan of action, but remains concerned by the persistence of, in particular, direct and indirect discrimination against girls and children born out of wedlock, including in areas relating to personal status (e.g. inheritance, custody and guardianship), which is incompatible with article 2 of the Convention...

480. In accordance with article 2 of the Convention, the Committee recommends that the State party continue and strengthen its measures, including enacting or rescinding civil and criminal legislation where necessary, to prevent and eliminate discrimination on the grounds of sex and birth in all fields of civil, economic, political, social and cultural life. The Committee further recommends that the State party take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family, and train members of the legal profession, especially the judiciary, to be gender-sensitive. Religious leaders should be mobilized to support such efforts.

- Syrian Arab Republic, CRC, CRC/C/132 (2003) 116 at paras. 545, 546, 560 and 561.

545. The Committee notes the information on good government cooperation with national associations in the development and welfare sectors, as well as with international organizations. However, it is concerned that little effort has been made to actively involve civil society, particularly in the area of civil rights and freedoms, in the implementation of the Convention.

546. The Committee recommends that the State party:

(a) Adopt a systematic approach to involving civil society, including children's associations, throughout all stages in the implementation of the Convention, including with respect to civil rights and freedoms;

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(b) Ensure that legislation regulating NGOs (e.g. the Private Associations and Institutions Act No. 93 of 1958) conforms to article 15 of the Convention and other international standards on freedom of association, as a step in facilitating and strengthening their participation.

...

560. The Committee is concerned that the reference in the report to information contained in the initial report indicates that very little or no progress has taken place with respect to the implementation of articles 13 to 17 of the Convention on these matters.

561. The Committee recommends that the State party actively promote the implementation of these rights by, among other things, making children more aware of these rights and by facilitating their active use in daily practice...

- Kazakhstan, CRC, CRC/C/132 (2003) 129 at paras. 611, 612, 615 and 616.

611. The Committee welcomes the legislative provisions for measures designed to guarantee the right of children to express their views freely and to have those views taken into account. However, the Committee remains concerned that the age-limit set in this regard may hinder opportunities for children below this age to be heard, and that traditional attitudes towards children in society may limit the exercise of the rights contained in article 12 of the Convention.

612. The Committee recommends that the State party:

(a) Promote and facilitate, within the family and the school as well as in judicial and administrative procedures, listening to children and giving their views due weight, including children who are below the legal age-limit of 10 years if they are considered to be mature enough in this regard, so that children can participate in all matters affecting them, in accordance with article 12 of the Convention;

...

615. In light of articles 13 and 17 of the Convention, the Committee is concerned that the quality and quantity of printed information, including children's books, available to children have decreased in recent years, while at the same time there is a lack of mechanisms to protect children from information and material injurious to their well-being. Furthermore, the Committee is concerned that the amendments to the Media Law may limit access to information.

616. The Committee recommends that the State party take all effective measures, including enacting or reviewing legislation where necessary, to ensure that the child's freedom of expression and the right of access to information is guaranteed and implemented.

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- Pakistan, CRC, CRC/C/133 (2003) 37 at paras. 210 and 211.

210. The Committee is concerned that the State party's legislation uses age limits, instead of the best interests of the child, as criteria in determining custody in case of divorce. Such permission, in addition to implying that siblings can be separated, discriminates between the sexes and fails to acknowledge the child's right to express her/his views and have them taken into account.

211. The Committee recommends that the State party review its current legislation concerning custody in order to ensure that the principle of the best interests of the child is a primary consideration, in order to prevent siblings being separated only because of sex and/or age, and in order to ensure that children's views are heard and duly taken into consideration in custody decisions, in accordance with the principles and provisions of the Convention.

- Bangladesh, CRC, CRC/C/133 (2003) 93 at paras. 442, 443, 458 and 459.

442. The Committee remains deeply concerned about the reservations to articles 14, paragraphs and 21 of the Convention, which might impede the full implementation of the Convention, but welcomes the information from the delegation that the State party is willing to continue to review those reservations with a view to their withdrawal.

443. In light of the Vienna Declaration and Programme of Action (1993), the Committee reiterates its previous recommendation that the State party withdraw its reservations to the Convention (art. 14, paras. 1 and 21) and recommends that the State party take into account the experience of other States parties in this regard.

...

458. The Committee is concerned about the various legal minimum ages, which are inconsistent, discriminatory and/or too low. The Committee is also deeply concerned at the fact that the Majority Act 1875, setting the age of majority at 18 years, has no effect "on the capacity of any person in relation to marriage, dowry, divorce and adoption or on the religion and religious customs of any citizen" (CRC/C/65/Add.22, para. 45)...

459. The Committee strongly recommends that the State party:

...

(c) Ensure that domestic legislation on minimum ages is respected and implemented throughout the country.

- Georgia, CRC, CRC/C/133 (2003) 111 at paras. 542 and 543.

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542. The Committee is concerned at the lack of legal guarantees for the freedom of expression for children below 18 years of age. It is also concerned at the inadequate attention being given to the promotion of and respect for the right of the child to freedom of expression and that prevailing traditional societal attitudes, in the family and in other settings regarding the role of children, appear to make it difficult for children to seek and impart information freely.

543. The Committee recommends that the State party take all appropriate measures, including amendments to legislation, to promote and guarantee the right of the child to freedom of expression within the family, in the school and other institutions and in society.

- Guyana, CRC, CRC/C/137 (2004) 26 at paras. 142 and 143.

142. The Committee takes note of the establishment of Children and Youth Parliaments. However, given the strong traditional views, the Committee remains concerned that children have limited opportunities freely to express their views in schools, courts or within the family.

143. The Committee welcomes the information that the right of the child to express his or her views freely (article 12 of the Convention) will be included in the draft Children's Bill (art. 25) and recommends that the State party ensure that children's views are given due consideration in the family, schools, courts, and relevant administrative and other processes through, *inter alia*:

(a) Expanding further the Child-friendly Classroom Programmes, the student councils and other forms of child participation;

(b) Training professionals working with and for children as well as the use of information campaigns.

- The Netherlands (Netherlands and Aruba), CRC, CRC/C/137 (2004) 63 at paras. 350 and 351.

350. The Committee welcomes the establishment of a National Youth Council both in the Netherlands and Aruba, and the financial support given to those Councils by the State party. The Committee also notes with satisfaction the survey entitled "Join the discussion about your rights" of young people aged 12-18 in the Netherlands in 2002, which illustrated significant awareness of their rights and allowed youth to express concerns about their rights. However, the Committee is concerned that, in the Netherlands, organizations made up of young people of foreign origin have not fully enjoyed their right to express their views freely

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and to have them taken into account.

351. The Committee recommends that the State party, in the Netherlands, strengthen its support of the National Youth Council and youth organizations, and intensify its support of organizations made up of young people of foreign origin and integrate them into networks of dialogue and participation. The Committee also recommends that the State party continue its support of the National Youth Council in Aruba, and urges the State party to support a survey of youth about their rights in Aruba, such as the one undertaken in the Netherlands.

- Slovenia, CRC, CRC/C/137 (2004) 104 at paras. 534, 555 and 556.

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

...

(g) The adoption of the new Civil Procedures Act in 2003, which strengthens the rights of the child to be heard in civil procedures, as well as of other legislative measures, some of which will be mentioned hereafter.

...

555. The Committee notes with interest the adoption of the new Civil Procedure Act in 2003, which provides children aged 15 or over and capable of understanding the meaning and legal consequences of their actions with the opportunity to be engaged independently in legal proceedings. The Act also prescribes that the court, when ruling on the upbringing and care of children, must notify a child aged 10 years or over of his or her right to express his or her views. However, the Committee is concerned that children are still often not allowed a possibility to present their views when they are in contact with public institutions and social services, including Social Work Centres.

556. The Committee recommends, in the light of article 12 of the Convention, that measures be taken to ensure that children are given the opportunity to be heard not only in civil law procedures (such as those relating to custody and visitation rights) but in all other legal procedures and decision-making processes, including at Social Work Centres. Furthermore, the Committee recommends that the right to be heard should be extended also to children below the age of 10 who are able to understand the significance of the proceedings.

- Japan, CRC, CRC/C/137 (2004) 116 at paras. 631 and 632.

631. The Committee is concerned about restrictions on political activities undertaken by schoolchildren both on and off school campuses. It is also concerned that children below the age of 18 require parental consent to join an association.

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632. The Committee recommends that the State party review legislation and regulations governing activities undertaken by schoolchildren on and off campus and the requirement for parental consent to join an organization, in order to ensure the full implementation of articles 13, 14 and 15 of the Convention.

- El Salvador, CRC, CRC/C/140 (2004) 8 at para. 25

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

(a) The entry into force, in 1994, of the Family Court Procedure Act and the Family Code, and the abrogation of the discriminatory distinction between legitimate, illegitimate, natural and incestuous children;

...

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

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 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.

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- Equatorial Guinea, CRC, CRC/C/143 (2004) 64 at paras. 343 and 344.

343. The Committee is concerned at the information that freedom of expression and opinion is limited in the State party as well as at the lack of libraries, and about the limited information it received concerning the practical implementation of articles 13-17 of the Convention.

344. The Committee recommends that the State party continue and strengthen the promotion of freedom of expression in schools and other places, *inter alia* by means of student publications and other means. It also recommends that the State party increase the number and quality of libraries and consider the establishment of mobile libraries freely accessible for children...

- Angola, CRC, CRC/C/143 (2004) 78 at paras. 405 and 406.

405. The Committee expresses its concern at reports of the lack of respect for the privacy of children in the media and at the very little information provided by the State party on the *de facto* implementation of articles 13 to 17 of the Convention, including, *inter alia*, freedom of expression in schools.

406. The Committee recommends that the State party take the necessary measures to ensure respect for the child's right to privacy, particularly by the media, and to ensure that children are allowed to express their thoughts and opinions...

- Sweden, CRC, CRC/C/146 (2005) 8 at paras. 47 and 48.

47. The Committee welcomes the various programmes and legislative reforms, such as the "influence forums" and the right of the child to have his/her views heard in legal proceedings and in school matters, established 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 that, despite the remarkable efforts, some children and young persons do not feel they have any real influence in matters concerning their life in society.

48. The Committee recommends that the State party:

(a) Ensure that administrative or other decisions relevant to children contain information on how the views of the children were solicited, on the degree to which the views of children were adopted and why;

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(b) Consider providing children in very conflicting custody and visitation disputes with appropriate assistance.

- Albania, CRC, CRC/C/146 (2005) 19 at paras. 105, 106, 111 and 112.

105. The Committee notes the efforts made to encourage the participation of children within the family and in schools. It also notes that, according to article 356 of the Civil Procedure Code, children may give testimony in court after they have attained the age of 16 years and that the child's opinion may be sought in custody decisions, adoptions, etc. after attaining the age of 10 years or at the age of 14 in relation to citizenship cases. However, the Committee is concerned that the views of the child are not taken into consideration at all before the age of 10 years.

106. The Committee recommends that the State party continue to promote and facilitate, within the family, schools and other institutions, as well as in judicial and administrative procedures, respect for the views of children and participation in all matters affecting them, in accordance with article 12 of the Convention. 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, including those below the age of 10 years, can freely express their views, and where, in turn, these are given due weight.

...

111. The Committee welcomes the guarantee of freedom of expression under article 22 of the Constitution, but recognizes that there is a vacuum in the legislative acts on the practical ways to implement this right for children, as noted by the State party in its report. Furthermore, the Committee is concerned that the prevailing attitudes in the family, in school, in other institutions and in society at large are not conducive to the enjoyment of this right.

112. The Committee encourages the State party to take all appropriate measures, including legal means, to fully implement article 13, and to introduce measures to promote and guarantee the right of the child to freedom of expression.

- Belize, CRC, CRC/C/146 (2005) 59 at paras. 330 and 331.

330. The Committee is concerned about the limitations on the exercise of the right to freedom of expression by children. The Committee notes with concern the violent incidents during a peaceful student demonstration against a rise in bus fares, which took place in the village of Benque Viejo del Carmen on 24 April 2002, and the reported disproportionate use of force by the police authorities.

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331. The Committee recommends that the State party encourage and facilitate the exercise by children of their right to freedom of expression, including their right to freedom of and of peaceful assembly, so that they can freely discuss, participate and express their views and opinions on all matters affecting them.

- Islamic Republic of Iran, CRC, CRC/C/146 (2005) 88 at paras. 468, 469, 474 and 475.

468. The Committee regrets that little progress has been made concerning respect for the views of the child in judicial decisions, including concerning custody, divorce, administrative decisions, in the family, at school and society at large, owing to the traditional societal attitudes towards children, and that the State party has insufficiently informed the public about the right of children to participate in all matters affecting them. The Committee is concerned that the child's view is only represented through the father or paternal grandfather or other appointed guardian and not directly by the child.

469. In the light of article 12 of the Convention, the Committee recommends that the State party promote the right of children to express their views fully in all matters affecting them at school, within the family, in the courts and administrative bodies and in society in general. In this regard, the Committee recommends that the State party adopt and implement appropriate legislation, and undertake awareness-raising campaigns and educational programmes on the implementation of the principle of "respect for the views of the child". The Committee also recommends that the State party seek assistance from, among others, UNICEF in this regard.

...

474. The Committee remains concerned that, although freedom of expression and of assembly is formally recognized in the Constitution, the protection of this freedom is restricted by the requirement to interpret it in accordance with Islamic principles without clarifying at the outset the basis on which an action or expression would accord is considered to be in keeping with such principles.

475. The Committee reiterates its recommendation, expressed in its previous concluding observations, that the State party establish clear criteria for determining whether a given action or expression is in accordance with Islamic law and the Convention in order to avoid arbitrary interpretations.

- Bolivia, CRC, CRC/C/146 (2005) 121 at paras. 622 and 623.

622. The Committee welcomes the efforts of the State party to promote and implement the right of children to express their views and actively participate at various levels of society. However, it remains concerned at the persistence of traditional attitudes in the State party

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which, among other things, limit children's right to participation and to express their views. It notes with concern the limited possibilities available to children to participate in and express their views in decision-making procedures affecting them, particularly in schools and communities.

623. In light of article 12 of the Convention, the Committee recommends that the State party:

(a) Strengthen its efforts to promote within the family, schools, and other institutions respect for the views of children, especially girls, and facilitate their participation in all matters affecting them;

(b) Strengthen national awareness-raising campaigns to change traditional attitudes that limit children's right to participation;

(c) Continue to strengthen children's participation in councils, forums, children's parliaments and the like;

(d) Regularly review the extent to which children's views are taken into consideration, including their impact on relevant policies and programmes.

- Nigeria, CRC, CRC/C/146 (2005) 135 at paras. 698 and 699.

698. While noting the existence of institutional structures whose objectives are to ensure the best interests of the child and respect for the views of the child such as Children's Clubs in schools and the Children's Parliament at the national level, the Committee is concerned that two general principles of the Convention, as laid down in articles 3 and 12 are not fully applied and duly integrated into the implementation of the policies and programmes of the State party. Given the prevalence of the traditional views on the place of children in the hierarchical social order, the Committee is concerned that children's opinions are not given sufficient consideration and that respect for the views of the child remains limited within the family, at schools, in the courts and before administrative authorities and in the society at large.

699. The Committee encourages the State party to pursue its efforts to ensure the implementation of the principles of the best interests of the child and respect for the views of the child. In this connection, the Committee recommends the State party to fully support the functioning and further development of the Children's Parliament, both at the national and State level, and to promote the full implementation of the right of the child to participate actively in the family, at school, within other institutions and bodies, and generally in society. The general principles should also be incorporated in all policies and programmes

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relating to children. Awareness-raising among the public at large as well as educational programmes on the implementation of these principles should be reinforced.

- Saint Lucia, CRC, CRC/C/150 (2005) 10 at paras. 57, 58, 72 and 73.

57. The Committee is encouraged by parenting programmes which reflect respect for the views of the child, but remains concerned that these practices are not fully incorporated into societal practices.

58. The Committee urges the State party to:

(a) Promote and facilitate respect for children's views and ensure their participation in all matters affecting them in all spheres of society, particularly in the family, schools and judicial system, in accordance with article 12 of the Convention;

(b) Continue to strengthen its advocacy and its educational efforts to make the public aware of the importance of the consideration of the views of the child, in particular parents, teachers and government and administrative officials.

...

72. The Committee is concerned that although the assessment of the needs of the child in the placement of an adoptive home has been established, the views of the child are not included in the selection process.

73. The Committee recommends that the State party:

...

(b) Take into consideration the views of the child within the processes and procedures of institutions that administer the adoption processes;

...

- Philippines, CRC, CRC/C/150 (2005) 24 at paras. 123, 124, 132 and 133..

123. Notwithstanding the measures taken by the State party to eliminate discrimination against children, *inter alia*, through the implementation of the provisions of the Child and Youth Welfare Code (Presidential Decree No. 603), the Family Code and the Special Protection of Children against Child Abuse, Exploitation and Discrimination Act and several programmes, such as the Third Elementary Education Programme, the Committee is concerned about discrimination faced by many children, in particular children living in poverty, children with disabilities, indigenous and minority children, including Muslim children living in Mindanao, migrant children, street children and children living in rural areas as well as children living in areas of conflict, as regards their access, *inter alia*, to

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social and health services and education... The Committee finally reiterates its concern about the unequal status of children born out of wedlock, particularly with regard to their right to inherit and their discriminatory classification as “illegitimate”.

124. In the light of article 2 of the Convention, the Committee recommends that the State party increase its efforts to ensure effective implementation of existing laws guaranteeing the principle of non-discrimination and adopt a proactive and comprehensive strategy to eliminate all forms of discrimination, including forms of multiple discrimination, against all vulnerable groups of children... As regards children born out of wedlock, the Committee requests the State party to review its domestic legislation in order to secure their right to equal treatment, including their right to equal inheritance and abolish the discriminatory classification of those children as “illegitimate”.

...

132. The Committee notes that some of the State party's domestic laws, rules and regulations explicitly respect the consent and views of the child, for example in judicial and administrative proceedings and that the State party has promoted the participation of children, *inter alia*, through the National Youth Parliament (Republic Act No. 8044) and student councils. Despite these positive steps, the Committee is of the view that children's right to participation and free expression of their views is still limited in the State party, partly due to traditional attitudes in society.

133. In the light of article 12 of the Convention, the Committee recommends that the State party:

(a) Strengthen its efforts to promote, within the family, schools and other institutions, respect for the views of the child and facilitate their interactive participation in all matters affecting them, *inter alia*, through children's and youth councils, forums, parliaments, etc., while paying special attention to vulnerable groups of children;

(b) Undertake awareness-raising campaigns on children's right to be heard and participate by encouraging children and their parents, caregivers and professionals working with and for children to seek and increase children's opportunities to influence issues concerning them.

- Bosnia and Herzegovina, CRC, CRC/C/150 (2005) 49 at paras. 232, 233, 236 and 237.

232. The Committee welcomes the efforts made by the State party to promote the respect of the views of the child, but it remains concerned that article 12 of the Convention is not adequately applied in families, schools and other institutions and not fully taken into account in practice in judicial and administrative decisions and the development and implementation of laws, policies and programmes.

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233. The Committee recommends that further efforts be made to ensure the implementation of the respect for the views of the child. In this connection, particular emphasis should be placed on the right of every child to participate in the family, at school, within other institutions and bodies, and in society at large, with special attention to vulnerable and minority groups. This right should also be incorporated in all laws, judicial and administrative decisions, policies and programmes relating to children.

...

236. The Committee is concerned that children's right to privacy is not fully respected, in schools, media and other institutions.

237. The Committee recommends that the State party take all possible measures to guarantee the conditions for respecting the right to privacy for children.

- Nepal, CRC, CRC/C/150 (2005) 66 at paras. 326 and 327.

326. The Committee notes with concern that "the identity of child offenders, rape victims or children in difficult circumstances continues to be disclosed in the media" (para. 124), which is a clear infringement of article 16 of the Convention.

327. The Committee urges the State party to establish mechanisms to ensure that all materials broadcast in Nepal respect the child's right to privacy such as a code of conduct and/or self-regulation, and to ensure that appropriate human rights training is given to media professionals, paying particular attention to children's rights to privacy.

- Costa Rica, CRC, CRC/C/150 (2005) 149 at paras. 690-693.

690. The Committee notes with appreciation the State party's many and various efforts to implement and promote the child's rights to express his/her views and to participate in decision-making processes and other activities regarding his/her position. But it also notes the State party's concern that cultural problems are a factor which impedes the implementation of these rights in the family.

691. The Committee recommends that the State party undertake further and targeted measures to promote the child's rights to express his/her views freely within the family context and in institutions such as shelters and other institutions for children. The Committee further recommends that the State party ensure that the child's view is taken into account in any proceedings dealing with child issues. The Committee further recommends that the media take into account the views of the child. Finally, the Committee recommends

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that the State party take the necessary steps to promote awareness among children and adolescents of their participatory rights in the family, at school, within other institutions and in society in general through educational programmes on the implementation of these principles, and strengthen their opportunity to participate.

692. The Committee is concerned at the contradiction between the information provided by the Ministry of Education in the State party’s report whereby students have the right to freedom of association, including the right to participate in students political parties, and article 18 of the Childhood and Adolescence Code which establishes that persons below the age of 18 have the right to freedom of association, except for political or lucrative activities.

693. The Committee recommends that the State party take appropriate measures to ensure the coherence of its legislation with regard to the right of persons below the age of 18 to be involved in political activities.