

COMMITTEE ON THE RIGHTS OF THE CHILD

Fifty-sixth session

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

Concluding observations: Belarus

ADVANCE UNEDITED VERSION

1. The Committee considered the combined third and fourth periodic report of Belarus (CRC/C/BLR/3-4) at its 1596th and 1597th meetings held on 25 January 2011 (see CRC/C/SR1596 and 1597), and adopted, at its 1612th meeting, held on 4 February 2011, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's report as well as the written replies to its list of issues (CRC/C/BLR/Q/3-4/Add.1). The Committee appreciates the presence of a high-level delegation and the positive dialogue, which enabled the Committee to better understand the situation of children in the State party.

3. The Committee reminds the State party that these concluding observations should be read in conjunction with its concluding observations adopted on the State party's initial reports under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/BLR/CO/1) and under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/BLR/CO/1), on 4 February 2011.

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

4. The Committee welcomes as positive the following legislative measures:

- (a) Law on Crime Prevention (2009);
- (b) Law No. 354-3 of 23 June 2008 on the granting of refugee status, additional and temporary protection to foreign citizens and stateless persons;
- (c) Act on completing and amending certain Acts regarding State protection of children in dysfunctional families, which took effect on 5 January 2008;
- (d) Act No. 73-Z of 21 December 2005 on social protection of young orphans or other young persons deprived of parental care;
- (e) Act No. 285-Z of 18 May 2004 on the education of persons with special developmental needs (special education); and
- (f) Act No. 200-Z of 31 May 2003 on the bases of the child-neglect and juvenile delinquency prevention system.

5. The Committee also notes with appreciation the ratification or accession to:
- (a) The Optional Protocol to the Convention on the Rights of the child on the Sale of Children, Child Prostitution and Child Pornography, in 2006;
 - (b) The Optional Protocol to the Convention on the Elimination of Discrimination against Women, in 2004;
 - (c) The Convention Against Transnational Organized Crime, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2003.

C. Main areas of concern and recommendations

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

The Committee's previous recommendations

6. The Committee notes with concern that various concerns and recommendations made upon consideration of the State party's second periodic report under the Convention (CRC/C/15/Add.180, 2002) have been insufficiently addressed. The Committee reiterates those concerns and recommendations.

7. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the second periodic report under the Convention that have not been implemented or sufficiently implemented, particularly those related to the review of legislation to ensure conformity with the Convention, the establishment of an independent monitoring mechanism in accordance with the Paris Principles, the involvement of non-governmental organisations (NGOs) in the implementation of the Convention, the facilitation of registration and activities of NGOs, and the administration of juvenile justice.

Legislation

8. The Committee regrets that the State party has not undertaken a complete review of its legislation in order to harmonize it with the Convention, as recommended by the Committee in 2002. It is further concerned that children's rights in the State party seem to be governed mainly by Presidential decrees, rather than laws enacted by the Parliament. The Committee is concerned that not all of these decrees have been transformed into laws adopted by Parliament, and that this process is too slow.

9. The Committee reiterates its recommendation that the State party undertake a comprehensive review of all domestic legislation and related administrative guidance to ensure full conformity with the provisions and principles of the Convention. It further recommends that the State party accelerate the process of transforming Presidential Decrees into laws enacted by

the Parliament, ensuring more stability for the promotion and protection of children's rights.

Coordination

10. The Committee regrets the lack of information on the coordination mechanisms among Ministries, and on which Ministry has the main responsibility for coordinating the implementation of the Convention. It is further concerned that the National Commission on the Rights of the Child has not been active for the last two years, but it notes information from the State party delegation that a new National Commission on the Rights of the Child is planned from 2011, with an amended composition.

11. **The Committee recommends that the State party either strengthen and reactivate the National Commission on the Rights of the Child, or establish a new effective system of coordination for the implementation of the Convention, and ensure effective coordination mechanisms established at national, regional and local levels.**

National Plan of Action

12. The Committee notes the adoption of several plans and programmes relating to the rights of the child, including the 2004-2010 National Plan of Action for improving the situation of children and for protecting their rights, the 2006-2010 Presidential Programme "Children of Belarus" (which will be extended to 2015, with a system established for periodic evaluation and resources allocated to its implementation), as well as more than 20 sectoral programmes. The Committee is, however, concerned that the National Plan of Action was not provided with adequate resources for its implementation, and that such a large number of plans and programmes may lead to confusion and duplication of efforts.

13. **The Committee recommends that the State party consolidate its different plans and programmes into one comprehensive national plan of action for children, covering all areas of the Convention and its Optional Protocols, provide this plan with adequate resources for its implementation and establish sound monitoring and evaluation systems, including at the local level, in order to ensure effective implementation of the plan, and facilitate greater involvement of all partners concerned, including civil society and children themselves.**

Independent monitoring

14. The Committee is concerned at the absence of an independent national mechanism mandated to monitor the implementation of the Convention and its Optional Protocols in the State party. It is concerned by the State party's position that this role is fulfilled by the National Commission on the Rights of the Child and that therefore no new, independent mechanism is necessary.

15. **The Committee recommends that the State party establish an independent and effective national mechanism that fully conforms with the Principles relating to the status of national institutions ("The Paris Principles",**

A/RES/48/134, annex) and reflects the Committee's general comment No. 2 (2002) on the role of independent human rights institutions, that is mandated to monitor the implementation of the Convention and its Optional Protocols. The State party should ensure that the mechanism is accessible to all children under the age of 18 years, empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner, and equipped with the human, financial and technical resources to address them effectively. The State party is encouraged to seek technical assistance in this regard from OHCHR.

Allocation of resources

16. While welcoming the intention to increase the proportion of GDP allocated for children in the plans for 2011-2015, the Committee regrets that the budgeting process in the State party does not allow clear identification of the resources allocated to children, which prevents the tracking of expenditure on children and the evaluation of its impact.

17. The Committee recommends that the State party initiate a child budgeting exercise that will allow it to make strategic allocations to implement children's rights, to track their implementation, and to monitor its results and impact. Child rights impact assessments should be regularly conducted to evaluate how the allocation of budget supports the realization of policies, strategies and programmes. In this endeavour, the State party should take into account the Committee's recommendations of the day of general discussion of 21 September 2007 devoted to "Resources for the rights of the child - responsibility of States", and consider seeking technical assistance from, inter alia, UNICEF.

Data collection

18. The Committee appreciates the State party's efforts to strengthen data collection in areas concerning children, notably through the creation of a national social and economic database, BelarusInfo. The Committee is, however, concerned at the lack of information on a number of specific areas covered under the Convention, such as the situation of children belonging to minority groups, in particular Roma children, as well as on stateless children, and violence against children.

19. The Committee recommends that the Committee strengthen the collection of disaggregated data, with special attention to violence against children, juvenile delinquency, child labour, abandonment, migration, children belonging to minority groups, particularly the Roma, stateless children, and women and children infected and affected by HIV.

Dissemination, training and awareness raising

20. The Committee notes that a children's rights course is taught in the country's schools, but is concerned at the low level of awareness of the Convention among professionals working with and for children, as well as among the general public.

21. The Committee recommends that all professional groups working for and with children be adequately and systematically trained on children's rights,

including law enforcement officials, teachers, health workers, social workers and personnel working in all forms of alternative care. The Committee further recommends that the State party increase its efforts to raise awareness among the general public, particularly children (including children who are out of school), about the rights provided for in the Convention.

22. The Committee further recommends that the State party ensure that the media respect child rights, especially the dignity of the child and the right of children to privacy, support dissemination of the Convention, and include in its programmes the views of children. The Committee further recommends that the State party encourage the media to establish professional codes of ethics, regarding in particular the rights of the child.

Cooperation with civil society

23. The Committee takes note of the closure of the Commission for registrations (and re-registrations) of civil society organisations and the transfer of its functions to the Ministry of Justice (Presidential Act No. 605 of 6 October 2006 on several issues concerning the registration of civil society organisations and their unions (associations)). The Committee, however, remains concerned that in practice civil society organisations in the State party experience difficulties in registering, due among other reasons, to the high fees required to register. The Committee is also concerned at the difficult working conditions for NGOs, including the criminalization in article 193 of the criminal code of persons who are active members of NGOs that operate without being registered.

24. With reference to its previous recommendation (CRC/C/15/Add.180, para. 23), the Committee urges the State party to review its laws, regulations, and judicial and administrative practices in order to facilitate the registration and operation of non-governmental organisations and to decriminalize membership in unregistered NGOs.

Child rights and the business sector

25. While welcoming the efforts to develop a draft law on the legal responsibility for corporations, the Committee is concerned that the law has not yet been submitted to the Parliament.

26. The Committee recommends a speedy enactment of the law on legal responsibility for corporations. It further urges the State party to establish and implement regulations to ensure that the business sector complies with international and domestic standards on corporate social responsibility, particularly with regard to child rights, in line with the UN Business and Human Rights Framework which was adopted unanimously in 2008 by the Human Rights Council and which outlines the duty of States to protect against human rights abuses by businesses; corporate responsibilities to respect human rights; and the need for more effective access to remedies when violations occur.

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

Non-discrimination

27. The Committee welcomes the adoption of the 2008-2010 National Plan of Action on gender equality. The Committee, however, remains concerned at the extent of gender-based discrimination in the State party and at the absence of legislation specifically prohibiting discrimination on the basis of sex. The Committee is also concerned at harassment of Roma children, and that they experience discrimination in relation to access to health care, education and social services.

28. The Committee urges the State party to strengthen efforts to combat discrimination, including sexist and racist attitudes and behaviour. It further recommends that the State party place high priority on preventing and eradicating discrimination against children, particularly Roma children, inter alia, through the education system and the media. The Committee also draws the State Party's attention to the outcome document adopted at the 2009 Durban Review Conference.

Best interests of the child

29. The Committee is concerned that the principle of the best interests of the child is not systematically reflected in the State party's legislation, in particular the 2008 Law on granting refugee status and additional and temporary protection to foreign citizens and stateless persons.

30. The Committee recommends that the State party conduct a review to ensure that the principle of the best interests of the child as contained in article 3 of the Convention is reflected in all legislation, regulations and judicial and administrative procedures that affect children, and ensure that in practice the best interests of the child are a primary consideration in all actions concerning children.

Respect for the views of the child

31. The Committee is concerned that the views of the child on decisions affecting them are rarely given due weight, especially in the home. It is further concerned that children are not provided with the opportunity to be heard in all judicial and administrative proceedings affecting them, in accordance with their age and maturity, including in cases for deprivation of parental rights. The Committee is concerned at the high age (14 years) required for children to file a petition with a court of law without the consent of the parents and to seek legal assistance.

32. The Committee recommends that the State party strengthen its efforts to ensure that children have the right to express their views and that those views are given due weight in all matters affecting them in both the public and private spheres, including through awareness-raising programmes for the general public. The Committee further recommends that the State party ensure that children are able to participate in judicial and administrative proceedings and make their views known, including through relevant legislative amendments. In

this regard, the Committee draws the State party's attention to its general comment No. 12 (CRC/C/GC/12) on the right of the child to be heard.

**4. Civil rights and freedoms
(arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)**

Name and nationality

33. The Committee notes the high number of stateless persons in the State party, and is concerned at the lack of data on the number and condition of stateless children residing in the State party.

34. In accordance with article 7, the Committee urges the State party to ensure the implementation of the right of all children to acquire a nationality, as far as possible, in order to prevent statelessness. Inter alia, it should collect data on stateless children. In this regard, the Committee encourages the State party to seek technical assistance from UNHCR. The Committee further recommends that the State party consider ratifying the 1954 United Nations Convention relating to the Status of Stateless Persons, the 1961 United Nations Convention on the Reduction of Statelessness, as well as the 1997 Convention on Nationality and the 2009 Convention on the avoidance of statelessness in relation to State succession of the Council of Europe.

Freedom of expression/freedom of association and peaceful assembly/access to appropriate information

35. While noting the entry into force in 2009 of the Act on the bases of State youth policy, providing an additional guarantee of young people's freedom of association, 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 not guaranteed in law and in practice. The Committee is further concerned about the detention of adolescents during the demonstrations taking place in the context of the presidential elections in December 2010.

36. The Committee recommends that the State party take all necessary measures to ensure guarantees for the full implementation of the rights to freedom of expression, freedom of association and peaceful assembly and access to appropriate information, in accordance with articles 13, 15 and 17 of the Convention.

Freedom of thought, conscience and religion

37. The Committee is concerned that the right of the child to freedom of thought, conscience and religion is not duly respected and protected in the State party. The Committee is, in particular concerned:

(a) At the purpose and activities of informants organized into civilian squads, which allegedly patrol educational establishments, including general education schools and vocational training schools; and

(b) At restrictions on the freedom of religion, including the freedom to worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes.

38. The Committee recommends that the State party respect the right of the child to freedom of thought, conscience and religion, in accordance with article 14(3) of the Convention and taking into account the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief (General Assembly resolution 36/55).

Corporal punishment

39. While noting that corporal punishment is unlawful as a sentence for a crime, and that it has been prohibited in the regulations of education establishments, the Committee, nevertheless, remains concerned that corporal punishment is lawful in the home, not explicitly prohibited in institutions, including in the penal system and alternative care settings, and that it is widely accepted in the society.

40. The Committee reiterates its recommendation (CRC/C/15/Add.180, para. 40(d)) that the State party prohibit all forms of corporal punishment at home, in schools and other institutions and develop measures to raise awareness on the harmful effects of corporal punishment, and promote alternative forms of discipline in families, in institutions and in the penal system, to be administered in a manner consistent with the child's dignity and in conformity with the Convention. In this regard, the Committee draws the State party's attention to its general comment No. 8 (CRC/C/GC/8) on corporal punishment.

Follow-up to the UN Study on Violence against Children

41. The Committee encourages the State party to:

a) Prioritize elimination of all forms of violence against children, including by ensuring implementation of the recommendations of the United Nations Study on violence against children, paying particular attention to gender;

b) Provide information concerning the implementation by the State party of the recommendations of the Study in the next periodic report, particularly those highlighted by the Special Representative of the Secretary General on Violence against children, namely:

i. The development in each State of a national comprehensive strategy to prevent and address all forms of violence against children;

ii. The introduction of an explicit national legal ban on all forms of violence against children in all settings; and

iii. The consolidation of a national system of data collection, analysis and dissemination, and a research agenda on violence against children.

c) Cooperate with and seek technical assistance from the Special Representative of the Secretary General on violence against children, UNICEF, the Office of the High Commissioner for Human Rights (OHCHR) and the World Health Organization (WHO), and other relevant agencies, inter alia, ILO, UNESCO, UNHCR, UNODC, as well as NGO partners.

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

Family environment

42. The Committee is concerned that economic hardship and alcohol abuse are among key factors that have led to a high incidence of family breakdown, neglect, abuse and deprivation of parental care. It is further concerned at the high number of children separated from their biological families and at the inefficiency of measures to enhance parents' capacities for the performance of their child-rearing responsibilities, to prevent separation and to encourage family reintegration. Moreover, the Committee is concerned that the separation of a child from his or her parents against their will based on Presidential Decree No.18, may not always be done in the child's best interests.

43. In accordance with articles 9 and 18 of the Convention, the Committee recommends that the State party strengthen measures to provide support services to parents and legal guardians in order to enhance their capacities for the performance of their child-rearing responsibilities, recognising the family unit as the natural environment for the growth and well-being of children. Moreover, Presidential Decree No. 18 should be transformed into a law, which should establish all the necessary safeguards to ensure that children are not separated from their parents, except when such separation is necessary for the best interests of the child.

44. The Committee recommends that the State party consider ratifying the Hague Convention No. 23 on the Recognition and Enforcement of Decisions relating to Maintenance Obligations, the Hague Convention No. 24 on the Law Applicable to Maintenance Obligations, and the Hague Convention No. 34 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect to Parental Responsibility and Measures for the Protection of Children.

Children deprived of a family environment

45. While noting the closure of several residential care institutions accompanied by progress towards expanding the system of family-type care and increasing the number of national adoptions, the Committee is concerned that a large number of children remain in residential care.

46. The Committee recommends that the State party increase its efforts to ensure that children in need of alternative care are placed in family-type care rather than in institutions, and that they are returned to the family whenever possible. It further recommends that the State party ensure a comprehensive periodic review mechanism of children placed in alternative care, in light of

article 25 of the Convention and the Guidelines for the Alternative Care of Children, adopted by the General Assembly (A/RES/64/142).

Adoption

47. The Committee is concerned that the legislation concerning adoption does not sufficiently take into account the best interests of the child and the need to obtain the informed consent of the biological parents or guardians.

48. The Committee recommends that in all cases of adoption, the State party ensure that the best interests of the child are of paramount consideration, and that the parents or legal guardians have given their informed consent to the adoption.

Abuse and neglect

49. While noting efforts of the State party to protect children from abuse and neglect and the availability of shelters and centres providing services for recovery and rehabilitation, the Committee is concerned at the low level of prevention and the high number of child victims of abuse and neglect in the State party.

50. The Committee recommends that the State party undertake all the necessary measures to prevent and combat domestic violence, adopt the law on the prevention and suppression of domestic violence, and systematically train professionals on how to deal with domestic violence cases.

**6. Basic health and welfare
(arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)**

Children with disabilities

51. The Committee notes as positive the implementation of rehabilitation and vocational training programmes to promote the integration into society of children with disabilities. It is however concerned that:

- a) There is no comprehensive national policy on children with disabilities in the State party;
- b) A modern data collection system on children with disabilities is lacking;
- c) Many children with intellectual disabilities are still living in residential institutions and do not receive access to education and other community based services;
- d) There is an insufficient number of child care specialists, and access to quality services is difficult, especially in rural areas; and
- e) Nearly half of all children with disabilities remain outside the regular education system.

52. **The Committee recommends that the State party**
- a) **Develop a national policy on children with disabilities, with clear goals;**
 - b) **Develop a modern data collection system in the field of children with disabilities;**
 - c) **Develop a policy for children with intellectual disabilities in line with the WHO European Declaration on the health of children and young people with intellectual disabilities (endorsed by all Ministers of Health of WHO European region, including Belarus, November 2010, in Bucharest, Romania);**
 - d) **Provide adequate support to parents of children with severe disabilities, to enable them to live with their families;**
 - e) **Systematically train professionals and ensure access to quality services for children with disabilities; and**
 - f) **Ensure access to education for all children with disabilities, and as far as possible, integrate them in mainstream education.**

Health and health services

53. The Committee welcomes measures to raise the standard of health among children, notably the reduction of maternal and newborn mortality. The Committee is nevertheless concerned that the morbidity rate for children remains high, mainly attributable to respiratory diseases (72% in 2008), followed by accidents, injuries and poisoning. It is further concerned that foreign and stateless children who hold temporary residence permits face difficulties in availing themselves of free-of-charge regular medical treatment, despite the fact that article 5 of the Law on the Rights of the Child provides for free-of-charge medical treatment to children.

54. The Committee recommends that the State party continue to strengthen efforts to improve the health situation of all children, including by guaranteeing free-of-charge medical treatment for all children (both foreign citizens and stateless persons) who hold a temporary residence permit in the State party.

55. The Committee welcomes the State party's commitment to palliative care for children with life-limiting or life-threatening illnesses and the adoption of the recent Order on Child Palliative Care. However, the Committee is concerned that the majority of palliative care is provided by non-government organisations without sufficient financial support.

56. In the light of articles 4, 6, and 24 of the Convention, the Committee recommends that the State party establish a funding mechanism for the provision of palliative care for children and support the palliative care services provided by non-governmental organizations.

Environmental health

57. While noting that the State party has made significant rehabilitation efforts in the areas affected by the Chernobyl disaster, the Committee reiterates its concern regarding the persisting negative consequences of the Chernobyl disaster on the health of children, in particular at the incidence of thyroid cancer among children in affected areas, related to iodine deficiency.

58. The Committee reiterates its recommendation that the State party continue to improve the specialized health care provided to children affected by the Chernobyl disaster, and strengthen its efforts at early detection and prevention of diseases related to nuclear contamination.

Adolescent health

59. The Committee is concerned at the high incidence of sexually transmitted infections, the high level of abortions by adolescent girls and that smoking, the excessive alcohol consumption and drug use which have become serious health risk factors for adolescents. The Committee is also concerned at the particular vulnerability of adolescents to the HIV epidemic. The Committee is further concerned that youth-friendly medical counselling and HIV testing is not equally available to all children and in the entire territory of the State party.

60. The Committee recommends that the State party develop and adopt a national strategy on the improvement of adolescent health, with particular emphasis on sexually transmitted infections, prevention of unwanted pregnancies, smoking and substance abuse and on the promotion of healthy lifestyles. It further recommends that the State party promote and widen the comprehensive HIV information-education campaign, as well as youth-friendly HIV-testing and counselling.

Mental health

61. While noting the approval of Measures for the prevention of suicide and for providing assistance to persons who have attempted to commit suicide (Order No. 575 of 9 July 2007) and the development of a 2008-2012 national programme for suicide prevention, the Committee nevertheless remains concerned at the ineffectiveness of prevention measures and at the growing number of suicides among children.

62. The Committee recommends that the State party implement the national programme for suicide prevention, intensify its measures to prevent suicide among adolescents, and strengthen mental health-care services.

Standard of living

63. The Committee welcomes the reduction in the number of children living below the minimum subsistence budget. While noting the provision of child allowances and other benefits to families with children, the Committee is concerned about the situation of families with three or more children and single-parent households, who continue to be disproportionately affected by poverty.

64. The Committee recommends that the State party enhance its efforts to ensure an adequate and sustainable standard of living for all children within its territory, with particular focus on the most marginalized and disadvantaged families in order to ensure their right to development. It recommends that the root causes of poverty be researched and addressed.

**Education, leisure and cultural activities
(arts. 28, 29 and 31 of the Convention)**

Education, including vocational training and guidance

65. The Committee welcomes the wide availability of pre-schools in the urban, and to a lesser extent in the rural areas. While noting that primary education lasts 9 years and is compulsory and free, the Committee is concerned that a significant proportion of children (10 per cent) remain out of school and there remain hidden costs.

66. The Committee recommends that the State party:

- (a) Increase the availability of pre-schools in rural areas;**
- (b) Undertake efforts to ensure that children who have dropped out of compulsory education return to school; and**
- (c) Ensure that primary education is completely free of charge, including for textbooks and school materials**

**7. Special protection measures
(arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)**

Asylum-seeking and refugee children

67. The Committee welcomes the adoption in 2008 of the Law on granting refugee status, additional and temporary protection to foreign citizens and stateless persons, which expressly provides for equal access to health and educational facilities for asylum-seeking and refugee children on par with Belarusian citizens, as well as the right of refugees to family reunification. It regrets, however, that this law does not include gender-related persecution as a legitimate ground for asylum, and it does not reflect the principle of the best interests of the child.

68. The Committee recommends that the State party:

- (a) Expressly identify the best interests of the child as a primary consideration when examining asylum applications of undocumented, unaccompanied or separated children, and refrain from placing these children in detention centres;**

- (b) Train asylum- and migration officials in the application of the legislation governing asylum and complementary protection, including training in taking into consideration child-specific forms of persecution;**
- (c) Ensure, including through the signing of bilateral agreements containing appropriate safeguards, that decisions for return and re-integration of unaccompanied Belarusian children are carried out with the primary consideration of the best interests of the child; and**
- (d) Take into account the Committee’s views contained in its General Comment No. 6 on the treatment of unaccompanied and separated children outside their country of origin (CRC/GC/2005/6).**

Sexual exploitation and trafficking

69. While it welcomes the programme on “Countering Human Trafficking, Illegal Migration and Unlawful Deeds Related Therewith 2008-2010”, the Committee is concerned that the State party remains a country of origin, transit and destination for women and child victims of trafficking, specifically for sexual exploitation.

70. The Committee recommends that the State party continue its efforts to combat sexual exploitation and human trafficking, particularly of children. It recommends that all child victims be provided with adequate protection and specialized assistance for speedy recovery and reintegration in their communities.

Administration of juvenile justice

71. The Committee welcomes the reduction in crimes committed by children and a corresponding reduction in the number of children serving prison sentences, as well as the increased use of alternatives to prison sentences, such as community service. While noting the draft Presidential Decree on the concept of juvenile justice, it is concerned that the State party still has not undertaken to set up a comprehensive system for juvenile justice. The Committee is further concerned at the long sentences of deprivation of liberty imposed on juvenile offenders, the high level of recidivism and the absence of after-release programmes.

72. The Committee urges the State party to ensure that international juvenile justice standards are fully implemented, in particular articles 37(b), 39 and 40 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) and United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules). The Committee urges the State party to take into account the Committee’s general comment No. 10 (2007) on the Administration of Juvenile Justice (CRC/C/GC/10). In particular, the Committee urges the State party to:

- (a) Set up a comprehensive system for juvenile justice, including the establishment of juvenile courts and the appointment of trained juvenile judges in all regions of the State party;**
- (b) Take a holistic approach to addressing the problem of juvenile crime (e.g. addressing underlying social factors) advocated in the Convention, using more alternative measures to detention such as mediation, probation, counselling, community service or suspended sentences, wherever possible;**
- (c) Ensure that the deprivation of liberty is the last resort measure, for serious offence and for the shortest period of time possible;**
- (d) Implement after-release programmes for reintegration in order to facilitate reintegration in society and prevent recidivism; and**
- (e) Consider seeking technical assistance in the area of juvenile justice from UNICEF and the United Nations Interagency Panel on Juvenile Justice.**

Children victims and witnesses of crimes

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

9. Ratification of international human rights instruments

74. The Committee recommends that the State party ratify the core United Nations human rights treaties and their Protocols to which it is not yet a party, namely the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, as well as the International Convention for the Protection of All persons from Enforced Disappearances.

10. Follow-up and dissemination

Follow-up

75. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the Head of State, Supreme Court, National

Assembly, relevant ministries and municipal authorities for appropriate consideration and further action.

Dissemination

76. The Committee further recommends that the periodic report and written replies submitted by the State party and the concluding observations adopted be made widely available in the languages of the country, including (but not exclusively) through the Internet to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Convention, its implementation and monitoring.

11. Next report

77. The Committee invites the State party to submit its next combined fifth and sixth periodic report by 30 October 2017. This report should include follow-up to the present concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the guidelines. In the event that a report exceeding the page limitation is submitted, the State party will be asked to review and resubmit the report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is unable to review and resubmit the report, translation of the report for purposes of examination by the treaty body cannot be guaranteed.

78. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting approved by the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3). The treaty-specific report and the common core document together constitute the harmonized reporting obligation under the Convention on the Rights of the Child.