



# Convention on the Rights of the Child

Distr.: General  
22 February 2012

Original: English

---

## Committee on the Rights of the Child

### Fifty-ninth session

16 January – 3 February 2012

## Consideration of reports submitted by States parties under article 44 of the Convention

### Concluding observations: Cook Islands

1. The Committee considered the initial and addendum reports of Cook Islands (CRC/C/COK/1 and CRC/C/COK/1/Add.1) at its 1685 and 1686 meetings (see CRC/C/SR.1685 and CRC/C/SR.1686) held on 26 January 2012, and adopted at its 1697th meeting, held on 3 February 2012, the following concluding observations.

#### I. Introduction

2. The Committee welcomes the submission of the initial report of the State party (CRC/C/COK/1), the State party's supplementary report (CRC/C/COK/1/Add.1) and the written replies to its list of issues (CRC/C/COK/Q/1/Add.1). The Committee expresses appreciation for the constructive and frank dialogue held with the high-level delegation of the State party which allowed for a better understanding of the situation of children in the State party.

#### II. Follow-up measures and progress achieved by the State party

3. The Committee welcomes a number of positive legislative measures taken with a view to implementing the Convention, such as:

- (a) The Social Welfare Amendment Act 2006/2;
- (b) The Crimes Amendment Act Nos. 2003/06 and 2004/05.

4. The Committee also welcomes the State party's accession to:

- (a) The Convention on the Rights of Persons with Disabilities and to its Optional Protocol, in 2009;
- (b) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in 2007.

5. The Committee further welcomes the following institutional and policy measures that promote the rights of children, including:

- (a) The development of the Ministry of Internal Affairs (MINTAFF) 2008-2011 Strategic Framework;
- (b) The establishment of a ministerial working group in 2006 that works together with the Law Commission on aligning domestic legislation with the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women;
- (c) The development of the Children and Family Services Division within the MINTAFF that is responsible for all children under the age of 16.

### **III. Main areas of concerns and recommendations**

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

##### **Reservations and Declarations**

6. The Committee commends the State party for its withdrawal in 2009 of the reservation made on article 37 of the Convention upon accession. However, it is concerned about the remaining reservations on articles 2 and 10 as well as the Declaration on article 2, paragraph 1, and, in this regard, notes the information provided by the State party's delegation during the dialogue, that it is considering the withdrawal of the reservations in light of recent amendments to domestic legislation. Additionally, the Committee expresses its concern about the State party's general Declaration on the indirect application of the Convention in domestic law.

**7. The Committee encourages the State party to advance in its efforts concerning the withdrawal of its reservations made on articles 2 and 10 of the Convention and recommends that the State party consider withdrawing its declaration on article 2, paragraph 1. The Committee urges the State party to withdraw its general Declaration on the inapplicability of the Convention in domestic law and to ensure that its domestic legislations are fully in line with the Convention's principles and provisions.**

##### **Legislation**

8. While the Committee notes the steps undertaken by the State party to bring its national legislation in compliance with the Convention, including through the ongoing legal review carried out by the Law Commission, it remains concerned at the slow progress of the legal review and at the fact that some pieces of domestic legislation remain inconsistent with the principles and provisions of the Convention.

**9. The Committee recommends that the State party accelerate its efforts in concluding the legal review of its domestic legislation and to speed up the law-making process in order to bring its domestic legislation in compliance with the Convention's principles and provisions. The Committee urges the State party to prioritize the legal review undertaken with regard to the Family Law Bill and the Crimes Act 1969. The Committee strongly recommends that, once the legal review is finalized and the concerned Bills are adopted as laws, the new laws supersede all relevant legislation that is not in conformity with the Convention.**

### Coordination

10. **The Committee is aware of the geographically dispersed nature of the State party. It also takes note of the information provided by the State party's delegation during the dialogue that it is considering establishing a national mechanism to coordinate the implementation of the Convention. The Committee nevertheless urges the State party to accelerate the establishment of such a coordinating mechanism, and provide it with adequate support, including human, technical and financial resources to fulfil its coordination, monitoring and evaluation role throughout the State party. The Committee recommends that in establishing such mechanism, appropriate attention be paid to its general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6). The Committee encourages the State party in this regard to seek technical assistance from the United Nations Fund for Children (UNICEF).**

### National Plan of Action

11. While the Committee is aware of the development of a number of sectorial policies and plans that cover some areas under the Convention, it remains concerned about the lack of a comprehensive policy to guide actions for the attainment of child rights under the Convention and which could be linked to the Cook Islands' National Sustainable Development Plan (2011-2015) and to the national budget.

12. **The Committee recommends that the State party develop a comprehensive policy on children, closely linked with the National Sustainable Development Plan (2011-2015), with appropriate resources and covering all aspects of child rights.**

### Independent monitoring

13. The Committee notes the issuance of the Cabinet decision in 2007 to establish a Human Rights Office. However the Committee regrets that the Human Rights Office is not explicitly mandated to regularly monitor progress in the fulfilment of the rights under the Convention, and is not empowered to receive and address complaints from children. The Committee is also concerned that the Human Rights Office has not been activated yet, and was not allocated resources in order to carry out its role effectively.

14. **The Committee recommends that the State party take the necessary measures to set up an effective Human Rights Office in line with the Paris Principles (General Assembly resolution 48/134 of 20 December 1993, annex) with a clear mandate to monitor, promote and protect children's rights and empowered to receive and address complaints from children in a child-friendly manner. Drawing attention to its general comment No. 2 (2002) on the role of independent human rights institutions, the Committee calls upon the State party to ensure that the Human Rights Office be provided with the necessary human, technical and financial resources in order to carry out its mandate effectively. The Committee also recommends that the State party ensure that children are aware of the complaints mechanism.**

### Allocation of resources

15. While the Committee appreciates the steps taken by the State party to allocate higher investments in health promotion and early childhood education, it expresses its concern at the limited resources allocated for the Outer Islands. It also notes the limited information provided on overall allocations to children and the lack of capacity to monitor the allocation and impact of resources from a child rights perspective.

16. **The Committee recommends, in light of its recommendations resulting from its 2007 day of general discussion on resources for the rights of the child - responsibility of States that the State party:**

(a) **Review and increase where necessary the level of financial resources allocated for the implementation of the Convention. In this regard, the Committee urges the State party to pay particular attention to socially and economically disadvantaged and marginalized children, including children living in remote islands, children with disabilities and children victims of all forms of abuse;**

(b) **Develop capacity to utilize a child rights approach in the elaboration of the national budget by implementing a tracking system for the allocation and the use of resources for children throughout the budget, thus providing visibility to the investment in children;**

(c) **Ensure transparent and participatory budgeting through public dialogue, especially with children.**

#### **Data collection**

17. While noting the information provided by State party's delegation during the dialogue concerning its plan to consolidate all data available on children, the Committee expresses its concern about the absence of an effective system of data collection covering all areas of the Convention, which allows for assessment, analysis and evaluation of data.

18. **The Committee encourages the State party to pursue its plan to set up a comprehensive data collection system, and to analyse the data collected as a basis for assessing progress and for designing of policies and programmes to implement the Convention. The data should be disaggregated by age, sex, geographic location and socio-economic background to facilitate analysis on the situation of all children.**

#### **Dissemination and awareness-raising**

19. The Committee welcomes the State party's initial efforts to disseminate the Convention among the general public. However, it remains concerned that knowledge of the Convention, especially among professionals working with and for children, and children themselves is inadequate.

20. **The Committee recommends that the State party strengthen its efforts to systematically disseminate and promote the Convention among the public at large and in particular among professionals working with and for children, and among children themselves.**

#### **Training**

21. The Committee is concerned that little training on the Convention has been offered to professional groups working for and with children, in particular in the Outer Islands. The Committee, while appreciative of the extensive involvement of civil society actors, is concerned that the State party delegates many of its training obligations under the Convention to the civil society, including non-governmental organizations (NGOs), who may lack the necessary capacities or financial resources to carry out these training.

22. **The Committee recommends that the State party intensify its efforts to ensure that all professional groups working for and with children be adequately and systematically trained on children's rights, in particular law enforcement officials, teachers, health workers, and social workers. The Committee encourages the State party to make use of communication technologies to ensure that such training is offered also to professionals from the Outer Islands. The Committee recommends that**

the State party continue to cooperate with civil society organizations and children themselves and encourages the State party in this regard to seek technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and UNICEF.

## **B. Definition of the child (art. 1 of the Convention)**

23. The Committee expresses its concern at the lack of a definition of the child which complies with article 1 of the Convention. In particular the Committee is concerned that the minimum age for marriage remains 16 years and even younger if the consent of the parent or guardian is provided.

24. **The Committee urges the State party to define the child according to article 1 of the Convention for its next census. The Committee recommends that the State party raise the minimum age for marriage to 18 years.**

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

### **Non-discrimination**

25. The Committee is concerned that due to geographical constraints and limited allocation of funds, only a minimum of services in the areas of health and education is provided to children living in the Outer Islands. The Committee while noting the ongoing reforms of the Crimes Act 1969 is concerned about the existence of various discriminatory provisions contained in the present Act which relate to girls with disabilities and boys victims of sexual abuse, as well as the discriminatory provision in the Cook Islands' Act 1915 related to the adoption of children of non-Cook Islands' origin.

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

(a) **Adopt and implement a comprehensive strategy addressing all forms of discrimination, including multiple forms of discrimination against all groups of children in vulnerable situations, and combating discriminatory societal attitudes. In this regard, the Committee recommends the State party to pay attention to its general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child;**

(b) **Continue revising its legislation to respect and ensure the rights set forth in the Convention to all children within its jurisdiction, in particular girls, children with disabilities and children of foreign origin in respect to adoption regulations, without discrimination of any kind.**

### **Best interests of the child**

27. The Committee notes with appreciation the envisaged inclusion of the principle of the best interests of the child in the Family Law Bill. However, the Committee is concerned about the lack of reference to the principle of the best interests of the child in most of the laws concerning children, as well as in judicial and administrative decisions, and policies and programmes relevant to children.

28. **The Committee recommends that the State party take all appropriate measures to ensure that the principle of the best interests of the child is a primary consideration, in accordance with article 3 of the Convention, and is fully integrated in its legislation, judicial and administrative decisions, as well as policies, programmes and services**

that have an impact on children. The legal reasoning of all judicial and administrative judgments and decisions should also be based on this principle.

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

29. While the Committee notes the State party's efforts to encourage children to have their opinions and views expressed, it is concerned about the traditional societal attitudes towards children, in particular children with disabilities and child victims of sexual abuse that hamper the realization of this principle. The Committee is also concerned about the limited opportunities for the child to express his/her own views in the family and in the community and in particular about the lack of effective children's councils in all schools.

30. **The Committee, recalling its general comment No. 12 (2009) on the right of the child to be heard, recommends that the State party actively combat negative attitudes which impede the full realization of the child's right to be heard through public education programmes, including campaigns, and pay special attention to the particularly disadvantaged situation of children with disabilities and child victims of sexual abuse. The Committee encourages the State party to explore the possibility of involving children in the decision-making process at the community level and recommends that the State party introduce effective children's councils in all schools within its jurisdiction including in the Outer Islands.**

#### **Right to life, survival and development**

31. The Committee notes with concern that opportunities for all children to develop within the State party to their full potential from early childhood through adolescence are limited in terms, among others, of early childhood care and development, health and nutrition and quality education.

32. **The Committee recommends that the State party intensify its efforts to ensure, to the maximum extent possible, the survival and development of all children in the State party in line with article 6, paragraph 2 of the Convention.**

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

#### **Child's right to privacy**

33. The Committee is concerned about the absence of protection of privacy in law and in practice. The Committee notes with particular concern that this protection gap has extremely serious implications on child victims of sexual abuse and their families who often decide not to report sexual assault cases to the authorities. Additionally, the Committee is concerned that lack of privacy essentially prevents child victims of sexual abuse and pregnant teenagers, in particular victims of incest, from using social and welfare services.

34. **The Committee urges the State party to accelerate its efforts in adopting the Privacy Act in order to provide for the adequate legal protection of the right to privacy. The Committee recommends that the State party take all measures to render the Act, once adopted, applicable in all administrative and judicial proceedings and launch awareness-raising programmes and trainings for all professional working with and for children so as to offer children greater respect for their privacy and dignity, in particular child victims of sexual abuse and pregnant teenagers, inter alia, by ensuring their right to confidential advice and counselling services.**

### **Violence against children including corporal punishment**

35. The Committee notes the legal review undertaken by the State party of the Education Act that aims at banning all forms of corporal punishment in schools. The Committee also notes with appreciation the State party's efforts to combat domestic violence, including through the legal review of the Crimes Act and Family law Bill that, among others, aim to provide wider protection for child victims of domestic violence. However, the Committee expresses its concern about:

- (a) The prevalence of violence against children including corporal punishment used in all settings and especially in the home, where it remains lawful;
- (b) The fact that cases of domestic violence against children do not receive the adequate treatment from the police;
- (c) The fact that child victims of violence are not aware of reporting procedures and thus many such cases go unreported.

36. **Recalling its general comments Nos. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and 13 (2011) on the right of the child to freedom from all forms of violence, the Committee recommends that the State party:**

- (a) Prohibit corporal punishment in all settings including in the family, schools and in institutions for children; in this regard the State party is urged to accelerate the adoption of the Education Amendment Bill;**
- (b) Introduce public education, on the harmful effects of corporal punishment, with a view to changing the general attitude towards this practice, and promote positive, non-violent, participatory forms of child-rearing and education as an alternative to corporal punishment;**
- (c) Extend application of the existing 'no drop' policy in the State party, to child victims of domestic violence so that prosecution of such cases will proceed despite the victims' non-cooperation;**
- (d) Strengthen the Police Domestic Violence Unit, by providing adequate human, technical and financial resources to fulfil its role effectively, and strengthen child rights training for law enforcement personnel, in order to ensure that they can provide adequate support to child victims;**
- (e) Take all necessary measures to ensure that child victims of violence are aware of the reporting procedures so as to encourage them to report cases of domestic violence to the authorities;**
- (f) Cooperate with the Special Representative of the Secretary-General on violence against children and seek technical assistance, inter alia, from UNICEF and the Office of the High Commissioner for Human Rights (OHCHR).**

## **E. 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**

37. The Committee notes the legal review of the Employment Relations Bill, which will introduce maternity provisions for all working mothers, including in the private sector, as well as the efforts, through the cooperation agreement with New Zealand, to learn on parenting responsibilities with a focus on the positive role of men and fathers. However, the

Committee expresses its concern at the short maternity leave of six weeks and about the increasing rate of single parent families, mainly with the mother as the only breadwinner. The Committee is further concerned about the lack of day-care facilities for children aged 0-2 years old that often obliges the biological parents to send their young children to live with their grandparents, sometimes in a different island, until they reach the age of compulsory school attendance.

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

(a) **Continue its efforts at legal reform with regard to offering maternity leave for all working mothers, and consider extending the maternity leave to an internationally acceptable period in accordance with the Committee's general comment No. 7 (2005) on implementing child rights in early childhood;**

(b) **Develop awareness-raising programmes, in close cooperation with civil society actors, on parents' equal responsibilities in child rearing and on strengthening of the family. The Committee encourages the State party to consider affording women free legal aid in marriage-dissolution court cases aimed at securing maintenance benefit for children;**

(c) **Establish, where necessary, day-care facilities for children aged 0-2 years old, with a view to ensuring that children at this very young age are not separated from their biological parents.**

#### **Children deprived of a family environment**

39. The Committee is concerned about the absence of an alternative care system within the State party for children deprived of family environment, and while the Committee is appreciative of the State party's cooperation with civil society actors and with the church with regard to housing children in distress, the Committee is alarmed about the State party's over reliance on non-State actors for offering protection of abused children. The Committee is also concerned that due to traditional practices, a large proportion of children deprived of family environment, including child victims of sexual abuse, enter into informal fostering by relatives without State support, oversight or assessment.

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

(a) **Adopt through legislation a system that fully protects the rights of children deprived of a family environment;**

(b) **Develop community-based alternative care facilities and ensure that they are registered and monitored by an independent body;**

(c) **Develop a policy on alternative care for children deprived of a family environment focusing on the best interests of the child and assume primary responsibility in close cooperation with civil society actors for the identification of all children victims of abuse at home in need of alternative care;**

(d) **Provide training to all professionals working with children in alternative care settings, as well as foster parents;**

(e) **Ensure effective monitoring and assessment of placement of children, including those taken within the extended family and take into account the guidelines for the alternative Care of Children (General Assembly resolution 64/142 of 18 December 2009, annex).**

### Adoption

41. The Committee is concerned at the lack of monitoring with respect to both domestic and intercountry adoptions as well as at the widespread practice of informal adoptions within the State party in the absence of proper State oversight or assessment. The Committee is also concerned at the inadequate legislation, policies and institutions to regulate intercountry adoptions.

42. **In light of article 21 of the Convention, the Committee recommends that the State party establish proper monitoring procedures with respect to both domestic and intercountry adoptions and introduce adequate measures in order to ensure official registration of all adopted children and to prevent the abuse of the practice of informal adoptions. Additionally, it is recommended that the State party take all necessary measures, including legal and administrative ones, to ensure the effective regulation of intercountry adoptions. The Committee recommends that the State party consider the ratification of the Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Inter-country Adoption.**

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

### Children with disabilities

43. The Committee commends the Adoption of the Disability Act in 2008 supported by a Disability Strategy together with the Education Amendment Act 2003/20, that, inter alia, seek to enhance the right to education for children with disabilities. However, the Committee notes with concern that children with disabilities are still not fully integrated into the education system due to lack of facilities to cater for their needs, and that in fact only half of the children with disabilities in the State party attend school despite compulsory attendance policy.

44. **The Committee urges the State party to strengthen its efforts to implement the Disability Strategy and the Disability Act 2008, and in particular to ensure access to education for all children with disabilities, with particular attention to the geographically disadvantaged group of children with disabilities in the Outer Islands, and to implement inclusive education policy.**

### Health care and health services

45. The Committee, while mindful of the challenging structure of the 15 Islands comprising the State party, notes with concern the disparities in health services provision between children living in Rarotonga and those living in the Outer Islands, as well as the lack of health specialists in some of the Outer Islands. Additionally, while the Committee welcomes that the State party has made substantial progress toward the Millennium Development Goals related to health and nutrition, it remains concerned at the increasing obesity among children, which is linked to advertising and consumption of processed food, including junk, sugary and fatty foods.

46. **The Committee urges the State party to take special measures in order to enhance health services provision for children in the Outer Islands, including by allocating a specific portion of the health budget to achieve that goal, and also by considering other means of medical advice provision through communications technologies between doctors and patients so as to overcome the shortage of qualified medical personnel in some of the Outer Islands. The Committee recommends that the State party take measures to raise public awareness of the negative health impacts of**

**processed food and establish regulations to restrict and monitor advertising and marketing of junk, sugary and fatty foods.**

#### **Mental health**

47. The Committee is concerned at the growing number of children in need for mental health assistance, and about the lack of mental health services for children, including the necessary expertise.

**48. The Committee recommends that the State party intensify its efforts in providing mental health services for children and guarantee access to psychological and psychosocial assessments and services, including counselling support.**

#### **Adolescent health**

49. The Committee expresses its concern about the high prevalence of sexually transmitted infections among adolescents, including pregnant teenagers, which is attributed to unprotected sex. It is also deeply concerned that the rate of teenage pregnancies remains very high, which derives also from the lack of accessible adolescent's reproductive health education and services. The Committee is concerned that access to contraceptives for adolescents below the age of 16 is illegal and that the Crimes Act 1969 prohibits abortion in case of incest or rape.

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

**(a) Intensify its efforts to educate children, adolescents and their families about sexually transmitted infections, as well as on the negative consequences of early pregnancy;**

**(b) Strengthen its adolescent health programmes, by incorporating adolescent health education including adolescent reproductive health in school curricula;**

**(c) Develop a national policy that is aimed at combating child and early pregnancy and allocate sufficient resources for its implementation;**

**(d) Provide comprehensive health services, including accessible and confidential reproductive health services for adolescents, and in particular pregnant girls;**

**(e) Consider allowing access to contraceptives for adolescents under the age of 16;**

**(f) Consider amending the Crimes Act 1969 by providing for abortion in cases of incest or rape, with a view notably to guaranteeing the best interests of pregnant girls and teenagers.**

#### **Drug and substance abuse**

51. While noting the State party's ratification of the Framework Convention on Tobacco Control and the adoption of the Tobacco Act in 2007 which prohibits sale and supply of tobacco to children under the age of 18, it notes with concern the high proportion of children under the age of 18 years who regularly smoke. Despite the Narcotics and Misuse of Drugs Act of 2004, the Committee remains concerned about the lack of legislation concerning drug trafficking and the high proportion of young people who use drugs such as marijuana and who drink alcohol on a regular basis.

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

- (a) Ensure respect of the prohibition of tobacco sale or supply to children below the age of 18;
- (b) Develop legislation to curb drug trafficking;
- (c) Take all appropriate measures, including social and educational measures, to reduce the number of children who smoke, and protect children from the use of illicit drugs and alcohol;
- (d) Provide supportive rehabilitation, reintegration and recovery programmes, including psychological counselling;
- (e) Ensure strict application of the Sale of Liquor Act 1991-92 that prohibits liquor supply or sale to children under the age of 18; and
- (f) Given the gravity of the situation, consider imposing a legal prohibition on advertising of alcohol.

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

### **Education, including vocational training and guidance**

53. The Committee appreciates measures taken by the State party to increase student retention in senior secondary schools and to achieve equitable access to quality education. However, the Committee is concerned about the disparities in educational services between children in the Main Island and those in the Outer Islands, particularly with regards to early childhood development facilities and vocational training. The Committee notes with concern the lack of data on school drop-out and absenteeism rates in secondary schools including those related to pregnant teenagers. The committee expresses its concern that school curricula do not provide for mandatory human rights education. The Committee is also concerned at the inadequate number and value of scholarships offered for secondary school pupils that are not sufficient to cover living expenses.

54. **In light of its general comment No. 1 (2001) on the aims of education , the Committee recommends that the State party:**

- (a) **Allocate adequate resources to achieve equity in educational services across all islands;**
- (b) **Provide sufficient early childhood development facilities including pre-schools;**
- (c) **Take necessary steps, including through cooperation with local civil society actors, to increase relevant and more productive vocational training with particular attention to secondary school children in the Outer Islands;**
- (d) **Collect data on school dropout and consider introducing more motivating school curricula that ensure the children's continuing education;**
- (e) **Take effective measures to combat the dropout of pregnant teenagers and integrate them in schools;**
- (f) **Take all necessary measures to include human rights education, especially on children's rights, in school curricula;**
- (g) **Revise standards of allocation and value of scholarships provided for secondary school pupils, with particular attention to applicants from the Outer Islands;**

(h) Seek technical assistance, among others, from UNICEF and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

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

### **Sexual abuse**

55. The Committee commends the partial amendments introduced in the Crimes Act and notes the ongoing legal review of the Crimes Act. However, it remains concerned that girls with disabilities and boys victims of sexual abuse are under-protected in the current legislation. The Committee is seriously concerned about the prevalence of sexual abuse at home and the lack of data on the number of teenage pregnancies that derive from incest or rape. The Committee is concerned about the societal silence surrounding child sexual abuse and that the victims do not receive adequate institutional response. It notes with concern that many cases involving child abuse are resolved by merely transferring the abused child from its natural environment to live with the extended family without reporting the case to the authorities.

56. **The Committee urges the State party to:**

(a) **Accelerate the legal review undertaken on the Crimes Act 1969 so as to provide adequate and equal protection for child victims of sexual abuse;**

(b) **Develop awareness-raising programmes and campaigns for the public including children, with a view to combating sociocultural attitudes that tolerate sexual abuse of children;**

(c) **Undertake in depth research on the nature, extent and root causes of child sexual abuse;**

(d) **Adopt measures to encourage victims and their families to report cases of child sexual abuse to the authorities and extend the ‘no-drop’ policy to cases involving sexual abuse of children to ensure that prosecution in such cases will proceed despite the victims’ non-cooperation;**

(e) **Investigate effectively cases of sexual abuse of children within the family, with a child-sensitive inquiry and judicial procedure, in order to ensure better protection of child victims, and ensure that perpetrators of sexual abuse of children are brought to justice and punished.**

### **Helplines**

57. **The Committee recommends that the State party establish a three-digit toll-free helpline staffed with trained personnel, available to all children at the national level, and promote awareness of how children can access the helpline. The Committee further recommends the State party to seek technical assistance in this regard from, inter alia, UNICEF, and Child Helpline International.**

### **Administration of juvenile justice**

58. While bearing in mind the administrative reforms undertaken to strengthen the juvenile system within the State party, the Committee is concerned about the fact that the juvenile justice system is a shared responsibility between different ministries, as well as about the inactivity and inefficiency of the Juvenile Crime Prevention Committee. The Committee expresses its concern that a child in the Prevention of Juvenile Crime Act 1968 is defined as younger than 16 years and that minimum age of criminal liability can be as

low as 10 years and that sometimes children are sent to prison without exploring alternative disciplinary measures.

59. The Committee recommends that the State party bring the juvenile justice system fully in line with the Convention, in particular articles 37, 39 and 40, and with the Committee's general comment No. 10 (2007) on the rights of the child in juvenile justice. In particular, the Committee urges the State party to:

(a) Ensure that the juvenile justice system is mandated under one ministry provided with adequate support, including human, technical and financial resources;

(b) Undertake a study to identify the root causes of the inactivity of the juvenile justice system with particular attention to the Juvenile Crime Prevention Committee and propose durable solutions;

(c) Raise the age-limit in the Prevention of Juvenile Crime Act 1968 to 18 years and raise the minimum age of criminal responsibility to a an internationally accepted age and under no circumstances under 12 years of age;

(d) Ensure that judges and law enforcement officials receive specific training on how to deal with child-sensitive cases and use deprivation of liberty as a means of last resort, and when used regularly monitor and review it while taking into account the best interests of the child;

(e) Seek technical assistance in the area of juvenile justice from, among others, the United Nations Interagency Panel on Juvenile Justice and its members and make use of the tools developed by the Panel, including the United Nations Office on Drugs and crime (UNODC), UNICEF, OHCHR and NGOs.

#### **I. Ratification of international human rights instruments**

60. The Committee recommends that the State party ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

#### **J. Cooperation with regional and international bodies**

61. The Committee recommends that the State party pursue regional and international cooperation for the better implementation of the Convention.

#### **K. Follow-up and dissemination**

62. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, inter alia, by transmitting them to the Parliament, relevant ministries, the High Court, and to local authorities for appropriate consideration and further action.

63. The Committee further recommends that the initial and the supplementary report and written replies submitted by the State party and the related recommendations (concluding observations) 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, the media, youth groups, professional

groups and children, in order to generate debate and awareness of the Convention and its Optional Protocols and of their implementation and monitoring.

#### L. Next report

64. The Committee invites the State party to submit its next combined second to fifth periodic reports by 5 January 2018 and to include in it information on the implementation of 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 Corr. 1) 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 a report exceeding the page limitations is submitted, the State party will be asked to review and eventually resubmit the report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, then translation of the report for purposes of examination of the treaty body cannot be guaranteed.

65. 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 at by the fifth Inter-Committee Meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).

---