

**UNEDITED VERSION**

CRC/C/VEN/CO/2  
5 October 2007  
Original: English

**COMMITTEE ON THE RIGHTS OF THE CHILD**

**Forty sixth session**

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

**Concluding observations: VENEZUELA**

1. The Committee considered the second periodic report of **Venezuela** (CRC/C/VEN/2) at its 1274th and 1275th meetings (see CRC/C/SR.1274 and CRC/C/SR.1275), held on 28 September 2007, and adopted at the 1284th meeting, held on 5 October 2007, the following concluding observations.

**A. Introduction**

2. The Committee welcomes the submission of the State party's second periodic report despite its long delay, the detailed written replies to its list of issues (CRC/C/VEN/Q/2/Add.1) submitted in a timely manner and regrets the technical problems with the translation on time of the replies. The Committee appreciated the dialogue with the high-level, multi-sectoral delegation. The Committee notes that the State party's report did not fully comply with the guidelines for the submission of the reports.

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

3. The Committee notes with appreciation the adoption of many legislative (and programmatic) measures taken with a view to implementing the Convention, including:
  - a. The Constitution articles 75, 76, 78 (1999) recognising children as subjects of rights;
  - b. Child and Adolescent Protection Act (LOPNA) (2000);
  - c. Special Computer Crime Law (2001)
  - d. Organized Crime Act (2005)
  - e. Law for the Protection of Children and Adolescents in Places for Internet, Videogame and other Multimedia use (2006);
  - f. Community Council Law (2006);

- g. Right of Women to a Life Free of Violence Act (2006);
  - h. Organic Law for Handicapped People or Persons with Special Needs (2007).
4. The Committee also wishes to welcome the ratification of or accession to:
- a. Rome Statute of the International Criminal Court on 7 June 2000;
  - b. Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 8 May 2002;
  - c. Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 23 September 2003;
  - d. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime on 13 May 2002;
  - e. ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour on 26 October 2005.

### **C. Main subjects of concern and recommendations**

#### **1. General Measures of Implementation**

**(arts. 4, 42 and 44, paragraph 6 of the Convention)**

##### Committee's previous recommendations

5. The Committee notes that several concerns and recommendations made upon the consideration of the State party's initial report (CRC/C/15/Add.109) have been addressed. However, it regrets that some of its concerns and recommendations have been insufficiently or only partly addressed, including those related to discrimination, definition of the child, data collection and cooperation with NGOs.
6. **The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the initial report that have not yet been implemented or sufficiently implemented, particularly in relation to discrimination, definition of the child, data collection and cooperation with NGOs and to provide adequate follow-up to the recommendations contained in the present concluding observations on the second periodic report.**

##### Legislation and implementation

7. The Committee welcomes the adoption of the Child and Adolescent Protection Act (LOPNA) in 2000 and the establishment of the National Council for the Rights of Children and Adolescents (CNDNA) but is seriously concerned that the current reform of the LOPNA might eventually be incompatible with the principles and provisions of the Convention and that strengthening the competence of the Federal States could result in weakening the system of protection through its increased centralization.

8. **The Committee urges the State party to adopt a revised LOPNA as soon as possible and ensure it complies with the Convention taking into account, in particular, the Committee's general comment no. 5 regarding the General measures of implementation (2003) and use the opportunity of reform to strengthen the protection and participation for children.**
9. **The Committee recommends that the State party ensures, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes are provided with the protection required by the Convention and to take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).**

#### National Plan of Action

10. The Committee regrets that there is no comprehensive plan of action specifically dedicated to children and the implementation of the Convention.
11. **The Committee encourages the State party to elaborate a comprehensive National Plan of Action for children in consultation with civil society specialised in the area of children's rights, children's organizations and all other sectors involved in the promotion and protection of children's rights. Such a plan should have effective mechanisms for monitoring and evaluation as well as the necessary resources for its implementation. The Committee recommends to include in the National Plan of Action the principles and provisions of the Convention as well as the outcome document of the UN General Assembly special session in May 2002 "A World Fit For Children" and link the National Plan of Action to sectoral plans that deal with children.**
12. The Committee notes that progress has been made in the field of social well being for its citizens through a variety of social reform programmes, including the missions, but is concerned that the missions establish parallel policies and structures and that their constructive experiences are not transferred to the existing structures.
13. **The Committee encourages the State party to bring successful social missions in line with the institutional framework of children's rights in order to strengthen the implementation of the provisions of the Convention and enhance evaluation and transparency.**

#### Coordination

14. The Committee notes that the State party has an advanced system of protection of children's and adolescent's rights, legislation generally in conformity with the Convention, as well as institutions for children's rights at different levels. The Committee, however, regrets the lack of an adequate coordination mechanism to enable the effective linkages between its various governmental and non-governmental institutions at the different levels.
15. **The Committee recommends that the State party ensure that an adequate mechanism of coordination is established which links all the efforts by the**

**various sectors of the *Sistema Rector para la Protección Integral Para la Infancia y la Adolescencia* as a whole and at all levels.**

#### Independent Monitoring

16. The Committee notes that the State party has established *la Defensoría del Pueblo* (Ombudsman's Office) with a Special Directorate for Children's and Adolescents' Rights but regrets its lack of presence across the country. The Committee recognises the services of the *Defensorías Municipales*, however, there is a lack of information about the coordination of these services with the Ombudsman's Office.
17. **The Committee encourages the *Defensoría del Pueblo* to ensure its presence in every municipality in coordination with the *Defensorías Municipales*' services in order to ensure that all children have effective and accessible remedies in case of violations of their rights. The Committee recommends that the State party ensure the independence of the Ombudsman, in line with the Paris Principles.**

#### Allocation of resources

18. The Committee observes with satisfaction that resources are allocated as established by the legal framework of LOPNA targeting children and that these are distributed through the Funds for the Protection of Children and Adolescents at the national, state and municipal levels. The Committee notes that a significant increase of budget to social policies through public sector investments and social missions has taken place but regrets that it remains difficult to disaggregate the precise spending on children in the total public expenditures.
19. **The Committee recommends that the State party, in accordance with article 4 of the Convention, develops its general budget, including the budgets different missions, in a more systematic manner so that resources and investments for children are more transparent enabling a better monitoring of spending.**

#### Data collection

20. The Committee notes the efforts and actions in the area of children's rights including by the National Council for the Rights of Children and Adolescents and the National Statistics Institute aimed at increasing visibility of children in national indicators and statistics. It also takes note of the delegation's acknowledgement of the need to improve the national statistical information system in relation to children and adolescents rights, both in the production of data as well as in public access. The Committee remains concerned, however, at the lack of disaggregated data and indicators which would allow for an efficient monitoring of plans and actions including monitoring of budgetary allocations and expenditures.
21. **The Committee recommends that the State party continue and strengthen its efforts to develop a comprehensive system of collection of data on the implementation of the Convention. The data should cover all children's**

rights for all those below the age of 18 years. It should also be disaggregated by sex, age, ethnic group, indigenous children and children of afro descendants as well as those groups of children in need of special protection, such as children in detention, children requiring mental health assistance, children with disabilities, children in street situations, working children and refugee children. The Committee encourages the State party to further its cooperation with UNICEF and other agencies in this regard.

#### Dissemination and training

22. The Committee recognises the measures undertaken to disseminate information about the content of the Convention but remains concerned at the lack of awareness of the Convention in the public in general and amongst children and professionals in particular.
23. **The Committee recommends that the State party strengthen its efforts to disseminate the Convention throughout the country and to raise public awareness, in particular among children themselves, parents, teachers and authorities about its principles and provisions. Cooperation with civil society organisations, such as academic centres, media and NGOs should be strengthened for this purpose.**
24. **Furthermore, the Committee encourages the State party to strengthen its efforts to provide adequate and systematic training and/or sensitisation on children's rights to professional groups working with and for children, in particular law enforcement officials, as well as parliamentarians, judges, lawyers, health personnel, teachers, school administrators and others as required. The Committee encourages the State party to continue to seek technical assistance from UNICEF and the Inter-American Institute for the Child for the training of professionals.**

#### Cooperation with civil society

25. The Committee acknowledges the numerous initiatives and contributions of organizations of civil society in the development of the *Sistema de Proteccion Integral de la Infancia y la Adolescencia* noting, however, that the cooperation is decreasing. It is concerned by the lack of participation of NGOs, children's organizations and all other relevant partners in the reporting process and that the reform of LOPNA might narrow the operating space for non-governmental organizations specialized on children's rights.
26. **The Committee recommends that the State party encourage dialogue and cooperation with all civil society organizations, including the *Consejos Sociales Municipales*, children's organizations and all other relevant partners active and systematically involved with children's rights. The Committee recommends that the State party encourage their active participation in the follow-up of the concluding observations of the Committee, in the process of preparation of its next reports and in the evaluation of the National Plan of Action.**

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

27. The Committee is concerned that the minimum age of marriage for girls is too low and that there is a difference between the ages for girls (14 years) and boys (16 years).
- 28. The Committee recommends that the State party establish a minimum age of marriage which is the same for girls and boys and consider raising the age to 18 years. Furthermore, it is encouraged to undertake sensitivity campaigns regarding the possible negative effects of teenage marriages.**
29. The Committee notes that the age of consumption of alcohol is not specified.
- 30. The Committee recommends that the State party establish a minimum age of consumption of alcohol.**

### 3. General Principles

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

#### Non-discrimination

31. The Committee notes that the State party has made significant improvements in the area of non-discrimination but notes that the State party report does not provide sufficient information related to plans, programs and projects aimed at preventing and reducing discrimination due to ethnicity, sex, disabilities, political affiliation, religion, social or economic status of parents.
- 32. The Committee requests that specific information be included, in the next periodic report, on the measures and programmes relevant to the Convention of the Rights of the Child undertaken by the State party to provide special protection to excluded categories of the population and to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, also taking into account General Comment n° 1 on article 29(1) of the Convention (aims of education).**

#### Best interests of the child

33. The Committee notes that the State party has included the principle of best interests of the child as one of the components of the law and has established guidelines to be adhered to by all relevant actors, in particular in the administration but regrets that the understanding of this principle in practice is not well reflected.
- 34. The Committee recommends that the State party fully incorporate the principle of the best interests of the child in all its programmes, policies, legislative, judicial and administrative procedures and promote its application.**

#### Right to life, survival and development

35. The Committee notes the existence of the Inter-Institutional Plan of Action against Violence (2006-2007) but regrets the lack of information regarding its outcomes. The Committee notes the State party's investigations into cases of violations of the right to life but is deeply concerned at reports of extrajudicial

killings of children at the hands of the law enforcement officials and deaths of children in police custody.

36. **The Committee urges the State party to ensure that its law enforcement officers are fully held responsible for any violation of the right to life and that all such cases are immediately investigated by an independent body and those responsible are held accountable. The Committee invites the State party to provide information on the outcome of the Inter-Institutional Plan of Action in its next report.**

#### Respect for the views of the child

37. The Committee welcomes that young adolescents can vote at the municipal levels at the age of 15 following the Community Council Act and other initiatives such as the Youth Municipal Government and the Youth Councils and the general practice that children are heard in judicial and administrative proceedings. Nevertheless, the Committee remains concerned that the creation of spaces for children to be heard is not stimulated sufficiently and that it is primarily left up to NGOs.
38. **The Committee reiterates its recommendation that the State party strengthen its efforts to further promote, facilitate and implement within the family, school, the community, in institutions as well as in judicial and administrative proceedings, the principle of respect for the views of the child, while taking into account the recommendations adopted by the Committee after the Day of General Discussion on the right of the child to be heard in 2006.**

### **4. Civil Rights and Freedoms**

**(arts. 7, 8, 13-17 and 37(a) of the Convention)**

#### Birth registration

39. The Committee welcomes the various initiatives and achievements made in facilitating registration of children at birth, such as the National Plan for Identity “*Yo Soy*” which created hospital birth units to ensure every child is registered immediately following birth. However, the Committee is concerned about the negative impact in this regard of Decree No. 2819 of 30 September 1998 providing that parents must be duly documented in order to register their children born within the territory of the State party.
40. **The Committee encourages the State party, in partnership with UNICEF, to continue its efforts to ensure that all children within its territory are registered at birth, including children of undocumented foreigners and those belonging to indigenous groups and immigrant families.**

#### Access to appropriate Information

41. The Committee notes that the normative framework guarantees the right to information but is concerned about the quality of the TV and radio programmes and their compatibility with a child rights approach. The Committee is also concerned that indigenous children and children of afro descendants do not receive sufficient information relevant to their needs.

- 42. The Committee encourages the State party to ensure public programs are consistent with the children's rights in all sectors of the population.**

Torture and degrading treatment

43. The Committee notes programmes on violence against children but is concerned about allegations of ill-treatment, and reported sub-standard conditions of prisons throughout the country and remains concerned about the fact that children continue to be kept in extremely poor prison conditions and that there are reports of children dying in custody.
- 44. The Committee recommends that the State party strengthens its efforts to improve prison conditions and take measures to ensure that children are not subjected to torture and inhuman, degrading treatment or punishment and that it take all steps to investigate alleged violations and punish those responsible.**

**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 Support

45. The Committee notes that the legislative framework established the principle of protection of children and their families but that very little information, apart from that received from the missions, has been made available to the Committee on its practice.
- 46. The Committee recommends that the State party continue the existing programmes and strengthen support to families in order to prevent separation of children, e.g. by counselling, parenting advice and financial allowances and provide further information in its next report.**

Alternative care

47. The Committee welcomes that the State party has legislated that poverty is not a sufficient cause for separating a child from his/her parents and that significant progress in removing children from institutions has been made. The Committee notes that the State party privilege placing children with a substitute family or placing them up for adoption. The Committee nevertheless is concerned that placing children in institutions remains a prevalent practice.
- 48. The Committee recommends that the State party continue its efforts to provide programmes and adequate care services, give priority to family solutions for children and adolescents deprived of a family environment and continue to promote foster care as a form of alternative care. The Committee suggests that institutionalisation be used only as a measure of last resort, taking into account the best interests of the child. Furthermore, the Committee recommends adequate resource allocation, functioning and monitoring of the care institutions, including those managed by NGOs, foster care programmes, as well as periodic review of placement in conformity with article 25 of the Convention and the recommendations**

**issued after the General Day of Discussion on children without parental care in 2005.**

#### Adoption

49. The Committee welcomes the establishment of a National Bureau and several State offices for the purpose of facilitating adoption and notes that the State party has amended its legislation relating to intercountry adoption in accordance with the obligations established under the Hague Convention of 1993 on the Protection of Children and Co-operation in respect of Intercountry Adoption but remains concerned at the unjustified delays and procedural obstacles to the adoption process.
- 50. The Committee recommends that the State party take measures in order to avoid unjustifiable delays in adoption procedures through:**
- (a) Strengthening the multi-disciplinary teams with trained professionals and necessary resources; and**
- (b) Encourage the Ombudsman to regularly review the adoption system so that it complies with article 21 of the Convention and the Hague Convention (1993) and to ensure that the State party processes adoptions in a timely manner.**

#### Abuse and neglect

51. The Committee takes notes of various programmes on violence against children but is concerned about allegations of neglect, domestic violence and sexual abuse. It is also concerned at the difficulties of children in accessing free helplines.
- 52. The Committee recommends *inter alia* that the State party ensure that a three digit toll-free 24 hour helpline for children is accessible throughout the country.**

#### Follow-up to the UN Study on Violence against Children

- 53. With reference to the United Nations Secretary-General's study on violence against children, the Committee recommends that the State party:**
- a. Take all necessary measures to implement the recommendations of the United Nations Study on violence against children (A/61/299) taking into account the outcome and recommendations of the Regional Consultation regional consultation for Latin America held in Argentina between 30 May and 1 June 2005. In particular, the Committee recommends that the State party pay particular attention to the following recommendations**
- i. Prohibit all violence against children, including corporal punishment in all places;**
  - ii. Prioritize prevention, including inter-family violence;**
  - iii. Ensure accountability and end impunity; and**
  - iv. Develop and implement systematic national data collection and research.**

- b) **Use the recommendations of the Study as a tool for action in partnership with civil society and, in particular, with the involvement of children to ensure that all children are protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and time-bound actions to prevent and respond to such violence and abuse; and**
- c) **Seek technical cooperation in this respect from OHCHR, UNICEF and WHO and other relevant agencies, inter alia, ILO, UNESCO, UNHCR, UNODC as well as NGO partners.**

#### Corporal punishment

54. The Committee welcomes the information provided by the delegation that corporal punishment will be prohibited, however, the Committee is concerned that corporal punishment is still lawful. Furthermore, the Committee is concerned that there is an under reporting of abuse and ill-treatment of children.
55. **The Committee urges the State party to adopt and implement new laws explicitly prohibiting corporal punishment in all settings, including in the home and to conduct awareness raising and public education campaigns against corporal punishment and promote non-violent, participatory methods of childrearing and education, while taking due account of the General Comment no. 8 of the Committee on the Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment (2006) as well as the recommendation in the UNSG's Study on violence against children that all corporal punishment of children be prohibited by 2009.**

### **6. Basic Health and Welfare**

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

#### Children with disabilities

56. The Committee welcomes the newly passed Handicapped and Persons with Special Needs Act (2007), however, it is not clear as to how this Act will impact children specifically. The Committee is concerned at the lack of data on the number of children with disability that are currently receiving educational services in the regular educational system. Furthermore, the Committee is also concerned that the current categories do not cover all categories of disability.
57. **The Committee recommends that the State party, taking into account the General Comment No. 9 (2006) on the rights of children with disabilities (CRC/C/GC/9);**
- a) **ensure that all children with disabilities receive education, and encourage the inclusion of children with disabilities in regular schools;**
  - b) **implement the Standard Rules for Equalizing the Possibilities for Persons with Disabilities, adopted by the United Nations General Assembly on 23 December 1993;**
  - c) **undertake an in depth study on the prevention of disabilities;**
  - d) **undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local**

- level and to promote and expand community-based rehabilitation programmes, including parent support groups;**
- e) sign and ratify the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol.**

#### Health and health services

58. The Committee welcomes the variety of social programmes for the promotion of a healthy life and the health and integral development of children through increased investments in primary health care and the social missions, which have resulted, inter alia in declines in child mortality. Nevertheless, the Committee remains concerned at the high rates of neonatal and maternal mortality, and declining vaccination coverage. The Committee is also concerned about the parallel nature of the health missions.
59. The Committee recommends that the State party:
- a. strengthen its efforts to reduce neonatal and maternal mortality throughout the country by the provision of quality care and facilities;**
  - b. continue to address the problem of malnutrition and low vaccination rates, with special emphasis on rural and remote areas and among refugees and the indigenous populations;**
  - c. adopt and enforce the International Code on Breastmilk substitutes; and**
  - d. integrate the *Barrio Adentro* health mission and the public health network so they complement each other, especially regarding hospital infrastructure, supply of medicines and technological equipment, qualified personnel, and quality of care and attention provided.**

#### Adolescent health

60. The Committee welcomes the national awareness raising programmes regarding contraception but is concerned that maternal mortality of adolescents continues to be an important health problem and that many girls die due to unsafe abortions.
61. **The Committee recommends that the State party continue to strengthen its awareness raising programmes involving adolescents and families regarding sexual relations and ensure that Resolution 1762 of the Ministry of Education (1996) be observed, by which pregnant teenagers have the right to continue with their studies in all the schools of the country and that the State party does its utmost to strengthen policies and programmes to avoid harmful consequences and/or death of teenagers due to unsafe abortions.**

#### HIV/AIDS

62. The Committee notes that there is free access to retroviral medication for persons living with HIV/AIDS. The Committee is concerned at reports of

discrimination against children and adolescents living with HIV/AIDS and the lack of adequate treatment for pregnant women to prevent mother to child transmission. The Committee is further concerned at under reporting and that there are no rules governing the transfer of children to other regions for treatment.

- 63. The Committee recommends that the State party ensure that discrimination and other forms of irregularities against children living with HIV/AIDS are corrected and ensure adequate medical services for pregnant women in order to prevent mother to child transmission.**

#### Standard of living

64. The Committee welcomes State party efforts to reduce poverty through its social programmes, especially through the missions but remains concerned that children continue to be most affected by poverty and that measures to protect children are not sufficient.
- 65. The Committee recommends that the State party strengthen its effort to combat poverty, and in particular evaluate the measures applied to protect children against poverty and its impact on children's development and well-being, and to reduce the extreme social and economic inequality among families and children, in accordance with article 27 of the Convention.**

#### **Education, Leisure and Cultural Activities (arts. 28, 29 and 31 of the Convention)**

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

66. The Committee welcomes that children's education belongs to the top priorities of the government's policies and that progress with regard to children's enrolment and expanded provisions for disadvantaged children in school are evident. The Committee remains concerned however that:
- (a) Enrolment rates are still not satisfactory, in particular in pre-school and secondary schools;
  - (b) Drop out is high after the first grade and in upper grades;
  - (c) Enrolment rates of indigenous, afro descendants and children living in rural areas are low;
  - (d) Refugee and asylum-seeking children are hindered to continue their education through bureaucratic obstacles; and that
  - (e) The quality of education is unsatisfactory.

**67. The Committee recommends that the State party**

- a. strengthen efforts to increase enrolment in preschool care and education facilities and in the higher grades of primary schools as well as in secondary schools, in particular in the rural and remote border areas and with respect to indigenous children;**

- b. **Facilitate the enrolment of refugee and asylum-seeking children by removing administrative obstacles to their inclusion in the educational system on an adequate grade level and ensure full implementation of their right to education;**
- c. **Strengthen early childhood development programmes for all children up to the age of 8 years;**
- d. **Effectively reduce the dropout rates of children beginning their education in schools and of children in the higher grades and provide opportunities for children who have dropped out to re-enter educational institutions;**
- e. **Promote the quality of education by reform of curricula and the introduction of instruction and learning methods, which stimulate the active participation of children, and train teachers in colleges as well as in service in this regard;**
- f. **Include human rights education in the curriculum on all levels with a focus on the right of children to voice their view and to find respect for their views in the all matters affecting them in the organization of learning and the social life in schools;**
- g. **Provide vocational education and training enabling all children to enter the labour market with a basic preparation and also, according to capacity and motivation, a specific training of skills which facilitates the finding of an occupational life perspective.**

## **7. Special Protection Measures**

**(arts. 22; 30; 38; 39; 40; 37 (b)-(d); 32-36 of the Convention)**

### Refugee children

68. The Committee notes the establishment of the National Commission for Refugees and its four decentralized technical secretariats and notes the recognition that refugee children and asylum seekers should enjoy respect and have their human rights guaranteed at all times. However, it is concerned that the refugee status determination procedure is seriously hampered due to lack of shared responsibility between the National Commission for Refugees and the child protection institutions.
69. **The Committee recommends that the State party establish institutional agreements between the National Commission for Refugees and the child protection institutions, especially the *Consejo Estatal de Derechos del Niño y del Adolescente* (CEDNA) centres. The Committee further recommends that the State party ensures rapid access to age-sensitive refugee status determination procedures and subsequent assistance for unaccompanied and separated children. The Committee recommends the State party to take note of the Committee's General Comment No. 6 on the treatment of unaccompanied and separated children outside their country of origin and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.**

### Economic exploitation, including child labour

70. The Committee notes the establishment of the National Programme of Protection of Child Workers (PRONAT) and the resources that have been allocated to the prevention against economic exploitation of children but regrets the lack of information about the reality and extent of children engaged in labour and is concerned at allegations that children are involved in the worst forms of child labour in slavery like conditions.
- 71. The Committee recommends that the State party undertake an evaluation of the PRONAT and determine the numbers and categories of children working informally or formally in the economy and take all necessary measures to protect children from economic exploitation. The Committee recommends that the State party give special attention to the worst forms of child labour in accordance with ILO Convention Number 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.**

### Children in street situations

72. The Committee welcomes the establishment of the pilot Action Plan for children living on the streets. However, the Committee is concerned at the inadequate living conditions of these children and at the allegations of discrimination and violence by the law enforcement officials.
- 73. The Committee recommends that the State party:**
- a. Extend the pilot Action Plan for children living on the streets to all parts of the country to prevent and address the problems of street children;**
  - b. Ensure that street children are provided with adequate nutrition and shelter as well as with health care and educational opportunities in order to support their full development, and provide them with adequate protection and assistance, taking into account article 12.**

### Sexual exploitation, trafficking and sale of children

74. The Committee notes that a Plan of Action against Sexual Abuse and Exploitation has been adopted and that general Guidelines have been developed for the protection of victims of trafficking. The Committee regrets lack of information and data on sexual exploitation and sale of children as well as the impact of the Plan of Action.
- 75. The Committee recommends that the State party establish mechanisms that facilitate the implementation and monitoring of plans and programmes of Government and NGOs on the subjects of trafficking, sexual exploitation and sale of children. The Committee invites the State party to include comprehensive information regarding these issues and the impact of the Plan of Action in its next report with reference to the Optional Protocol.**

### Administration of juvenile justice

76. The Committee welcomes the clear status provided to the young offenders in the procedural rights but notes that the system of juvenile justice is not fully in compliance with the Convention and the international standards. In particular, it is not clearly demonstrated that specialized justice is offered to children nor that they are systematically separated from adults in prisons.

**77. The Committee recommends that the State party ensure that all juvenile justice standards are fully implemented, in particular articles 37 (b), 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules). In particular the Committee recommends that the State party, while taking into account the Committee's general comment No. 10 on the administration of juvenile justice (2007):**

- a. Take all necessary measures, including adopting a permanent policy of alternative sanctions for juvenile offenders and continue to ensure that children are held in detention only as a last resort and for as short time as possible and that the deprivation of liberty be reviewed on a regular basis;**
- b. Take all necessary measures to ensure that when detention is carried out, it is done in compliance with the law and respects the rights of the child as set out under the Convention and that children are held separately from adults both in pre-trial detention and after sentencing of the term of deprivation;**
- c. Take all necessary measures to ensure that children are not ill-treated in detention, that conditions in detention facilities are not contrary to the child's development, and that their rights, including visitation rights are not violated, and that cases involving juveniles are brought to trial as quickly as possible;**
- d. Consider raising the age of criminal responsibility;**
- e. Seek technical assistance and other cooperation from the United Nations Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR and NGOs.**

Children belonging to minorities and indigenous people

78. The Committee notes that the State party created a new Ministry to deal with indigenous issues but is concerned that despite efforts the situation has not improved sufficiently in the area of indigenous peoples' protection. The Committee regrets that the mortality rates due to preventable diseases continue to be high amongst the indigenous population and is concerned at reports of deaths due to malnutrition. The Committee is also concerned that girls are at a higher risk for sexual exploitation and that there is a tendency not to report complaints.

**79. The Committee recommends the State party to enhance the situation of indigenous children by *inter alia*;**

- a. Strengthening efforts to improve the living conditions in areas inhabited by indigenous peoples.
- b. Increasing its efforts in preventing health related diseases and particularly malnutrition amongst the indigenous children;
- c. Initiating programmes to lower the sexual vulnerability of the girls belonging to indigenous peoples;
- d. Increasing its efforts in the implementation of educational strategies adapted to indigenous children; and
- e. Create spaces for participation of indigenous children between themselves and with non-indigenous children.

80. The Committee welcomes the creation of the Network of Afro-descendant Organizations and notes that there is a lack of reliable statistics and social indicators related to the situation of the afro descendant population. The Committee also notes that there are discriminatory practices against children of Afro descendants.

81. The Committee recommends that the State party takes measures to respond to these challenges inter alia by including specific questions regarding the afro descendant population in its next census or national polls in order to enhance understanding about the particular challenges faced by this population.

#### 9. Optional Protocols to the Convention on the Rights of the Child

82. The Committee reminds the State party that its initial reports under both the Optional Protocols to the Convention were due in 2004 and 2005 respectively and encourages their speedy submission, if possible, at the same time, to facilitate the review process.

### 10. Follow-up and dissemination

#### 1. Follow-up

83. 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 members of the Council of Ministers, the National Assembly, the Citizen's Power, the Governors and Legislative Councils at the State level as well as to the Councils and Mayors at the Municipal levels, for appropriate consideration and further action.

#### Dissemination

84. The Committee recommends that the second periodic report and written replies submitted by the State party and the related recommendations (concluding observations) as adopted by the Committee are made widely available in the different languages of the country and to the public at large, including by use of the Internet and the media so that it reaches civil society organizations, youth groups, professional groups, children and adolescents, their teachers and educational staff directors and other

**staff that regularly come into contact with children and adolescents, such as physicians, district attorneys and judges with the purpose of generating debate and awareness of the Convention, its implementation and monitoring.**

#### **11. Next report**

- 85. The Committee invites the State party to submit its combined third, fourth and fifth report on the implementation of the Convention by April 2011.**
  
- 86. 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 5<sup>th</sup> Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).**