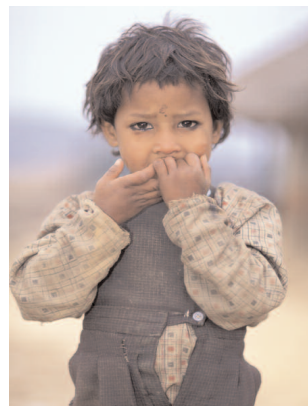


# What Happened?

A study on the impact of the Convention on the Rights of the Child in five countries: Estonia, Nepal, Peru, Uganda and Yemen



**Save the Children**  
Sweden

*Save the Children fights for children's rights. We influence public opinion and support children at risk, in Sweden and in the world.*

*Our vision is of a world in which the UN Convention on the Rights of the Child has been translated into practical reality, and all children's rights are fulfilled.*

*Such a world is one which:*

- respects and values each and every child;*
- listens to, and is prepared to learn from, children;*
- gives every child hope and opportunity.*

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# Introduction

ON 20 NOVEMBER 2009, the Convention on the Rights of the Child (CRC)<sup>1</sup> will celebrate its 20th anniversary. Children have become more visible over the last 20 years and the CRC has led to a shift in considering children as human beings with rights rather than only in need of protection. The CRC has been ratified by 193 States and two Optional Protocols, which seek to strengthen the rights set out in the CRC, were adopted in 2000.

The Convention established, in article 43, the Committee on the Rights of the Child (the Committee) to examine the progress made by States in fulfilling their obligations under the CRC. Since 1992, the Committee has examined initial reports from all but seven States parties and has recently begun examining fourth periodic reports from some States. In total the Committee has considered over 400 reports in the last seventeen years, an average of 24 reports a year. Following the examination of each report, the Committee issues concluding observations, which make recommendations for follow-up action at national level.

The Convention has had an undeniable impact at national level shown by changes to legislation, the creation of new programs or policies that deal with specific concerns, the creation of national child rights institutions and coordinating mechanisms, changes in attitude of governments towards non-governmental organizations (NGOs), and societal changes in attitudes towards children. But are these changes due to the work of the Committee on the Rights of the Child? This study seeks to take stock of what impact the concluding observations in the area of general measures of implementation have had at national level.

## **The CRC Reporting Process**

Upon ratification, each State party is required to submit an initial report within two years and periodic reports every five years on the progress that has been made since the submission of the previous report. The reports are required to provide a comprehensive understanding of the implementation of the CRC and indicate the factors and difficulties that prevent full compliance with the Convention. In its reporting guidelines, the Committee recommends that States parties conduct a comprehensive review of measures adopted to give effect to the rights under the CRC and on the progress made in the enjoyment of these rights.

The reports are examined by the Committee, an 18 member body of independent experts who are elected in their personal capacity to four-year terms by States parties. Written information on the implementation of the CRC is also submitted by non-governmental organizations and UN agencies and taken into consideration in preparation for the dialogue with the State party. The report is examined by the Committee in the presence of the government concerned during a public meeting where representatives are invited to respond to the questions and comments posed by Committee members. At the end

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1. All acronyms used can be found at the end of this report.

of the dialogue, the Committee adopts concluding observations which point out the positive aspects, the factors and difficulties impeding the implementation of the Convention, the principal subjects of concern and concrete suggestions and recommendations for future action. The Committee is unable to enforce its recommendations however and looks towards national-level mechanisms to ensure that their recommendations are taken into account by the State party.

The Committee began adopting concluding observations in 1993. These initial concluding observations were quite short, of a general nature, not organized and contained few if any concrete recommendations. By the late 1990's, when second periodic reports began to be considered by the Committee, the concluding observations become more precise. They were divided into sections based on areas of concern but the recommendations provided were not always country specific. Five years later, the concluding observations of third periodic reports had developed a well defined structure and contained country specific recommendations but with little reference to issues mentioned in earlier concluding observations. In general, recommendations made by the Committee focus more on studying an issue or collecting data rather than on implementation and emphasize awareness-raising around issues rather than on providing concrete solutions to areas of concern. This allows for a certain amount of flexibility at national level in the implementation of the concluding observations.

## ***General Measures of Implementation***

In its first meeting in October 1991, the Committee adopted guidelines for States parties to use when submitting their initial reports under the CRC. The Committee requested under a section entitled "general measures of implementation" that States parties provide information on measures taken to harmonize national law and policy with the provisions of the CRC and existing or planned mechanisms at national or local level for coordinating policies relating to children and for monitoring the implementation of the CRC. Under general measures of implementation, States were also requested to provide information on the implementation of article 42 of the CRC (making the principles and provisions of the Convention widely known) and on the implementation of article 44, paragraph 6 (making reports widely available at national level).

In celebration of the 10th anniversary of the CRC in 1999, the Committee held a two day workshop focusing on general measures of implementation which led to the elaboration and adoption of a general comment on general measures of implementation in 2003. In General Comment No. 5 (CRC/GC/2003/5), the Committee examined in detail articles 4, 42 and 44(6) of the CRC. General comments, which are based on the Committee's experience in monitoring State party reports, provide an authoritative interpretation of the rights contained in the articles and provisions of the CRC. General comments may also assist States parties in fulfilling their reporting obligations and are a useful analysis and explanation of treaty obligations.

### **Article 4 of the CRC**

“States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regards to economic, social and cultural rights, States parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation.”

Article 4 of the CRC requires States parties to take “legislative, administrative and other measures” to implement the rights in the Convention. As the Convention does not enumerate these measures, the Committee identified and set out in General Comment No. 5 measures that should be undertaken by States parties. The General Comment requests that States parties indicate whether it is necessary to maintain reservations that it has made and whether it has any intention to withdraw them. It also urges States parties who have not already done so to ratify the two Optional Protocols, the other major international human rights instruments and other relevant international instruments. Under legislative measures, States parties are asked to review all domestic legislation to ensure compatibility with the CRC and to give effect to the Convention within their domestic legal system either through incorporation of the CRC into domestic law or through the principle of self-execution. In order to ensure the justiciability of rights, General Comment No. 5 points out the need for effective remedies to redress violations.

General Comment No. 5 also lists a number of “administrative and other measures” that may be needed in addition to legislative measures to ensure effective implementation of the CRC.

#### **Administrative and Other Measures**

Developing a comprehensive national strategy rooted in the Convention

Coordination of implementation of children’s rights

Decentralization, federalization and delegation

Privatization

Monitoring implementation – child impact assessment and evaluation

Data collection and analysis and development of indicators

Making children visible in budgets

Training and capacity building

Cooperation with civil society

International cooperation

Independent human rights institutions

*General Comment No. 5*

The development of a comprehensive, rights-based national strategy or national plan of action for children based on the CRC is one of these measures that should be taken by States parties. The strategy should result from a process of consultation, including with children, and should give particular attention to marginalized and disadvantaged groups. The national strategy should establish achievable targets in relation to all the rights set out in the CRC and be fully

resourced. National plans of action in specific areas with explicit goals, targets, and allocation of resources may also be adopted in order to implement the national strategy.

The General Comment also highlights the need for coordination of governmental bodies in order to ensure that the CRC is being implemented effectively. Coordination may be needed amongst governmental bodies, between the national and local levels or even between government and civil society. Decentralization of power does not reduce the obligation of the State to implement the CRC. The General Comment emphasizes that no matter what the structure of the State, the State which ratified the CRC is responsible for ensuring the full implementation of the Convention throughout the territories under its jurisdiction without discrimination.

Privatization of services is another area addressed by the General Comment as States are required to ensure that non-State service providers respect the rights of children. Allowing the private sector to provide services does not lessen the obligation of the State to ensure that the rights of all children within its jurisdiction are being respected. The General Comment also points out the need to monitor the implementation of the CRC and to conduct child impact assessments of any proposed laws, policies or budget allocations. The Committee also notes that in addition to self-monitoring and evaluation, the need for independent monitoring is considered to be essential.

In order to develop effective policies and programs, it is necessary to have sufficient and reliable data on children. There is a need to develop effective data collection systems that gather information on all children, of all ages, across the entire country. The Committee suggests that States work in collaboration with research institutes. In order to determine if States are implementing economic, social and cultural rights to the “maximum extent of available resources”, they need to be able to identify not only the proportion of the budget allocated to the social sector, but within that, the proportion allocated to children. The need to ensure that marginalized and disadvantaged groups of children in particular are protected during times of economic uncertainty is also highlighted by the General Comment.

The development of training and capacity-building programs for all those involved in the implementation of the CRC is another component of the General Comment. Training needs to be systematic and ongoing and should be included in professional training curricula. Human rights education should also be provided to children and the Convention should be included in the school curriculum. In order to ensure that children’s rights are respected in practice, it is essential that all sectors of society be engaged in implementing the CRC. In particular, the Committee requests that States work closely with civil society while at the same time respecting their independence. The General Comment also points out the need for international cooperation. The Committee recommends that the CRC form the framework for international development assistance in order to ensure that a proportion of international support is earmarked for children. States are also encouraged to request technical assistance from the United Nations Children’s Fund (UNICEF), the Office of the High Commissioner for Human Rights (OHCHR) and other UN agencies.

Finally, the General Comment recommends the establishment of human rights institutions which independently monitor compliance with the CRC. The Committee adopted a General Comment (No. 2) on national human rights institutions which provides detailed guidance on the establishment and operation of independent human rights institutions for children.



Article 42 of the CRC on the need to make the Convention known to adults and children also falls under the area of General measures of implementation.

**Article 42 of the CRC**

“States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.”

General Comment No. 5 suggests that States parties develop a comprehensive strategy for disseminating knowledge of the Convention, that human rights be included into the school curriculum at all levels, and that training be provided on rights of the child to professionals working with and for children.



# Study Objectives and Methodology

THE CONVENTION ON THE RIGHTS OF THE CHILD (CRC) celebrates its 20th anniversary in 2009. Since its entry into force in 1990, the Committee on the Rights of the Child (here after called the Committee) has examined over two hundred initial and periodic reports and has issued concluding observations for each of these reports. The concluding observations reflect the main points of discussion and indicate concerns and issues which require specific follow-up action at national level. Save the Children Sweden decided that it was time to take stock of the impact the concluding observations have had at national level. The purpose of this study was to collect evidence as to what extent the international monitoring mechanism of the CRC has led to long lasting changes for children at national level and to identify gaps.

The objective of this study was to document examples where the concluding observations made by the Committee have led to legislative, administrative or other measures being implemented. The study focused on the concluding observations relating to the general measures of implementation and their impact on health (article 24); protection (articles 19 and 40) and education (articles 28 and 29). The four general principles of the CRC (non-discrimination; the best interests of the child; the right to life and survival; and the right to be heard) underpinned the analysis.

Five countries, where there is a Save the Children office or partner organizations able to use this report for national advocacy, were selected for this study: Estonia, Nepal, Peru, Uganda, and Yemen. For each country, the concluding observations from the initial and periodic reports were analyzed focusing on the impact of the concluding observations under the clusters of general measures of implementation, health, protection and education. The concluding observations in their entirety were examined as the format of the earlier concluding observations did not include subject headings and the more recent concluding observations often contained information relevant to general measures of implementation under that heading as well as under headings related to the specific articles of the Convention.

In order to document changes that have been made as a result of the concluding observations, periodic State party reports and NGO reports were examined in order to determine where progress had been made and where obstacles have impeded the implementation of the concluding observations. As the most recent concluding observations dated to 2005 (except in the case of Estonia where the most recent information was from 2003), it was necessary to contact NGOs at national level in some cases for feedback as to how the last set of concluding observations had been used at national level. In the case of Uganda and Estonia, recent reports submitted under the Optional Protocols were also examined as these provided more recent information on some of the topics under consideration.

This study looked at the various types of recommendations of a legislative or administrative nature in the areas of health, education, violence and juvenile justice in order to determine general trends with regards to the implementation of the concluding observations. Each country was also reviewed separately in order to identify where changes have been made and obstacles that may have impeded the implementation of the concluding observations in each country.

This report will be used as a tool for debate, articles and initiatives towards government officials and parliamentarians in view of the 20th anniversary of the CRC. It will also be a means to advocate around the monitoring mechanism of the CRC as a tool for long lasting changes for children.



# Reporting Trends

## Legislative Measures

The Committee frequently recommended that States parties take legislative measures to address issues on the administration of juvenile justice and violence. The most common recommendation was of a general nature which was to review legislation to ensure that the juvenile justice system was in full compliance with the articles 37, 39 and 40 of the CRC, as well as the Beijing Rules, Riyadh Guidelines and UN Rules for Protection of Juveniles Deprived of their Liberty. This was mentioned in all five of the concluding observations. The Committee not only noted the need to review the legislation in Yemen but emphasized that the existing legislation did not fully reflect the principles and provisions of the CRC. Review of legislation has taken place in all countries and is reflected in minor adjustments made to the laws governing the administration of juvenile justice.

The Committee was particularly concerned about the low age of criminal responsibility and requested that it be raised in both Nepal (10) and Yemen (7). Neither country has raised the age although the Committee asked the government of Yemen to do so three times, a clear indication that the government is not taking into consideration the recommendations of the Committee in this area. No efforts were being made in either country to raise the age to an internationally acceptable level.

Amending or repealing specific legislation was another trend with regards to legislative measures. The Committee specifically requested that the Terrorist and Disruptive Ordinance in Nepal, which allowed security forces to arrest and detain any person suspected of being associated with armed groups, including children, be repealed. Although this ordinance was repealed in 2006, this probably had more to do with the end of the twelve year conflict than with any specific request made by the Committee. The peace process has however created opportunities to bring children's rights into the new Constitution itself. Similar legislation in Peru, whereby children between 15 and 18 suspected of being involved in terrorist activities did not benefit from the legal guarantees provided for under the system of juvenile justice, was also repealed once the armed conflict ended. Unlike Nepal, the end of the armed conflict did not provide an opportunity to make major legislative changes.

Although the development of children's rights statutes and codes was appreciated by the Committee, they found that these codes were not always in line with the CRC and legislation adopted in other areas (such as penal law) was not always in conformity with the codes. Where the Committee made explicit requests to amend or repeal a piece of legislation, States parties were fairly responsive. For example, in Peru, legislation on gang-like behavior and decrees which lowered the legal minimum age for criminal responsibility were reviewed and brought into line with the CRC. The law on begging however still remains in force despite the Committee's specific request that it be repealed. In all countries, the Children's Codes were under review and various amendments to bring the codes into line with the CRC were being proposed.

The Committee also highlighted areas within the administration of juvenile justice where legislation needed to be reviewed or adopted. These included establishing juvenile

courts throughout the country in Peru, Nepal and Uganda, using deprivation of liberty as a measure of last resort in Estonia, Nepal, Peru and Yemen and separating children from adults in prisons in Estonia and Nepal. In Nepal, the weak legal system was of concern for the Committee who suggested that procedures for arrest and detention be improved, that special units within the police to handle cases of children in conflict with the law be established and the rights of children deprived of their liberty be protected. In Yemen, the weak birth registration system led the Committee to fear that a child could be sentenced to the death penalty.

The Committee also promoted legislative measures as one of the ways in which to address physical and mental violence, including corporal punishment. All countries were requested to explicitly prohibit corporal punishment and ill-treatment of children in the family, schools and other institutions. In Yemen, the need to remove by law the possibility of sentencing a child to any form of physical punishment was highlighted. Although corporal punishment has not yet been prohibited by legislation in all settings in any of the countries under review, some progress had been made such as in Uganda, where corporal punishment is now prohibited in schools. In Peru, the Committee also requested that provisions be introduced into the Penal Code to address violence against children and this was added to the legal provisions. For Nepal, the Committee recommended that legislation be introduced to make it mandatory to report suspected cases of abuse and neglect for professionals working with children. Legislative reform is currently being undertaken in all countries and prohibiting violence against children is under consideration.

In the areas of health and education, legislative measures were almost never recommended as a way of ensuring that the CRC was being implemented at national level. The only exception to this was in the case of female genital mutilation (FGM) and other traditional practices harmful to the health and well being of children where the Committee requested in Uganda, Yemen and Nepal that legislative measures be used to prohibit these practices. Although no legislative measures have been taken in Nepal, some districts in Uganda have outlawed the practice of FGM and Yemen has recently developed a national plan of action which would ban all forms of FGM although the plan has not yet been approved by Parliament.

## ***Justiciability***

With legislation comes the importance of ensuring that when laws are not respected, children have someplace or someone to turn to. Nevertheless, this is an area which only received limited attention from the Committee. The most common concern was the need to deal effectively with complaints. The Committee called for Estonia to establish effective mechanisms and procedures for receiving, monitoring and investigating complaints and the Committee noted that access to judicial review was needed in Uganda. In Peru, the Committee asked that the government reinforce procedures and mechanisms that deal with complaints in order to ensure prompt access to justice. Children in Estonia and Uganda also needed access to legal aid and assistance. The issues in Nepal were of a different level with the Committee questioning the basic right to a fair trial and the need to ensure full independence and impartiality of the juvenile judiciary. In Nepal, although the Children's Act protected children from cruel treatment, it did not provide for an effective remedy

mechanism. In Nepal and Peru, the Committee highlighted the need to investigate, prosecute and punish perpetrators of mistreatment.

## ***National Plan of Action***

The Committee strongly recommends that States develop a comprehensive national strategy or national plan of action for children that covers all areas of the Convention. In its General Comment no. 5, the Committee suggested that national plans of action on specific areas may be developed in order to provide details on implementing the national strategy in a specific sector. These national plans of action should set specific goals, targeted measures and allocation of financial and human resources. Recommendations in this area were few and limited to the area of violence against children. In both Uganda and Peru, the Committee recommended that the outcome of the study on violence be used to “generate momentum for time-bound actions to prevent and respond to violence and abuse” and in Nepal the State was asked to establish a comprehensive strategy to address the high and increasing number of child abuse, neglect and domestic violence cases.

In Estonia, violence in schools was of particular concern and the Committee requested that the government develop a comprehensive strategy for reducing and preventing violence in schools. A program to reduce and prevent bullying and violence in schools was developed by the Ministry of Education and Research and activities were included in the overall Strategy for Guaranteeing the Rights of the Child.

## ***Coordination***

Coordination was covered in a general manner with no specific references to the themes under consideration.

## ***Decentralization***

The decentralization of power was only of concern for the Committee in two countries, Peru and Nepal. The Committee was particularly concerned by the regional disparities in access to health care and the difficulties for children living in rural and remote areas to access basic health services. In Peru, malnutrition, sanitation and safe drinking water were areas that required attention particularly for children from the rural highlands and Amazonia region. In Nepal, the health administration system had been decentralized in order to address geographical disparities in providing health services, but the lack of health posts and hospitals in rural villages combined with a scarcity of health workers had not improved access to basic services for children living in rural areas.

Children from rural and remote areas also had limited access to education in both Peru and Nepal. The quality of education and the physical condition of schools were a concern and the Committee highlighted the need to eliminate disparities in the quality of education in rural and remote areas. In Peru, the need for schools to be more responsive to geographical and cultural diversity was of particular concern as was the need to improve the relevance of bilingual education programs for children belonging to indigenous groups. In Nepal, the high drop-out rate for girls living in rural areas was of particular concern and

the Committee recommended the prioritization of early childhood education in rural areas.

The Committee also highlighted the need to increase measures to reduce economic and social disparities between urban and rural areas to prevent discrimination against the most disadvantaged groups.

## **Privatization**

Privatization was not covered in the countries under consideration.

## **Monitoring Implementation**

Another area that received little attention was the need to monitor and evaluate legislation, policies and programs. The Committee pointed out in Nepal the need to establish an effective mechanism for receiving, monitoring and investigating complaints of violence and abuse and in Peru the need for existing monitoring mechanisms to be reinforced. In Peru, the need to expand the toll free child helpline to reach children in remote areas was mentioned. The Committee also asked the government of Peru to establish an independent child sensitive and accessible system for the reception and processing of complaints from children in conflict with the law.

Although General Comment No. 5 suggests that child impact evaluations be carried out to ensure that all provisions of the CRC are being respected, the Committee only mentioned this in one of its concluding observations. In Peru, it suggested that an independent, rights based environmental and social impact assessment be carried out prior to setting up mining or other industrial projects that may have a negative impact on the health of children.

## **Data Collection and Analysis**

In order to establish policies and programs that are effective, it is necessary to have comprehensive and reliable data. In addition to a national data collection system, the Committee often requests that studies be carried out in order to collect data on particular issues. Studies recommended by the Committee cover all areas. In the area of health, the Committee requested that Yemen conduct a study on the practice of female genital mutilation and in Uganda and Nepal on the nature and extent of adolescent health problems with a focus on preventing early pregnancies and sexually transmitted diseases. In Estonia, the government was asked to study the causes of the high repetition, drop-out and non-attendance rates. Studies on understanding the nature and extent of violence were recommended in Estonia, Uganda, and Nepal. For each of these studies, the Committee requested that the results be used in order to assess progress and design policies and programs to address the problems. This is one area where almost all the Committee's recommendations were carried out. Although the studies were often conducted in cooperation with a governmental ministry, in most cases, the research was actually carried out by universities, research institutions or non-governmental organizations. This is however in keeping with General Comment No. 5 which says that States should collaborate with research institutions.

The Committee also pointed out where data collection systems were weak. In Peru, the



Committee noted the lack of an adequate national data collection system on all areas covered by the CRC and requested that such a system be developed. In Yemen, the lack of statistical data on children in conflict with the law and on adolescent health issues was highlighted. In Nepal, the government was asked to strengthen data collection in the area of health. In Estonia, disaggregated data on child victims of abuse and ill-treatment was lacking.

## **Budget Allocation**

The need to ensure that States were implementing economic, social and cultural rights to the maximum extent of available resources was of primary concern to the Committee. In the areas of health and education, the Committee found that all countries had not taken sufficient measures to ensure that resources were being used to the maximum extent for children. This concern was repeated for every country and each time they appeared before the Committee. Although most countries reported an increase in social spending between reports, the Committee was still concerned by the relatively small proportion of the budget being used for social spending. In Peru, the budget allocated for health care had actually declined and the Committee was concerned that some of the budgets earmarked for specific groups of children were not exclusively spent on these target groups. In Yemen, although the budget had increased, high inflation rates had led to a net decrease in spending and the government admitted that it was difficult to determine how much funding was actually being allocated to children. In Uganda, the Committee highlighted that insufficient allocation of resources had resulted in a lack of sustainable results and in Nepal, security concerns and debt servicing had shifted resources away from basic social services. Each country was asked to undertake all appropriate measures to the maximum extent of available resources to ensure that budgetary allocations were provided to services for children.

Paying particular attention to vulnerable, disadvantaged and marginalized groups was mentioned for Estonia, Yemen, Uganda and Peru. In the case of Uganda, the Committee noted the need to prioritize and increase budgetary allocations specifically for children affected by or infected with HIV/AIDS. In Peru, the vulnerable groups mentioned were children living in areas affected by internal violence, displaced children, orphans, disabled children, children living in extreme poverty, children living in institutions and indigenous children.

In the area of health, the Committee requested that governments ensure the provision of adequate resources in the area of HIV/AIDS in both Peru and Uganda and resources were requested for adolescent health programs in Estonia. A general request for providing support to improve health care in Uganda noted the need to pay urgent attention to mortality rates, vaccination uptakes, nutrition status and management of communicable diseases and malaria. In terms of specific budgetary requests in the area of education, the Committee requested adequate resource allocation for primary and secondary education in Yemen and Uganda with the additional mention of vocational education in Yemen and pre-primary education in Uganda. In Peru the Committee was looking for better targeted resources and funding to relieve families of the additional and hidden costs of attending school.

During the 1990's, the negative effects of structural adjustment programs were of particular concern for the Committee who noted in General Comment No. 5 that "econom-

ic policies are never neutral in their effect on children's rights". In Yemen, the Committee feared that structural adjustment programs were having an adverse effect on the implementation of social services for children and in Peru, the stringent budgetary measures led to a decrease in resources allocated for social expenditures. For Nepal, the Committee pointed out that within the framework of international cooperation programs, resources should be efficiently and effectively allocated to children.

### **Training and Capacity Building**

The need to develop and provide systematic and on-going training (both in-service and pre-service) on human rights, especially children's rights, for all professional groups working for and with children was highlighted in all the concluding observations. In particular, the Committee suggested that members of the police and security forces, judges, magistrates, lawyers, law enforcement officials, personnel working in places of detention for children, staff of correctional facilities, social workers, psychologists, personnel working in child care institutions, health personnel, teachers and school administrators receive training. The need to pay particular attention to personnel working in remote and rural areas was mentioned for Yemen and Uganda. The Committee also recommended that NGOs and other community based groups, including children's associations, be systematically involved in raising awareness on children's rights in Yemen

In addition to this general training on human rights, the Committee on occasion highlighted the need for training in specific areas. In all countries, except Estonia, the Committee recommended the strengthening of training programs on relevant international standards for judges, law enforcement officials and correctional officers. In Estonia, the Committee requested that training be provided in the area of social recovery and the reintegration of children. In some cases, training for specific groups was recommended as was the case in Nepal and Yemen where training on the administration of juvenile justice and human rights for judicial personnel was suggested. In Peru, training for penitentiary staff on children's rights and special needs was highlighted and in Uganda, training to increase the quality of specialized juvenile courts, judges, police officers and prosecutors was recommended. The Committee requested that Estonia and Nepal train teachers, law enforcement officials, care and social workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment

In general, States parties have provided training on human rights and in some cases children's rights but this training has been neither systematic nor ongoing in any country. In addition, the Committee regretted the lack of information on training programs in Yemen and Peru.

### **Cooperation with Civil Society**

Although the Committee promotes the need to engage all sectors of society in the implementation of the Convention, recommendations to work with civil society were few and limited to combating violence against children. These recommendations were made during a period when the ground-breaking study on violence was being conducted with tremendous support from NGOs. In Peru and Uganda, general recommendations to work

with civil society and international NGOs were made while in Nepal, the Committee requested that the government cooperate with NGOs in preventing the criminalization and stigmatization of victims of violence and abuse.

## ***International Cooperation***

Article 4 of the CRC states that economic, social and cultural rights be implemented to the maximum extent of available resources and “where needed, within the framework of international cooperation”. The Committee therefore requests that the CRC be used as the framework for any type of international development assistance. In Yemen, the Committee requested that the international financial institutions, bilateral and multilateral partners provide support in order to increase budget allocations in the area of health. For Nepal, the Committee noted that international cooperation resources should be directed towards the realization of children’s rights, particularly in the areas of health and education, and that efforts should be made to reduce the negative impact of foreign debt and debt servicing on children.

The Committee also encourages States to seek technical assistance from international agencies with regards to the implementation of specific provisions of the CRC. In its concluding observations, the Committee was quick to suggest that governments seek technical assistance, particularly from OHCHR and UNICEF, but these requests were often of a general nature such as the request to Nepal to seek technical assistance from international organizations “in light of the areas of concern identified by the Committee and the recommendations made”. Suggestions to seek technical assistance also did not take into consideration whether or not the concerned organization would be able or willing to provide technical assistance to the State party. Finally, recommendations for technical assistance were not made systematically with States being asked to consult different agencies on similar areas. Nevertheless, all countries were working with international organizations to address various issues of concern.

In the area of juvenile justice, the Committee recommended that the governments of Yemen and Peru seek technical assistance from OHCHR, the Center for International Crime Prevention, the International Network on Juvenile Justice, and UNICEF but for Uganda, recommended that technical assistance be sought from OHCHR, the Criminal Justice Division of the United Nations, the UN Office on Drugs and Crime (UNODC) and UNICEF. There is no explanation as to why Uganda was directed to different agencies than Yemen and Peru although the Committee did add UNODC to Peru’s list following the consideration of the third periodic report. Nepal, on the other hand, was only directed to OHCHR and UNICEF for technical assistance in this area.

The Committee did not hesitate to ask governments to seek technical assistance on health issues. Once again, the recommendations were vague in nature and sent governments to a variety of UN agencies. Yemen was sent to World Health Organization (WHO)/UNICEF to establish a program on the management of childhood illnesses and Nepal was directed to them in order to improve child health in general. Assistance from WHO, UNICEF, and the United Nations Population Fund (UNFPA) was recommended to address adolescent health issues in Yemen and Nepal although Yemen’s recommendation was more specific asking that the assistance focus on reproductive health counseling

services. In the area of HIV/AIDS, Uganda was sent to the UN Joint Programme on HIV/AIDS and UNICEF for assistance.

In the area of education, Yemen was told to seek international cooperation from UN Educational, Scientific and Cultural Organization (UNESCO) and UNICEF for a number of specific issues such as improving the school infrastructure and updating equipment, accelerating the implementation of the compulsory education system, improving access to education for both boys and girls, including those from the most vulnerable groups and strengthening training programs for teaching personnel. On the other hand the only specific area for which Nepal was to seek technical assistance was on including human rights education in the school curricula. Instead, Nepal and Peru were recommended to simply seek technical assistance from UNICEF and UNESCO and Uganda received no indication that it should seek technical assistance in the area of education.

With regards to violence, the Committee asked Peru to seek international cooperation with UNICEF and for Nepal to seek technical assistance from UNICEF and WHO but once again on nothing specific. Estonia received no recommendations in any area to seek or request technical assistance.

International cooperation and technical assistance programs are numerous in the countries under review. Some of the assistance programs do touch on the general areas recommended by the Committee but as the concluding observations were not specific in its technical assistance requests, it is almost impossible to determine whether or not governments took these requests seriously.

### ***Independent Human Rights Institutions***

There were no specific recommendations on the areas under consideration.

### ***Making the Convention Known***

The implementation of Article 42 of the CRC also falls under the heading of General Measures of Implementation. Article 42 requires States to make the principles and provisions of the Convention widely known to both children and adults. General Comment No. 5 suggests that a comprehensive strategy be developed to disseminate information about the Convention throughout society in all national languages as well as child friendly versions. In Estonia, the Committee requested that the CRC be disseminated in Russian and minority languages to children, parents, civil society and all sectors and levels of government. In Yemen, the Committee asked that the CRC be disseminated amongst professional groups and Peru was requested to publicize the CRC amongst judges, lawyers and law enforcement officials.

General Comment No. 5 also points to the need to incorporate the CRC into the school curriculum at all levels in order to make the CRC known and understood by children. Although all countries included the teaching of human rights in schools, none had done so systematically and throughout all levels. The Committee therefore requested that Estonia, Nepal, Uganda, and Yemen ensure that human rights education, including children's rights, was included in the school curriculum at all levels of education. In Yemen, the Committee requested that the development of and respect for human rights, tolerance and

equality of the sexes and ethnic minorities be taken into account. The need to train teachers on human rights was also pointed out in Nepal, Peru and Yemen.

States were also recommended to conduct public education campaigns to raise awareness about particular issues. The target audience for these campaigns should include all sectors of society such as professionals working with and for children, parents, teachers and children themselves. Campaigns on the negative impact of corporal punishment and ill-treatment of children and the use of non-violent forms of discipline were suggested in all countries with a particular focus on violence in schools being highlighted in Estonia, Uganda and Yemen. In Uganda, special attention on mental violence was highlighted. In Peru, the Committee suggested a campaign on education for peace, tolerance and respect for human rights due to the extent of violence in the family.

Awareness raising campaigns were also highlighted in the area of adolescent health care. In all countries, the Committee recommended that adolescents be informed about reproductive health rights, including prevention of sexually transmitted diseases including HIV/AIDS and early pregnancies. In Peru and Uganda, a specific campaign on HIV/AIDS targeted to adolescents and the general public was suggested in order to reduce discrimination against children infected and/or affected by HIV/AIDS. The Committee recommended awareness raising campaigns on traditional practices harmful to the physical and psychological well-being of children in Nepal and Uganda. In Uganda, the Committee suggested that programs be aimed at both practitioners and the general public and engaged with the extended family and traditional and religious leaders in order to encourage a change in attitudes and discourage harmful practices. In Nepal, the Committee also recommended that the general public be provided with knowledge of basic first aid and health care and suggested that awareness amongst parents on the value of early childhood education could be raised.

## ***Ratification of Key International Human Rights Instruments***

Ratification of international human rights instruments was not an area highlighted by the Committee in its concluding observations on these topics. Nepal, the sole exception, was asked to ratify the Convention against Discrimination in Education (1960) and the Convention on Technical and Vocational Education (1989). Both UNESCO Conventions have still not been ratified. The only other mention of international instruments was the request by the Committee for Peru to take into account human rights obligations when negotiating trade agreements as these may have an impact on access to affordable essential medicines for children.

## ***Reservations***

No recommendations were made in this area on the topics under consideration.



# National Reports

## **Estonia**

Although having ratified the CRC in a similar time frame to other countries in this study, Estonia has only reported to the Committee once as its initial report was eight years overdue and its combined 2nd, 3rd, and 4th Periodic Report, which was due in 2008, has yet to be submitted to the Committee. However, as its initial report was considered in 2003, the concluding observations were more detailed than most.

Violence was one of the key areas of concern for the Committee. Although the Child Protection Act makes it unlawful to use corporal punishment in schools, as a sentence for crimes or as a disciplinary measure in penal institutions, there is no prohibition of corporal punishment in the home. A National Plan of Action on domestic violence was adopted in 2006 which aims to develop a response towards preventing and combating domestic violence. The government has committed to prohibiting all forms of corporal punishment and an amendment to Article 31 of the Child Protection Act, by which it is prohibited to humiliate, frighten and corporally punish children or to punish them in any way which would endanger their mental or physical health, was drafted by the Ministry of Social Affairs in 2007. However, the amendment has not yet been submitted to the government for its consideration.

In addition to the need to amend legislation, the Committee noted the lack of a comprehensive strategy to deal with violence and inadequate allocation of resources to address these problems. In 2003, the Strategy for Guaranteeing the Rights of the Child was developed to prevent mistreatment of children, raise community awareness and develop a system to assist mistreated children. In 2006, the government adopted a National Plan on Domestic Violence 2008–2011 which aimed to prevent and combat domestic violence. One of the main goals of the plan is to improve data collection.

In order to better assess progress and design policies and programs, the Committee requested that the government collect disaggregated data on child victims of abuse and ill-treatment and to conduct a study to assess the causes, nature and extent of ill-treatment and abuse of children. In 2004, a large scale survey was conducted on the experience of and attitudes towards sexual mistreatment of young people in Estonia. Another survey, conducted by the Ministry of Social Affairs and the University of Tartu in 2007 focused on children's perspectives on violence and mistreatment.

Bullying was of serious concern for the Committee who requested that the government formulate a comprehensive strategy for reducing and preventing violence in schools and promoting a non-violent atmosphere in schools. A program for reducing and preventing bullying and violence in schools was developed by the Ministry of Education and Research and activities to implement the goals of the program were included in the Strategy for Guaranteeing the Rights of the Child. One example of this is the Safe School program which began in 2007 to coordinate the prevention of bullying and school violence. Psychologists, social workers and other specialists are employed by schools to organize preventative activ-

ities and provide services to children who have been bullied. According to NGOs, there have been several recent studies on bullying and the 2007 survey on child perspectives on violence and mistreatment showed, for example, that while children only mentioned violence at home, on the streets or other public places or via the media only in passing, violence at school was their main concern.

The lack of awareness about ill-treatment and abuse led the Committee to ask the government to carry out public education campaigns on the negative consequences of ill-treatment of children and on positive non-violent forms of discipline. A number of campaigns, information events and debates in the media have been organized to raise public awareness to notice, notify and prevent cases of ill-treatment of children. In addition, training for parents has focused on conflict resolution techniques and skills to improve communication with children. The need to train teachers, law enforcement officials, care and social workers, judges and health care professionals in the identification, reporting and management of cases of ill-treatment was another recommendation. The government noted that child protection workers, social welfare workers, psychologists, medical workers, teachers and personnel working in welfare institutions have been trained to deal with sexually abused children.

In terms of the administration of juvenile justice, the Committee recommended that the CRC be fully integrated into the legislation and practice of the juvenile justice system. In the recently approved, Development Plan to reduce Juvenile Crime (2007–09), the best interests of the child and the child's right to life, safety and development are included as basic principles. In addition, the government noted that criminal and judicial procedures have become child friendly. The Committee also requested that deprivation of liberty be used only as a measure of last resort and for the shortest time possible and children should not be detained with adults. A study conducted in 2006 by the Ministry of Justice and the University of Tartu showed that compared to the early 2000's, admonition and community service had increased as sanctions for children in conflict with the law while deprivation of liberty had decreased.

The need to ensure that children had access to legal aid and independent and effective complaints mechanisms were areas that also required attention. The State Legal Aid Act of 2005 guaranteed the availability of competent legal services to all persons, including children, and was directly financed by the State budget. In 2005, a helpline, partially financed by the Ministry of Social Affairs, was launched in Tallinn and was expanded in 2006 to Maardu. In January 2009, the Ministry launched a nationwide helpline for children aimed at providing information, advice and guidance for children dealing with crisis situations.

The development of systematic and ongoing training programs for judges, lawyers, law enforcement officials, and personnel working in places of detention for children was seen as a priority for the Committee. Police officers, prosecutors and judges received a considerable amount of training in recent years which was organized by governmental agencies, universities and NGOs. A training seminar on EU Child Protection Standards was also held for police officers.

The Committee argued that there was a need to ensure that economic, social and cultural rights of all children were implemented to the maximum extent of available resources and requested that the government continue to prioritize and target budgetary allocations to children belonging to most vulnerable groups. In particular, the Committee



highlighted the need to ensure that adequate resources were provided to implement and strengthen programs on adolescent health. Although total expenditure on healthcare accounted for 5 per cent of Gross Domestic Product (GDP) in 2003–2005, in 2006 it was only 3.8 per cent. In terms of expenditure on education, there was a slight decrease between the 5.5 per cent spent in 2002–2004 and the 5.1 per cent spent in 2005. Recent economic growth in Estonia had not led to an increase in public expenditure on health services or education however, as the GDP itself grew, there has actually been a significant increase in the amount of funding available for both health care and education.

The Committee also asked that efforts be made in the area of adolescent health education in schools. An NGO, Living for Tomorrow, organized training seminars for adolescents on issues such as sexual relations, family planning, safe sex, drug use, prostitution, HIV/AIDS and launched a peer education network in 2005 to raise awareness about HIV transmission. Another NGO, the Estonian Sexual Health Association, conducted HIV/AIDS prevention and general sexual education programs in schools in 2007. In response to the Committee's request that measures be formulated with the full participation of adolescents, the government noted that children were more frequently involved in decision making for activities that were of concern to them.

The Committee recommended that the government conduct a study in order to determine the causes of the high repetition, drop-out and non-attendance rates in order to undertake actions to address these problems based on the findings of the study. In 2003, a comprehensive study was carried out by the Ministry of Education and Research and the results of the study were used in order to develop strategies to combat drop-outs and non-attendance. Since 2002 the National Audit Office conducted each year a study on a specific education related topic. These have included “ensuring the completion of compulsory education” (2002) focusing on improving school attendance, “bringing the basic school drop-outs back to the educational system” (2003), “lack of teachers in schools of general education” (2004), “education opportunities of children with special needs” (2006) and “compulsory school attendance and efficiency of enforcement” (2007). The audits not only study the issue at hand but also make concrete recommendations to relevant Ministries. In addition, in 2004 the National Audit Office prepared a special report for Parliament which provided an overview of the key problems in the educational system, how they are currently being dealt with and issues that might require a parliamentary decision to improve the quality of education in the future. The high drop-out rate was one of the key issues in this report.

The need to strengthen, expand and ensure continuity of its program for the dissemination and implementation of the CRC, including in Russian and minority languages, to children and parents, civil society and all sectors and levels of government was highlighted by the Committee. NGOs are the main providers of information on children's rights to the general public in both Estonian and Russian. The Committee also asked that human rights education, including children's rights, be included in the school curriculum. Human rights education is now included at all levels of the school curriculum during mandatory human study or civic education classes and children's rights are generally part of this program. NGOs noted that the extent and quality of the classes often depended on the knowledge and capability of the teacher to teach the material as child rights were still not being covered comprehensively in teacher training programs.

## **Nepal**

Major political changes have occurred in Nepal following the peace process in 2006 which ended the 12-year-long armed conflict. A multi-party Constitutional Assembly was elected in April 2008 and a new Constitution is currently being drafted. NGOs note that there is currently a chance to bring children's rights into the Constitution itself. There is also an opportunity to implement some of the recommendations made by the Committee during the consideration of the State party reports.

The need to review legislation to ensure full implementation of juvenile justice standards was highlighted by the Committee. The government was asked to ensure that children were always separated from adults, that deprivation of liberty was used as a measure of last resort, that procedures of arrest and conditions of detention were improved and that special units within the police were established to handle cases of children in conflict with the law. The initial concluding observations had been less specific noting the need to respect fundamental rights and legal safeguards in all aspects of the juvenile justice system, that alternatives to deprivation of liberty and institutional care be provided and that the rights of children deprived of their liberty be respected. Under the Children's Act of 1992, the age of criminal responsibility was set at 10 years old, a matter of serious concern for the Committee who found the age to be too low. Although the age of criminal responsibility has not been raised, surprisingly the Committee did not mention this in subsequent concluding observations.

The Committee recommended in its initial concluding observations that a juvenile court system be established and in its second periodic report, the government noted that juvenile benches, composed of judges, social workers, child specialists or child psychologists had been established in all 75 district courts in 2000. NGOs noted however that juvenile benches did not exist in most districts and the second periodic report confirmed that juvenile benches were not as active as anticipated mainly due to lack of training on juvenile justice.

The Committee asked specifically that the Terrorist and Disruptive Ordinance, which had no set minimum age and granted security forces wide powers to arrest and detain any person suspected of being associated with armed groups, including children, be amended or repealed in light of international juvenile justice standards to ensure that children are not held accountable, detained or prosecuted under anti-terrorism laws. In June 2006, following the restoration of democracy, the Terrorist and Disruptive Ordinance was scrapped.

Specific training on the CRC and other relevant international instruments for judges and law enforcement officials was noted in the initial concluding observations as an area that needed attention. Training workshops were subsequently organized for police officers, judges and law professionals on child rights issues, including juvenile justice. In addition, the Police Academy incorporated the CRC into its curriculum and in its professional training programs. The concluding observations from the second periodic report asked the government to undertake "systematic education and training" on the CRC for judges, magistrates, lawyers, law enforcement officials and personnel working in places of detention for children and that formal training be provided for judicial professionals on juvenile justice administration and human rights.

In terms of international cooperation, the Committee had recommended that a task force of relevant international organizations be established in order to better promote and

protect children's rights and that a technical assistance program be developed with OHCHR on law reform and training of professionals. In 2005, OHCHR established a field office in Nepal to "monitor the observance of human rights and international humanitarian law" in the country.

The Committee noted in its consideration of the initial report that national legislation in the area of violence did not conform to the principles and provisions of the CRC as section 7 of the Children's Act allowed parents, members of the family and teachers to beat a child if it was thought to be in the child's best interest. In addition, under the Civil Code (Muluki Ain), guardians and teachers who hurt a child "in the course of education" were not to be held liable. The concluding observations asked the government to take legislative measures to prevent and combat any form of ill-treatment and sexual abuse in the family. In its second concluding observations, the Committee took an even tougher stand stating that section 7 of the Children's Act, as well as the provisions of the Civil Code, were in "clear contravention" of Article 19 of the CRC and asked the government to amend the relevant provisions. In addition, the Committee recommended that corporal punishment and ill-treatment of children be explicitly prohibited in the family, schools and other institutions. In 2005, the Supreme Court ruled that section 7 of the Children's Act was unconstitutional and told the government to develop effective remedies to prevent physical punishment of children. According to NGOs, the 1992 Children's Act has been amended and a Children's Rights Act is ready to be tabled which includes a ban on corporal punishment.

Although the government noted that efforts to provide training to teachers on alternative methods of discipline had led to a reduction in the use of corporal punishment in schools, the Committee specifically asked that the government adopt legislative measures to combat the use of corporal punishment in schools.

The need to conduct a study on the causes and scope of child abuse and domestic violence was highlighted in both the initial and second concluding observations. The Committee argued that a study would assist the government in setting up programs to prevent violence against child and to establish a comprehensive strategy to address the high and increasing number of child abuse, neglect and domestic violence cases. The government noted that there had been a tremendous increase in awareness about child abuse, both within and outside the family, and that cases were being reported in the media. In 1999, a helpline had been established to provide support and assistance to children who were victims of abuse but NGOs noted that this was not a nationwide service. Studies carried out by NGOs between 2001 and 2006 reported high levels of physical punishment, particularly as a form of discipline in schools. The Committee recommended that the government carry out a public education campaign to raise awareness of the consequences of ill-treatment on children and to promote alternative measures of discipline for children. In 2008, the Ministry of Education, in cooperation with UNICEF, Plan Nepal and Save the Children, launched a three year campaign to end corporal punishment, sexual abuse and bullying in schools.

The failure to give priority to the implementation of economic, social and cultural rights to the maximum extent of available resources was of concern to the Committee. They highlighted the need to prioritize budgetary allocations for health and education and to ensure that resources were being efficiently and effectively allocated within the framework of international cooperation. The government noted that spending on basic social services had

tripled between 1992–93 and 1999–2000 but that 14 per cent of the total budget was being spent on debt servicing which had a negative impact on the amount available for social services. Although the Committee acknowledged that there had been an effort to increase spending on health and education, security concerns had shifted resources away from basic social services.

Other health areas needing attention included undertaking a comprehensive study on the extent and nature of adolescent health problems and the need to improve the collection of data on health indicators. Both of these activities should aim to provide the necessary data to formulate policies and programs.

The government was also asked to incorporate reproductive health education in the school curriculum and to conduct awareness raising campaigns to inform adolescents about preventing sexually transferred diseases including HIV/AIDS and early pregnancies. Awareness raising campaigns to provide the general public with basic knowledge of first aid and health care and to eradicate traditional practices harmful to the physical and psychological well-being of children were also recommended. The Committee also suggested that legislation be adopted to prohibit traditional practices which cause health hazards and cruelty to girls.

NGOs noted that the CRC has not been incorporated into the school curriculum as requested by the Committee during the consideration of the initial report. The government highlighted that child rights had been incorporated into the social studies program for grades 8 to 10 and was now included in the teacher training curriculum. The government stated that when the 1992 curriculum was revised, it would include child rights issues into primary education. According to NGOs, the CRC is little known outside of the urban areas. The Committee reiterated its request following the consideration of the second periodic report noting that human rights education needed to be included at all levels of the educational system.

The Committee did not hesitate to suggest that the government seek international assistance in the area of education particularly in the training of professionals and on incorporating the CRC into the school curriculum. The government noted that education was a major area for international cooperation in Nepal and that it was working closely with international and intergovernmental organizations to ensure that all children had a right to access education.

## **Peru**

The political violence and terrorism in the early 1990's heavily influenced the initial concluding observations of the Committee. The Committee requested that laws that did not allow children to fully benefit from the safeguards and guarantees of the juvenile justice system be repealed or amended in order to bring them into line with the CRC. The concluding observations referred to specific laws that needed attention. These included decree law 25564 (1992), which amended the Criminal Code to exempt children under 18 from being criminally responsible, except for those between 15 and 18 who were suspected of being involved in terrorist activities, decree 895 (1998) on aggravated terrorism which reduced the age of criminal responsibility from 18 to 16, allowed children to be tried before military courts and allowed for 25 years of incarceration and imprisonment in adult pris-

ons, the Begging Bill (Ley de Mendicidad No. 28190) and decree 899 (1998) on gang-like behavior whereby incarceration was increased from 3 to 6 years for children involved in “pernicious gangs”. As the terrorism situation waned, the government of Peru has been fairly responsive to the Committee’s concerns. It passed Law 27235 (1999) which modified Decree 895 thereby transferring jurisdiction of cases of terrorism from military to civilian courts and in 2000, Decree 895 was abrogated. Decree Law 990 (2007) repealed the law referring to pernicious gangs but the Begging Bill has not been repealed. The Children’s Code is currently under review by a Commission established by the government.

Also in the area of the administration of juvenile justice, the Committee recommended in its initial concluding observations that the provisions of the CRC be widely publicized amongst judges, lawyers, law enforcement officials and the staff of correctional facilities. Decrying the lack of information with respect to training, the two subsequent concluding observations requested that efforts be strengthened to provide training to those working in the field of juvenile justice. According to NGOs, other than training on children’s rights provided in 2007 and 2008 at the annual meetings of the “Defensorías Municipales”, there has been little training provided to law enforcement professionals. The Committee also recommended that the government of Peru seek technical assistance on juvenile justice and police training from OHCHR, the Center for International Crime Prevention, UNICEF and the UN Office on Drugs and Crime (UNODC). Through the Inter-Institutional Board on Juveniles in Conflict with the Law, the government works closely with UN agencies on juvenile justice and improving the conditions of juveniles in conflict with the law. Although the police have not received any general training on child rights, they have received training on violence, abuse and child sexual exploitation and trafficking as part of 2008 project on “The State and Civil Society against Violence, Abuse and Child Sexual Exploitation”. UNICEF coordinates the administration and transfer of funding for this program. Law enforcement officials have also received training under the National Program on Violence against Women.

In its initial concluding observations, the Committee made no recommendations to the government of Peru with regards to violence. The government however adopted a law on protection against domestic violence (Law 26260, 1993) amended by Law 26763 (1997) and a law criminalizing sexual violence (Law 27055, 1999) prior to the consideration of the second periodic report. In its subsequent concluding observations, the Committee suggested that legislative measures be taken to prevent and combat domestic violence including explicitly prohibiting by law the use of corporal punishment at home, in schools and other institutions. In addition, the Committee suggested that provisions be introduced into the Criminal Code which specifically address violence within the family, schools, institutions and other care facilities. No progress in terms of legislation was made between the second and third periodic reports and corporal punishment is still not explicitly prohibited in any setting and continues to be widely practiced in the family and schools as an acceptable means of discipline. Nevertheless some progress can be noted. Corporal punishment is forbidden in schools by a Supreme Decree (007-2001-ED, 2001) and the Commission which is reviewing the Children’s Code is working to modify the relevant articles to prohibit corporal punishment in the family. In addition, Law 26260 on protection against family violence was modified again by Law 29282 (2008) in order to penalize acts of family violence against children.

The Committee observed in its initial concluding observations that political violence and terrorism had a negative impact on the situation of children. This manifested itself in high levels of violence and the Committee recommended that a campaign on education for peace, tolerance and respect for human rights be carried out. Following the examination of the second periodic report, the Committee noted the need to establish educational programs to combat traditional attitudes and in its concluding observations following the third report, these two points were combined in a recommendation to conduct awareness-raising and public education campaigns against corporal punishment and to promote non-violent, participatory methods of childrearing and education. In 2006, the Ministry of Education carried out a campaign in the schools entitled “I have the right to be well treated”. The campaign focused on preventing physical, psychological and sexual mistreatment as well as preventing all types of discrimination. In addition, Centers of Emergency Woman have been established to provide psychological, social and legal assistance to child victims of family and sexual violence as well as to work with families on alternatives to violence.

The Committee requested in its second concluding observations that the government of Peru seek cooperation from UNICEF and from international NGOs but more detailed recommendations in its third concluding observations suggested that the government use the outcome of the violence study to take action, in partnership with civil society, to not only protect children from violence but to also prevent and respond to violence and abuse. Upon the initiative of Save the Children, a network, “Goodbye to Corporal Punishment”, composed of local and international NGOs, children’s organizations and the Ombudsman’s Office was established. The Committee also noted that there was a need to reinforce monitoring mechanisms and to expand Telefono Anar, the toll free child helpline in order to reach children living in remote areas. In 2008, the campaign carried out a public gathering and arts festival and the Ombudsman’s Office released a report entitled “Goodbye to Corporal Punishment”. In addition, the National Program against Family and Sexual Violence conducted research on mistreatment and child sexual abuse. The results were used to develop a number of services including the creation of Line 100 which provides guidance to children affected by family and sexual violence and the extension of coverage of the Centers of Emergency Woman whose child caseload increased from 15 per cent to 25–30 per cent.

In terms of health and education, the focus of the Committee was on increasing budget allocation. In its initial report the Committee noted that dramatic cuts had been made in social expenditure which had hurt children from vulnerable groups. Although funding for health and education in the national plan of action 1996–2000 set a target of between 8 and 12 per cent of the budget, the Committee noted that budgetary restrictions did not allow social programs to be fully implemented and requested that the government take measures to the “maximum extent of available resources” once again paying particular attention to children belonging to vulnerable groups. Rather than increasing budget allocations for health and education, the Committee noted that budget allocations declined since the examination of the second report and that some of the budget that had been earmarked for specific groups of children was not spent on these target groups. Once again, the Committee requested that the government increase budget allocations especially for indigenous children.

Regional disparities in access to health care were another area where the Committee felt that Peru needed attention. The Committee pointed out the need to ensure access to basic health care for children living in rural and remote areas and amongst indigenous children in order to reduce economic and social disparities between urban and rural areas. No progress on this issue was made however leading the Committee to observe that access to health and health services in rural and remote areas was inadequate and that measures had to be taken to ensure that basic health care and services were provided to these areas. The Committee also noted that malnutrition, sanitation and the provision of safe drinking water were areas that needed special attention in the rural and remote areas. The limited amount of information on indigenous children was of general concern for the Committee who requested that the government develop a comprehensive system of data collection on the implementation of the Convention. Such a system is still lacking in Peru.

In terms of awareness-raising, the Committee noted the need to train health professionals on children's rights and also recommended that campaigns be conducted on adolescent reproductive health rights and HIV/AIDS. A campaign on reproductive health rights and HIV/AIDS addressed to adolescents was led by the Ministry of Health. In addition, health care professionals received training in 2008 on working with children with HIV/AIDS. According to information provided by UNICEF, there has been a slight increase in the number of adolescents who are aware of HIV/AIDS but it was still far from the goal of 100 per cent of awareness-raising by 2010.

The Committee also made a number of specific suggestions with regards to technical assistance in the area of health. The government was requested to seek support from UNICEF to develop a system to monitor and evaluate the situation of children living in areas of extreme poverty, from WHO, UNICEF and UNAIDS to develop child-friendly counseling services as well as care and rehabilitation facilities for adolescents and from UNICEF and the UN Joint Program on HIV/AIDS on how to deal with the increase of HIV/AIDS amongst children and adolescents. No information was available on technical assistance projects in the areas of poverty or counseling but much was done in the area of HIV/AIDS. Materials on sexual and reproductive health were distributed to schools within the framework of the Health Schools Program and secondary students participated in sessions focused on self-esteem, decision making and assertive communication as well as on sexual education topics. Guidelines were also developed by the Ministry of Education on the prevention of sexually transferred diseases and HIV/AIDS to assist adolescents in making appropriate decisions with regards to their own health and sexual development.

The Committee also suggested that human rights obligations should be taken into account when negotiating trade agreements which may have a negative impact on access to affordable drugs such as antiretrovirals for children with HIV/AIDS. No information was available as to whether or not the government has followed up on this recommendation.

As with health care, disparities in access to education between rural and urban areas needed to be addressed, particularly for the rural highlands and Amazonia region. The Committee noted in its second concluding observations that school coverage needed to be extended, the quality of schools improved and that schools had to be more responsive to geographical and cultural diversity, including making bilingual education more relevant for children belonging to indigenous groups. The NGO report noted advances in bilingual education but the Committee still recommended in its third concluding observations that

intercultural bilingual education be improved and asked the government to increase efforts to improve conditions of schools in rural and remote areas and eliminate disparities in the quality of education between urban and rural areas. The Committee also noted the need to better target resources for education in the national budget and to increase efforts to remove additional and hidden costs to school attendance from families.

In terms of training, the Committee initially noted that teachers should be made aware of the provisions of the CRC. Noting the lack of information on training programs, the Committee requested in subsequent observations that additional efforts be made to provide “adequate and systematic” training to teachers on children’s rights. The Committee recommended that the government request technical assistance from UNICEF and UNESCO but no specific suggestion was made. As the recommendations in this area were vague, it was difficult to determine whether or not the government has made any follow-up to these recommendations.

Coordination amongst the various mechanisms remained weak and the Committee recommended that the Commission for the Coordination of the National System for Comprehensive Care of Children and Adolescents (Ente Rector) receive the necessary financial and human resources needed to carry out its mandate effectively. This recommendation was repeated in its third concluding observations but the Ente Rector is not fulfilling its role as coordinator of the various sectors including juvenile justice, health and education.

## **Uganda**

The initial report of Uganda was submitted in 1996, the same year that the Children’s Statute was adopted. It entered into force in 2000 as the Children Act, Chapter 59 of the Laws of Uganda which allowed for five years of implementation prior to the 2005 consideration of the second periodic report. The Uganda Law Reform Commission is currently reviewing the Children Act in order to identify contradictions and missing provisions.

The need for comprehensive reform of the juvenile justice system in keeping with CRC, Beijing Rules, Riyadh Guidelines and UN Rules for Protection of Juveniles Deprived of their Liberty was noted by the Committee following its consideration of the initial report. In particular, the Committee requested that the government pay particular attention to ensuring prompt access to legal assistance and judicial review and requested that specialized courts be established. Family and Children’s Courts were created in some districts as required by the Children Act but were not yet fully functional in all districts. While noting that some progress had been made to bring domestic law into compliance with the CRC in the area of juvenile justice since the consideration of the initial report, the Committee was concerned that limited progress had been made in establishing a functioning juvenile justice system throughout the country.

The government argued that the juvenile justice reforms enshrined in the Children’s Statute were compatible with the CRC. With the support of Save the Children, a four-year pilot program on juvenile justice was established. The government acknowledged however that the juvenile justice system could only be “child friendly” if implemented effectively and actual practice showed that the juvenile justice standards were not yet being applied in all cases. It noted that in order to put into practice the reforms, obstacles such as inadequate funding, understaffing, lack of awareness, poor community transport and commu-



nication, negative attitudes towards children in conflict with the law and poor record keeping needed to be removed. NGOs contended that the police and magistrates had difficulties in implementing the legal provisions due to delays in gathering evidence, a lack of sufficient transportation, the absence of complainants, the heavy workload of government attorneys and inadequate detention services for children.

Training on the rights of the child and other relevant international standards for members of the police and security forces, law enforcement officials, judicial personnel, lawyers and magistrates was recommended by the Committee. The government noted that, in cooperation with UNICEF and NGOs, the Ugandan police, security forces (UPDF), magistrates and prison staff had received training on the CRC. In addition, a juvenile justice training and strategy workshop was conducted in collaboration with OHCHR. The NGO report observed that local council courts lacked awareness of the legal provisions governing children as training had not been systematic. The Committee requested that the government improve training programs on relevant international standards for all professionals involved in the juvenile justice system and to reinforce adequate and systematic training of law enforcement officials. Since the consideration of the periodic report, NGOs noted that understanding and knowledge at local level of child related policies and good practices was still limited and the government acknowledged that some districts still do not have trained police officers.

The Committee also asked the government to take all necessary measures to prevent child abuse and neglect. These included the development of a national strategy to prevent and combat child abuse and neglect in the family and a campaign to prevent and combat the use of any form of physical and mental violence, focusing on sexual abuse within the family and corporal punishment in schools. The Committee also recommended that an awareness-raising campaign be conducted on alternative forms of discipline and on the negative consequences of ill-treatment of children. The Ministry of Education, in cooperation with the African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN), organized a meeting in 1999 to discuss alternatives to corporal punishment as a means of disciplining children in Uganda. The Committee suggested that the recommendations of the study on violence could be used as a tool to take action and generate momentum to prevent and respond to child abuse.

The Committee also noted the need to explicitly prohibit all forms of corporal punishment in all settings including in the family, schools, and institutions for alternative care. Enormous progress has been made in this area since the adoption of the second concluding observations in 2005. Corporal punishment was prohibited in schools by a Ministry of Education circular in 2006, the Magistrates' Court Act was amended in 2007 abolishing corporal punishment as a sentence for crimes, and the Prison's Act of 2006 made it unlawful to use corporal punishment as a disciplinary measure. The government observed however that enforcement remains difficult.

Although the government acknowledged that violence within the family was a problem in Uganda, the lack of data and limited research made it difficult to judge the prevalence of corporal punishment. The Committee recommended that a study on physical and mental violence be conducted in order to better formulate policies and programs to effectively combat these problems. Due to the lack of concrete information, an in-depth study on violence against children was conducted in 2005 by Raising Voices and Save the Chil-

dren in Uganda in order to better design programs, develop policies and inspire further research. The need to establish effective mechanisms to receive, monitor and investigate complaints was also mentioned by the Committee. In 2005, a child helpline, established by the Uganda Child Rights NGO Network (UCRNN), began operation but received no direct funding from the government.

The need to strengthen its information and prevention programs to combat HIV/AIDS was highlighted by the Committee. The Uganda AIDS Commission developed a National Policy on Young People and HIV/AIDS in order to prevent and control the spread of HIV/AIDS and to strengthen the care and support for children infected and affected by HIV/AIDS. The Committee had noted in particular the need to prevent transmission to children and to eliminate discriminatory attitudes towards children infected and affected by HIV/AIDS. The National Policy aimed to both prevent and control the transmission of HIV/AIDS and to assess its impact on children. While commending the government on its efforts to fight HIV/AIDS, the NGOs expressed their concern that children affected by HIV/AIDS were being discriminated against. The Committee in its second concluding observations reiterated the need to both combat HIV/AIDS and to prevent discrimination against children infected with or affected by HIV/AIDS. The HIV/AIDS pandemic continues to take its toll on Ugandan society and NGOs noted that it is a major contributing factor to children's vulnerability

Although not mentioned in its initial report, the Committee noted that in order to combat and eradicate female genital mutilation (FGM) and other traditional practices harmful to the health of children, there was a need to encourage a change in traditional attitudes and suggested that programs be developed which engaged families as well as traditional and religious leaders. Although outlawed in the Constitution, the practice of FGM had not yet been criminalized in Uganda, a concern which led the Committee to recommend that FGM be banned. Some districts have recently passed by-laws making FGM illegal but there is still no national law banning FGM in Uganda. The UN Population Fund had been running awareness raising campaigns in cooperation with woman's groups and local NGOs which emphasized close cooperation with traditional leaders.

The Committee noted the need to prioritize economic, social and cultural rights in budget allocation. Noting that substantial increases had been made in the allocation of resources in health spending, the government noted that about two-thirds of expenditure on health was still being provided by the private sector and that the level of expenditure was still far below the amount required to provide a minimum package of services. The Committee remarked that the insufficient allocation of resources prevented sustainable results and reiterated the need to prioritize and increase budgetary allocations in order to improve health care. Areas that needed particular attention were mortality rates, vaccination uptakes, nutrition status and the management of communicable diseases such as HIV/AIDS and malaria. The Committee welcomed the measures taken to develop primary health care and lower infant and child mortality but NGOs argued that over the period between the reports, infant mortality, neonatal mortality, post neonatal, and child immunization coverage had worsened. According to the NGO report, the Ministry of Finance recommended increased health sector allocations in the national budget, political commitment and elimination of cultural obstacles in order to deal with these issues but the noted that "recommendations like these are made and not implemented."

In order to assess the nature and extent of adolescent health problems, the Committee recommended that a comprehensive study be conducted in order to better develop policies and programs with a particular focus on prevention of early pregnancies and sexually transmitted infections. The government highlighted that in order to overcome inadequate knowledge, negative attitudes and practices that promoted poor health among children, it had embarked on a nationwide information and communication campaign to create awareness on various health aspects.

Budget allocation for education, particularly for the most disadvantaged children, was also a concern for the Committee. The government noted expenditure on education had increased steadily since the consideration of the initial report with most of this increase going to classroom construction and the purchase of instruction materials. Free universal primary education led to an influx of children and the resources available were not sufficient to provide quality primary education to all children. According to the NGO report, some children do not attend or drop out school due to a lack of basic school materials which must be provided by parents or guardians. In addition, while welcoming the increase in the number of classrooms constructed by the government, with assistance from the private sector, which had led to increased accessibility to schools, NGOs noted that distance to school remains a challenge. While welcoming the considerable improvements, the Committee requested that the government increase public expenditure in the education sector to combat low levels of enrollment in the higher grades.

The need to provide training on the rights of the child to teachers and school administrators at all levels of education was another area that required attention. In addition to asking for a reinforcement of adequate and systematic training of teachers, including teachers in rural and remote areas, the Committee asked the government to include human rights education in the official curriculum at all levels.

## **Yemen**

In Yemen, children below the age of 7 are not liable for criminal prosecution, an age found by the Committee to be too low. Although the Committee recommended in all three of its concluding observations that the age of criminal responsibility be raised to an “internationally acceptable level” in order to bring it into line with the CRC, thirteen years later the age of criminal responsibility still remains fixed at age 7. The weak birth registration also had serious implications in this area as the Committee was concerned that a child could be accidentally sentenced to death. In its reports to the Committee, the government provided no information on the possibility of raising the age but rather continued to state the provisions of the Juvenile Act which allows for different measures depending on the age of the child. The 1992 Juvenile Act, amended in 1997, and amendments to the Penal Code in 1994 did not raise the age of criminal responsibility. NGOs noted that the 2002 Child Rights Act brings national law more into line with the CRC, but there were still contradictions in the definition of child and administration of juvenile justice as the Act actually incorporates the Juvenile Act into its provisions. Birth registration procedures have been strengthened as registration has been free of charge since 2006 and a national database was established for all official documents.

Although the Committee was pleased that the government of Yemen had adopted a

Juvenile Act which set out detailed provisions for addressing the needs of children in conflict with the law, it was concerned that the national legislation did not fully respect the principles and provisions of the CRC. The government was asked twice to review its legislation in order to bring it into line with the CRC, the Beijing Rules, the Riyadh Guidelines and the UN Rules for the Protection of Juveniles Deprived of their Liberty. In addition to raising the age of criminal responsibility, the Committee argued that the government needed to consider developing an alternative sentencing system for children in conflict with the law in order to ensure that deprivation of liberty was used as a measure of last resort. Although the Committee has not been satisfied with the results, the government has reviewed its legislation as shown by amendments to the Juvenile Act in 1997 and the adoption of implementing regulations on the Juvenile Act in 2000. Much still remains to be done as shown by the adoption of the Child Rights Act in 2002 which, according to NGOs, continues to contradict the CRC.

The need for judges, lawyers, law enforcement officials and personnel working in places of detention for children to be trained on the CRC and other relevant international standards was highlighted by the Committee. Following the consideration of the second periodic report, the Committee noted that efforts to disseminate information on the CRC to professional groups were having a limited impact. Some progress has subsequently been made in this area as the government, in collaboration with UNICEF, produced a training manual on juvenile justice. In addition, the government noted that training had been provided to police officers, judges, members of the Department of Public Prosecutions, social workers and members of the juvenile police force. Human rights modules had been incorporated in teacher training programs. In addition, NGOs have organized training workshops for policemen, security officers, and judges who deal with children to promote the protection of juvenile offenders and disseminate information on the CRC and other international laws highlighting the presence of penalties for those who practice cruel and inhuman treatment. While noting the efforts made to raise awareness of the CRC through seminars and workshops, the Committee asked that the government provide adequate and systematic training to judges and law enforcement officials.

Although the government could point to various training programs for law enforcement officials, it was unable to do the same in response to the Committee's concern about the lack of training activities on the CRC for health professionals. The Committee recommended on all three occasions that the government provide systematic training to health personnel, particularly to those working in remote and rural areas. Also of concern was the weak birth registration system which could prevent children from being able to access health services.

The Committee requested in its second concluding observations that the government conduct a study on the practice on female genital mutilation (FGM) in order to formulate specific plans to prevent, combat and eliminate this practice. The Ministry of Public Health conducted several studies on FGM in order to determine the extent of the practice and to better understand the attitudes and beliefs surrounding FGM. The results of this study led to the adoption in 2001 of a Ministerial Decree which banned the practice of FGM in governmental and private health clinics. While pleased with the efforts being made to address FGM, the Committee responded in its third concluding observations that "all necessary measures" should be taken to eradicate this harmful traditional practice. Additional stud-

ies have been carried out since 2001 which showed that the decree was not enough as FGM continued to be practiced in homes. In 2008, a national plan of action to fight FGM by introducing laws, codes of conduct and anti-FGM policies was drafted by the Supreme Council for Motherhood and Childhood. The plan would ban all forms of FGM and awareness raising campaigns on the dangers of FGM would be carried out by the media and community leaders. The plan has not yet been approved by Parliament.

Budget allocation for services for children in the area of health was found to be insufficient. The Committee argued that the government needed to take appropriate measures to the maximum extent of available resources in order to ensure that sufficient budgetary allocations were provided to children. Although governmental spending on health rose from 1992 to 1995, health services were still only accessible to about a third of the population. The Committee welcomed the Social Welfare Fund of 1996 which aimed at countering the effects of economic reforms, but was worried that structural adjustment programs might have a negative effect on the implementation of social services for children. The government acknowledged in its third periodic report that although it aimed to increase its budget for social services, it was actually difficult to estimate the size of the allocations earmarked for children as they were divided amongst various institutions. NGOs also noted this problem but argued that the allocations were actually decreasing within the framework of economic reform. The NGOs felt that the government was slowly abandoning its social responsibility in the provision of social services. The Committee noted that although the budget allocations for health care increased in absolute terms, the net amount may have actually decreased due to high inflation rates. The Committee therefore recommended that the government ensure a net increase in budget allocations. UNICEF noted in 2007 that the health allocation in the national budget in 2008 was still only 4.6 per cent.

Budget allocations for education were also considered to be insufficient although these are still considerably higher than in the health sector. Education spending increased from 17.2 per cent in 1990 to a high of 19.6 per cent in 1993 and according to UNICEF was 18.4 per cent in 2008. The Committee requested that all necessary measures be taken to ensure a net increase in budget allocations for primary, secondary and vocational education. The Committee suggested that the government seek support of international financial institutions, bilateral and multilateral partners in order to ensure a net increase in budget allocations.

In addition to training professional on the Convention, the Committee requested that the CRC and the teaching of human rights be incorporated into the school curriculum. The government noted that it had made an effort to ensure wide-scale dissemination of the CRC through its publication and circulation to all international and national institutions and organizations in Yemen. The CRC had also been incorporated into human rights modules in teacher training programs. NGOs commended the efforts of the government to raise awareness on child rights but argued that more needed to be done. Although Ministerial Decree No. 167 established specialist teams to incorporate children's rights into the kindergarten curriculum, the fact that the CRC had still not been incorporated into the basic education curriculum was a major concern for the NGOs. The Committee asked the government to strengthen efforts to include human rights education in the school curricula at all levels and recommended that the government work with NGOs to raise awareness about children's rights.

Corporal punishment is widely regarded as being an acceptable means of discipline in Yemen. In both its second and third concluding observations, the Committee noted the need to raise awareness about the negative impact of corporal punishment, to provide training to parents and teachers on non-violent forms of discipline and to ensure that alternative disciplinary measures were developed with the family, schools and institutions. Although corporal punishment in schools was prohibited under a Ministry of Education Decree since 1996, NGOs noted that it was still used as a disciplinary measure. Corporal punishment was also legal in the home and was available as a sentence for crimes. The Committee asked the government of Yemen as a matter of urgency to review existing legislation and explicitly prohibit all forms of corporal punishment and in particular to abolish by law the possibility of sentencing a child to any form of physical punishment. In 2008, the Ministry of Education developed a manual on alternatives to corporal punishment and in 2009 the manual was being used to train teachers, social workers and parents in four governorates with a goal of training teachers throughout the country.

# Conclusions

## ***Impact of the Concluding Observations at National Level***

The concluding observations of the Committee are being implemented to a large extent at national level. In the areas of administration of justice and violence, the concluding observations were generally more specific which led to more concrete changes than in the areas of health and education. Legislation changes were perhaps the easiest to track especially when the Committee requested that specific legislation be amended or repealed. Either the legislation was amended or repealed as requested or it wasn't. In most cases, the countries examined in this study made the legislative changes requested by the Committee. Legislation is something that is constantly under review and every country in this study was in the process of reviewing Children's Codes, particularly in the area of violence, perhaps due to the momentum following the 2006 UN Study on Violence against Children. Where legislative changes clashed with a deeper set of traditional attitudes, legislative changes were harder to achieve as was the case in Yemen in increasing the age of criminal responsibility and in Nepal in outlawing traditional practices that were harmful to the health of children.

Another area where the concluding observations had a strong impact at national level was with regards to the collection of data, particularly through studies. Once again, the Committee was often very specific in its request for States parties to collect data or carry out studies in a particular subject area and generally these studies were carried out, mostly in cooperation with universities, research institutions or NGOs. Training was also increased as requested by the Committee, both in the number of training sessions and the types of professionals being trained. However, training was in most cases still neither systematic nor widespread and often limited to urban areas.

States parties were also eager to follow through with recommendations to request technical assistance and although UN agencies generally provided support, the direct impact in this area was weak. This was due to the fact that the Committee did not take advantage of the preparatory process, such as the pre-sessional working group meetings, in order to establish in advance where UN agencies would be willing and able to provide technical assistance in keeping with their own plans of action in each country. In many cases, the requests were of such a vague nature that almost anything that an agency was doing with the government concerned could be looked at as implementing the concluding observations.

Finally, recommendations to increase awareness about children's rights were being implemented to a large extent. Human rights had been introduced into school curriculums although this has not always been systematic, across all grades and in all national languages. Where the Committee recommended awareness raising campaigns on specific issues such as violence or adolescent health issues, these have generally been undertaken often in cooperation with UN agencies or civil society organizations.

## **Obstacles to Implementation**

Although the results of this study show that the concluding observations of the Committee are being implemented to a large extent at national level, it is difficult to determine whether the Committee's recommendations have directly led to progress being made at national level. All that can be determined from this study is that the Committee made recommendations and in some cases these suggestions were implemented. Too many other factors are at play at national level to determine cause and effect. In a study conducted in 2003 by UNICEF Innocenti Center on general measures of implementation, the study noted that although "actions of States can at least in part be attributed to the CRC itself, and to the States' commitment to implement it [...] total attribution is not possible [...] given that many countries have deeply embedded traditions that recognize human and children's rights." In many cases, it is thanks to the NGOs and UN agencies working at national level and using the concluding observations in their programming and planning who ensure that the concluding observations are acted upon and that progress towards implementing the Convention at national level is being made.

The main obstacle to implementation was most likely the concluding observations themselves. The earliest concluding observations were lacking in specificity making it possible that States parties were unable to follow-up on the concluding observations simply because they were composed of general statements rather than being a list of recommended actions. As the concluding observations became more specific, it would have been easier for States to look towards the concluding observations for recommendations as to how to better implement the CRC at national level.

The lack of specificity hurt the most in the areas of health and education. Every country in this study was requested in every concluding observation that they needed to implement economic, social and cultural rights to the maximum extent of available resources. Is there truly any point however when the Committee would agree that any country was really using the maximum extent of available resources to implement children's rights or will this be a recommendation that will be repeated for all countries forever? If this is the case, then perhaps the recommendation itself is not specific enough to be implemented at national level. It would perhaps be better to suggest that spending in a particular area be increased (such as spending on HIV/AIDS in Uganda) or decreased (such as military spending in Nepal) rather than simply telling countries to use resources to the maximum extent.

Budgetary limitations remained an important obstacle to implementation particularly in the areas of health and education. For example, although Uganda changed its legislation to make primary education free, the lack of funding has made it difficult to provide enough classrooms and materials to all students. In Peru, budgetary constraints made it difficult to provide health care to children living in remote and rural areas. Once again the need for the concluding observations themselves to be more specific and time bound rather than simply recommending that budget allocations be increased would assist States parties in their implementation.

Political instability was another factor that impeded the implementation of the concluding observations, particularly in the area of the administration of juvenile justice. In Peru and Nepal once armed conflict ceased certain restrictive laws impeding children's rights were repealed or amended. In the case of Nepal, the end of the conflict has even led to an opportunity to institutionalize children's rights in the new Constitution.



## ***Improving the Impact***

In order to improve the impact that the concluding observations are having at national level, it is essential that the concluding observations themselves be improved. The concluding observations must be country specific, limited in time and provide concrete solutions that can be realistically implemented at national level. Without recommendations that fit these criteria, it is difficult for States parties to effectively implement the concluding observations. The concluding observations should also be looked at as a tool in an ongoing process rather than a one off set of recommendations. They should build on previous concluding observations and be consistent in terms of recommended actions and language. This would assist States parties in moving towards full implementation of the CRC in a coherent and steady manner. The pre-sessional process could also be better used to ensure that the recommendations made are relevant and practical. In addition, UN agencies and NGOs could be consulted on possible areas where technical assistance could be provided or studies could be supported to better ensure follow-up at national level. With strong concluding observations, implementation at national level will improve which will lead to even more long lasting changes for children.



# Documents Consulted

## **Estonia**

### **Initial Report**

CRC/C/8/Add.45 (due 1993, submitted 2001)

CRC/C/15/Add.196 (adopted 01/2003)

Additional report on the Convention on the Rights of the Child: Additions, comments and submissions of Estonian non-governmental organizations – Estonian Union for Child Welfare – 2002

### **Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography**

CRC/C/OPSC/EST/1 (due 2006, submitted 2008)

Combined 2nd, 3rd, 4th Periodic Reports due 11/2008

Lapsed Children, Statistics Estonia, 2008

## **Nepal**

### **Initial Report**

CRC/C/3/Add.34 (due 1992, submitted 1995)

CRC/C/15/Add.57 (adopted 06/1996)

### **2nd Period Report**

CRC/C/65/Add.30 (due 1997, submitted 2004)

CRC/C/15/Add.261 (adopted 06/2005)

CRC Alternative Report 2002 – National Alliance of Child Rights Organizations

CWIN – The State of Rights of the Child Report 2004 – Child Workers in Nepal Concerned Centre

**Combined 3rd, 4th, 5th Periodic Reports due 03/2010**

## **Peru**

### **Initial Report**

CRC/C/3/Add.7 (due 1992, submitted 1992)

CRC/C/3/Add. 24 (additional report submitted 1993)

CRC/C/15/Add.8 (adopted 10/1993)

## **2nd Periodic Report**

CRC/C/65/Add.8 (due 1997, submitted 1998)

CRC/C/15/Add.120 (adopted 01/2000)

Report on the Situation of Children and Adolescents in Peru: Executive Summary (English) – Grupo de Iniciativa Nacional por los Derechos del Niño (GIN) – 1999

## **3rd Periodic Report**

CRC/C/125/Add.6 (due 2004, submitted 2005)

CRC/PER/CO/3 (adopted 01/2006)

Report on the Application of the Convention on the Rights of the Child in Peru (2000-2005): Abridged English version - Grupo de Iniciativa Nacional por los Derechos del Niño (GIN) – 2005

**Combined 4th and 5th Periodic Reports due 04/2011**

## **Uganda**

### **Initial Report**

CRC/C/3/Add.40 (due 1992, submitted 1996)

Response to the Government of Uganda Country Report on the Implementation of the UN Convention on the Rights of the Child – Uganda Child Rights NGO Network – February 1997

CRC/C/15/Add.80 (adopted 10/1997)

### **2nd Periodic Report**

CRC/C/65/Add.33 (due 1997, submitted 2004)

Implementation of the UN Convention on the Rights of the Child in Uganda - Alternative Report to the Government of Uganda's First Periodic Report – Uganda Child Rights NGO Network – December 2002

NGO Complementary Report on the Implementation of the UN Convention on the Rights of the Child in Uganda: An Addendum – Uganda Child Rights NGO Network – April 2005

CRC/C/UGA/CO/2 (adopted 09/2005)

**Combined 3rd, 4th and 5th Periodic Reports due 03/2011**

### **Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography**

CRC/C/OPSC/UGA/1 (due 2004, submitted 2007)

NGO alternative report to the government report on implementation of the optional protocol to the convention on the rights of the child on the sale of children, child prostitution and child pornography – Uganda Child Rights NGO Network – March 2007

## **Yemen**

### **Initial Report**

CRC/C/8/Add.20 (due 1993, submitted 1995)

Alternative Report of the Yemeni Non-Governmental Organizations on the Implementation of the UN Convention on the Rights of the Child - Board of Coordination among Non-Governmental Organizations for Safeguarding the Child's Rights – 1995

CRC/C/15/Add.47 (01/1996)

### **2nd Periodic Report**

CRC/C/70/Add.1 (due 1998, submitted 1998)

CRC/C/15/Add.102 (01/1999)

### **3rd Periodic Report**

CRC/C/129/Add.2 (due 2003, submitted 2004)

Third NGOs Alternative Periodic Report on Rights of the Child - Yemen National NGOs Coalition for Child Rights Care – 2004

CRC/C/15/Add.267 (06/2005)

### **Other documents**

General Comment No. 5, CRC/GC/2003/5

UNICEF, The General Measures of the Convention on the Rights of the Child: The Process in Europe and Central Asia, UNICEF Innocenti Research Center, 2006.

# Acronyms

ANPPCAN	African Network for the Prevention and Protection against Child Abuse and Neglect
CRC	Convention on the Rights of the Child
FGM	Female genital mutilation
GDP	Gross Domestic Product
NGOs	Non-governmental organizations
OHCHR	the Office of the High Commissioner for Human Rights
UCRNN	Uganda Child Rights NGO Network
UNAIDS	the Joint United Nations Programme on HIV/AIDS
UNESCO	the United Nations Educational, Scientific and Cultural Organization
UNFPA	the United Nations Population Fund
UNICEF	United Nations Children's Fund
UNODC	the United Nations Office on Drugs and Crime
WHO	World Health Organization



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