

## The impact of the Convention on the Rights of the Child

*The following study was prepared by Noriko Kosaka, an intern with the Maryknoll Office for Global Concerns, fall 2006.*

The [United Nations Convention on the Rights of the Child \(CRC\)](#) is currently accepted as a universal, international human rights treaty, which all member nations of the United Nations, except the U.S. and Somalia, have either partly or completely ratified. The CRC fully embodies civil, economic, political, social and cultural rights of children.

“Is the impact of the CRC real or rhetorical?”

This report seeks to identify the effect of the CRC on children where Maryknollers work in 30 different countries. How has it been implemented and integrated into national policies? To examine the impact of ratification of the CRC, I focus on two general aspects of implementation: 1) the process of law reform and 2) the establishment of human rights institutions for children and the development of governmental structure for coordinating implementation.

### Law reform

Law reform is the most obvious evidence in implementing the CRC. According to the [UNICEF Summary Report on the CRC 2004](#), most countries that ratified the CRC make specific reference to the human rights of children in national constitutions and/or in other legislation. Also, there are strong positive correlations between law reform and improvements in the access to and quality of programs providing essential services to children and their families. UNICEF reports say these links appear strongest and most widespread in the health and education sectors.

### Children's rights institutions and national coordinating mechanism

Establishing children's rights institutions is vital for implementation and realization of human rights for all children. Also, coordinating mechanisms are important for the government and the institutions to work efficiently for children. Many institutions and government departments provide services for children and have an impact on the realization of children's rights. According to the UNICEF report 2004, some states have established coordinating mechanisms at the national level and in some cases at the state, provincial and local levels.

The following list shows countries where Maryknollers work, which I studied for this report.

#### **Africa/Middle East**

Egypt  
Kenya  
Namibia  
Sudan  
Tanzania  
Zimbabwe

#### **Asia/Pacific**

Bangladesh  
Burma (Myanmar)  
Cambodia  
China  
Indonesia  
Japan  
Marshall Islands  
Nepal  
Philippines  
South Korea  
Thailand  
Vietnam

#### **Latin America**

Bolivia  
Brazil  
Chile  
Ecuador  
El Salvador  
Guatemala  
Honduras  
Mexico  
Nicaragua  
Panama  
Peru  
Venezuela

This study is based on regular state reports and concluding observations.

State report: The state report is a regular report submitted to the Committee on the Rights of the Child. Implementation of the CRC is monitored by the Committee on the Rights of the Child. All states that ratified the CRC are required to submit regular reports to the Committee on how the rights are being implemented. States must report initially two years after acceding to the CRC and then every five years.

Concluding observation: Concluding observation is a report which analyses a state report of the CRC by the Committee on the Rights of the Child.

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## Africa/Middle East

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### **Egypt** (State Report, 11 November 1999)

Date of Ratification: 6 July 1990

Rank in Human Development Index (HDI) 2005: 119th

Infant mortality rate 2006: 31.33/1000 ([CIA World Factbook](#))

#### Overview of the Rights of the Child

The government's respect for human rights in Egypt remained poor, and serious abuses of children continue in many areas. According to a U.S. State Department report (March 2006), the government committed and made some progress in eliminating female genital mutilation (FGM) in 2005. However, despite the government's attempt, FGM still remains a serious, widespread problem because of strong traditional and family pressures.

Child labor is a big problem especially in rural areas. Almost 80 percent of working children work in the agricultural sector (Department of State, March 2006). Child law, established in 1996 and revised in 2003, sets the regulations for child labor, but does not specifically prohibit forced and compulsory labor.

Street children also face serious abuse, including beatings and sexual abuse. The government periodically arrests homeless or street children without charges. Law enforcement in Egypt is in decay. Police detain children illegally and are involved in the abuse of children (Human Rights Watch, 2005).

#### Law reform

All the principles of human rights and freedoms related to the CRC have been incorporated into the Egyptian Constitution of 1971. The Egyptian legislature is committed to implementing the CRC under the supervision of the Constitutional Court.

#### Children's rights institutions and national coordinating mechanism

The National Council for Childhood and Motherhood, established in 1988, is the main coordinating mechanism in Egypt. It supervises and coordinates the activities relating to the implementation of the CRC in Egypt.

The Committee on the Rights of the Child mentions that administrative coordination and cooperation at the national and local level of government remain inadequate. The Committee suggests that intersectoral coordination and cooperation at and between national and local levels of government should be improved (Concluding Observation, 2001).

The General Administration for the Legal Protection of Children is a new supervisory mechanism established in 1997 by the Minister of Justice. It is responsible for national strategy for the protection of children, in accordance with the Children's Code and the international instruments in force in Egypt. It also monitors legal actions to expand appropriate legal assistance to children and proposes legal and social measures for protecting children at risk.

### **Kenya** (State Report, 4 July 2006)

Date of Ratification: 30 July 1990

HDI 2005: 154th

Infant mortality rate 2006: 59.26 deaths/1000 live births (*CIA World Factbook*)

#### Overview

Kenya, through the Constitution of Kenya Review Commission, has been in the process of drafting a new constitution, including a provision on the definition of a child as any person under the age of 18 years. According to a 2005 Amnesty International report, the government of Kenya also decided to enshrine the abolition of the death penalty in the draft constitution. The report says that the constitution would be one of the most important steps Kenya could take in securing respect for the human rights of everyone under its jurisdiction.

However, the proposal of the new constitution was rejected by the referendum held in November 2005. A majority of voters (57 percent) cast their ballot against the proposed constitution and 43 percent were in favor ([IRINnews.org](http://IRINnews.org), 22 November 2005). Since it was rejected, the old constitution remains in force and discussion of a new constitution continues. According to [AllAfrica.com](http://AllAfrica.com) (9 Oct. 2006), the government of Kenya is not likely to have a national referendum before the next general election in December 2007.

Poverty has been a big obstacle in developing children's rights. Economic recovery and raising the standard of living are among the biggest challenges for the Kenya government.

In 2003 the government of Kenya introduced free primary education for every child, and enrollment in primary schools increased by 900,000. The government has also tried to expand facilities and employ more teachers.

The HIV/AIDS pandemic continues to be a threat to the survival and development of children. Intervention programs have been put in place such as the Orphans and Vulnerable Children Program (OVC), which works on HIV/AIDS issues in Africa.

#### Law reform

The current constitution of Kenya, which came into force when it gained independence from Britain in 1963, does not define a child and has no section under the Bill of Rights making specific reference to children.

The draft constitution adopts the CRC definition of the child as any person under the age of 18. It addresses issues affecting children and guarantees their rights in various sections. For example, Chapter IV addresses issues of citizenship, guaranteeing it by birth, registration, and naturalization. It is also expected to help the planning processes and the implementation of the Children's Act.

The Children's Act was enacted by the Kenya government and came into force on March 1, 2002. The enactment of the Children's Act was widely seen as a new beginning for the development and effective protection of Kenya's children. The Children's Act codified and replaced three statutes: the Children's and Young Person's Act, the Adoption Act, and the Guardianship of Infant.

The Children's Act facilitated the establishment of administration such as the National Council for Children Services (NCCS), Children's Courts, and institutions for the reception and care of children in need of care and protection.

Children's rights institutions and national coordinating mechanism

The Department of Children's services (Children's Department) and the National Council for Children Services (NCCS) are the two main institutions for children's services in Kenya.

The Children's Department in the office of the Vice President and Minister for Home Affairs is the government agency which provides services for the welfare of children and which secures their rights as stipulated in the Children's Act.

The NCCS, established in September 2002 under the Children's Act, is responsible for exercising general supervision and control over the planning, financing, and coordination of children's rights and welfare activities. It also advises the government in these areas.

Membership in the NCCS is comprised of people from many areas including the Children's Department, relevant government ministries, NGOs, religious-based organizations, and the private sector.

**Namibia** (State Report, 22 January 1993)

Date of Ratification: 30 September 1990

HDI 2005: 125th

Infant mortality rate 2006: 48.1 deaths/1,000 live births (*CIA Factbook*)

Overview

Namibia, which was under South Africa's administration since World War II, won its independence in 1990. As a newly independent country, Namibia wrote a constitution which strongly protects fundamental human rights and freedoms. Namibia signed the Convention of the Rights on the Child after its independence and many of its provisions had been enshrined in Namibian law.

However, the colonial experience, as well as poverty, makes it difficult to implement the CRC, even if national legislation which respects children's rights is adopted.

According to a report of September 2006 ([AllAfrica.com](http://AllAfrica.com)), many cases exist in which children's rights are violated even though the government tries to make a safe environment for children. Child abuse, particularly rape and incest, is one of the biggest problems. Child abuse is most likely for children on the streets.

HIV/AIDS is the biggest obstacle to development. The report states that the number of HIV/AIDS orphans is increasing because of sexual abuse and exploitation. According to UNICEF, about 120,000 children under age 17 have lost one or both parents, and 57,000 of these children have been orphaned by HIV/AIDS.

Law reform

The Namibian constitution was a first step to build the nation. The constitution does not mention an overarching definition of the child, but applies various protections to children depending on their ages. Some examples are:

- Children under the age of 16 enjoy constitutional protection against economic exploitation and hazardous employment.
- Children under the age of 14 are forbidden to work in factories or mines except as authorized by Act of Parliament.
- Children under the age of 21 are protected from arrangements which might force them to labor for their parents' employer.

The president of Namibia, Sam Nujoma, made improvement of children's rights a high priority to. He personally attended the historic World Summit for Children in September 1990. Namibia adopted the World Declaration on the Survival, Protection and Development of Children, and the accompanying Plan of Action, in addition to the CRC.

The Children's Act, No. 33, 1960, is the main legislation dealing with children. This includes the provision of alternatives for the punishment and rehabilitation of child offenders, as well as mechanisms for protecting children from neglect, exploitation, and harmful environments. The Children's Act also sets out ground rules for the operation of a children's court.

Currently, the ministry of Namibia is working to pass a new bill dealing with children, the Children Status Bill (CSB) (All Africa.com, September 2006). The purpose of the CSB is to ensure that children receive equal treatment regardless of whether they are born to married parents.

#### Children's rights institutions and national coordinating mechanism

The national program "Action for the Children of Namibia" was published in December 1991 to improve the situation of children. The program ensures coordination among various government ministries and departments.

According to the statement of the minister of women affairs and child welfare of Namibia (UN General Assembly, May 2002), the program has benefited many vulnerable children in Namibia in terms of health care, nutrition, sanitation, and early childhood education.

#### **Sudan** (State Report, 6 December 2001)

Date of Ratification: 3 August 1990

HDI 2005: 141st

Infant mortality rate 2006: 61.05 deaths/1,000 live births (*CIA Factbook*)

#### Overview

Sudan has suffered from civil war since its independence from the UK in 1956. The basic infrastructures of health, education, social services and agriculture in the southern areas have been destroyed due to the long civil war. Ending armed conflict in the country is the first step for the protection of human rights.

Sudan has signed and ratified 12 international human rights instruments including the CRC. However, these ratifications have not effectively protected citizens' rights in all areas.

The government's commitment to children's rights and welfare differs depending on the region. Significant inequalities in access to health services for children exist among the different areas of the country. In the south, the mortality rate under five years is 93 per 1,000 and the immunization rate is about 50 percent (Department of State, March 2006).

Even though primary education is compulsory, only half of school-age children attend primary school. Female genital mutilation is commonly performed in rural areas. Large numbers of children suffer from

child prostitution, trafficking, and sexual abuse (Department of State, March 2006). Conscription is also a problem in Sudan. Both the government and rebel groups recruit young boys into military service (Department of State, March 2006).

The Committee on the Rights of the Child is concerned that even minimal implementation is impossible under the armed conflict situation, and emphasized the full responsibility of the State party on children's rights (Representing Children Worldwide, February. 2006).

#### Law reform

In ratifying the CRC, a law pursuant to the Third Constitutional Decree of 1989 was issued by the Revolution Command Council. By this legislative procedure and in accordance with the Sudanese legal system, the CRC became part of national legislation. The CRC is also applied in court, which should play an essential role in protecting the fundamental rights.

#### Children's rights institutions and national coordinating mechanism

The National Council for Child Welfare was formed in September 1991 as a mechanism for monitoring the implementation of the CRC. It is a high-level national institution composed of state governors and federal ministers with children's affairs. The chairmanship of the Council is vested in the president of the Sudan.

The National Council for Child Welfare is founded on the strength of the National Council for Child Welfare Act, which includes various administrative rules to protect the child against exploitation of numerous kinds and ensures the welfare of the child.

The National Committee was formed to prepare the report of the CRC in 1996 by the recommendation of the National Council for Child Welfare. The National Committee then formed eight main working groups: general measures of implementation, definition of the child, general principles, civil rights and freedoms, family environment and alternative care, basic health and welfare, education, legislature and cultural activities, and special protection measures.

### **United Republic of Tanzania** (State Report, 24 August 2005)

Date of Ratification: 10 June 1991

HDI 2005: 164th

Infant mortality rate 2006: 96.48 deaths/1,000 live births (CIA World Factbook)

#### Overview

Tanzania is one of the least developed countries in the world. In the past few years, it has made progress in terms of Gross Domestic Product (GDP) at an annual average rate of 4.5 percent. However, poverty remains the biggest obstacle to the development of human rights.

According to the 2006 report of the U.S. Department of State, the government increased funding of programs for children's welfare in 2005, working closely with UNICEF and other international and local organizations. However, HIV/AIDS, sexual abuse, FGM, and child labor remain big problems.

In a June 2006 report, the Committee on the Rights of the Child said that the HIV/AIDS epidemic, as well as traditional practices and customs in rural areas, continue to prevent the implementation of the CRC. (Concluding Observation, June 2006)

#### Law reform

Tanzania has changed little about its laws since its ratification of the CRC in 1991. Tanzanian laws lack legal representation for children. They do not provide a definition of a child as in the CRC.

The government of Tanzania is currently in the process of reviewing legislation related to children. The Committee on the Rights of the Child continues to urge the government to put more effort into implementing the CRC. The Tanzanian government has not enacted the Children's Act, which would urge it to adopt further legislation to conform to the principles and provisions of the CRC. The Committee is pushing the government to enact of the Children's Act both on the Tanzania mainland and in Zanzibar (Concluding Observation, June 2006).

#### Children's rights institutions and national coordinating mechanism

In 2003, the government of Tanzania established the Department of Children Development within the Ministry of Community Development, Gender and Children. It takes care of issues of children and young people, including the HIV/AIDS epidemic, harmful cultural practices, and family life education program.

However, there is no strong and effective coordinating mechanism which relates all activities of implementing the CRC. The Committee on the Rights of the Child urges strengthening the ability of the Department of Children Development to effectively coordinate with other ministries and departments and local government authorities dealing with children (Concluding Observation, June 2006).

#### National Plan of Action

Both the mainland and Zanzibar are in the process of preparing a National Plan of Action (NPA) based on the outcome document "A World Fit for Children" of the General Assembly Special Session for Children. It has been circulated to the various stakeholders through workshops and consultative meetings. The Committee on the rights of the child recommends a comprehensive national plan of actions for the full implementation of the rights enshrined in the CRC.

### **Zimbabwe** (State Report, 12 October 1995)

Date of Ratification: 11 September 1990

HDI 2005: 145th

Infant mortality rate 2006: 51.71 deaths/1,000 live births (CIA World Factbook)

#### Overview

The Zimbabwean government's human rights record remains very poor. Repressive laws suppress criticism of its politics and economic policies. It is unwilling to cooperate with the United Nations for humanitarian assistance (Human Rights Watch, 2005).

Many children lack opportunities for education, treatment of HIV/AIDS, other medical care, and a normal childhood. There is neither compulsory nor free education for children. Child abuse, including incest, infanticide, child abandonment, and rape, continues to be a major problem (U.S. Department of State, March 2006). The number of HIV/AIDS orphans continues to grow. The Department of State said AIDS orphans comprise as much as 10 percent of the country's population.

Under these conditions, Zimbabwe has neither a sufficient legal system nor a coordinating mechanism in implementing the CRC.

#### Law reform

The Children's Protection and Adoption Act is its most comprehensive statute governing the right of abused and neglected children to protection. It broadly protects children's rights including parental responsibilities, adoption, and the juvenile courts, which were established under the Act.

A child is defined as a person under the age of 18 years in the Legal Age of Majority Act and the Children's Protection and Adoption Act.

The constitution guarantees freedom of expression, which is required by Article 12 of the CRC, but children are not always in a situation to express their views freely because of cultural and societal attitudes and concepts of parental discipline.

The Committee on the Rights of the Child said Zimbabwe has not yet undertaken a comprehensive legal reform to enable national legislation to fully conform to the CRC (Concluding Observation, 1998).

*Children's rights institutions and national coordinating mechanism*

The Inter-Ministerial Committee on Human Rights and Humanitarian Law was established in 1993 by the government as a monitoring mechanism. The Committee is composed of the ministries related to children and is chaired by the Ministry of Justice, Legal and Parliamentary Affairs.

However, the Committee on the Rights of the Child said the legal mechanism in Zimbabwe was not enough to ensure systematic implementation of the CRC and the monitoring of progress.

*National Plan of Action*

A National Plan of Action (NPA) for Orphans and Vulnerable Children was completed in 2004 but has not been fully implemented. According to a report of the U.S. Department of State (March 2006), the NPA ensures access to education, food, health services, and birth registration for orphans and vulnerable children. It also protects children from abuse and exploitation, but activities set out in the plan are insufficiently funded. Although the legislation exists to protect children's rights, it is difficult to administer and enforce.

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Asia/Pacific

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**Bangladesh** (State Report, 14 March 2003)

Date of Ratification: 3 August 1990

HDI 2005: 139th

Infant mortality rate 2006: 60.83 deaths/1,000 live births (CIA World Factbook)

*Overview*

Since the implementation of the CRC in 1990, Bangladesh has created a framework for the promotion and protection of children's rights. When Bangladesh reviewed its achievements during the 1990s against the national goals for children and women, significant progress was seen in different social development indicators. For example, in education, enrollment of primary school has increased. The health status of children has improved including immunization coverage and vitamins.

According to the report of the U.S. Department of State (March 2006), with the help of local and foreign NGOs the government made significant progress in improving health, nutrition, and education. However, more than half of all children remain chronically malnourished.

The government's human rights record in 2005 was poor, exacerbated by political instability and human insecurity. Bombings frequently targeted government institutions. Bangladesh security forces continue to use excessive force, including abuse and torture (Human Rights Watch, 2005).

Under the law, primary education of children aged between 6 and 10 is compulsory and free. However, parents are frequently unwilling to send their children to school. Instead, children are often forced to work or help with chores for their family. Child abandonment, kidnapping, and trafficking as well as child labor remain serious problems (Department of State, March 2006).

#### Law reform

Many of the rights enshrined in the Convention are recognized in the constitution and/or in domestic legislation. However the Committee on the Rights of the Child remains concerned national laws and customary law do not ensure full conformity with the principles and provisions of the CRC.

The Suppression of Violence against Women and Children Act (2000, amended 2003) was passed to replace the 1995 Control of Oppression of Women and Children Act. The new act lays down severe penalties for various kinds of violent offenses against children and women including rape, sexual harassment, acid throwing, dowry violence, kidnapping and detention for ransom.

#### Children's rights institutions and national coordinating mechanism

There are about 10 government ministries concerned with the welfare and the rights of children including the Ministries of Women and Children Affairs, Health and Family Welfare, and Education.

The Ministry of Women and Children Affairs (MoWCA) is a main mechanism established in 1994 in coordinating and monitoring the implementation of the CRC. MoWCA is also responsible for monitoring of a National Plan of Action (NPA) for Children. The objective of NPA is to improve the situation of children, working in mainly six sectors: basic education; health and nutrition; water and environmental sanitation; children in need of special protection; social integration, participation and cultural affairs; and information and communication.

According to the Concluding Observation (1998), however, Bangladesh lacks comprehensive monitoring mechanism which covers all areas of the CRC and which coordinates all children's working groups.

### **Burma (Myanmar) (State Report, 5 November 2003)**

Date of Ratification: 15 July 1991

HDI 2005: 129th

Infant mortality rate 2006: 61.85 deaths/1,000 live births (CIA World Factbook)

#### Overview

Burma has been ruled by authoritarian military regimes dominated by the majority Burmese ethnic group. The State Peace and Development Council (SPDC), the authoritarian government, continues to control the state through the military and restricts basic rights and freedoms.

The biggest obstacle to the development of human rights in Burma is its government. The SPDC continues to ban opposition political activities and to curb democracy and human rights. Minorities have been persecuted and have fled to neighboring countries, in particular Thailand (Human Rights Watch, 2005).

The SPDC also rejects cooperating with international assistance. Since November 2003, the special rapporteur on human rights has not been allowed to visit Burma, and since March 2004, neither has the UN special envoy (Human Rights Watch, 2005).

Children account for about 40 percent of the population. Education is compulsory through the 4th standard. However, UNICEF reported 50 percent of primary school students dropped out of school before

finishing the 4th standard (Department of State, March 2006). Children are often forced to beg or work for their family needs in the informal economy or in the street. The government also does not allocate a large enough budget for education.

Health care is also a significant problem. More than one in four babies do not survive even one year after birth (CIA World Factbook). The government allocated only 3.3 percent of the total fiscal year 2005-06 budget to the Ministry of Health, while it spent 24 percent of the budget on defense (Department of State, March 2006).

Many girls are sent to Thailand and/or China for the purpose of prostitution. And young boys are recruited for the military even though the official age of enlistment in the army is 18 years (Department of State, March 2006).

#### Law reform

The Child Law of 1993 was amended and enacted in 2001 in order to fully implement the CRC. The Child Law was established to implement the provisions of the Convention and it lays down the measures to be taken in accordance with the programs for children.

However, Burma lacks conformity between existing national laws and the principles and provisions of the CRC. The Committee on the Rights of the Child recommends that the Burmese government review all existing legislation, in particular the Child Law. The Committee also recommends including the rights of the child in the new constitution, the writing of which was supposed to begin before the end of 2006 (Concluding Observation, June 2004).

#### Children's rights institutions and national coordinating mechanism

The government ministries concerned with children are the Ministry of Health, the Ministry of Social Welfare, Relief and Resettlement, Ministry of Education, the Ministry of Information, and Ministry of Religious Affairs. The Ministry of Social Welfare, Relief and Resettlement is the leading ministry in implementing the Convention.

The National Committee on the Rights of the Child (NCRC) was established in 1993 as a main coordination mechanism to systematically enforce the Child Law. And the Monitoring and Evaluation Subcommittee was founded in 1999, which also aims to share information and knowledge in Asia-Pacific countries.

However, there is no independent mechanism to monitor and evaluate progress regularly in the implementation of the CRC at the local and national levels (Concluding Observation, June 2004).

### **Cambodia** (State Report, 24 June 1998)

Date of Ratification: 15 October 1992

HDI 2005: 130th

Infant mortality rate 2006: 68.78 deaths/1,000 live births (*CIA World Factbook*)

#### Overview

Cambodia is a constitutional monarchy with an elected government. The Cambodian People's Party (CPP) dominates the government, with much of the power going to the prime minister.

The government's human rights record remains poor, particularly in the areas of political participation and freedom of speech. The government arrests journalists, leaders of civil society, human rights activists, and members of the political opposition (Department of State, March 2006). According to Human Rights

Watch (2005), only one opposition newspaper and radio station, and one independent radio station, continue to operate.

The government relies on international aid to provide welfare to children. Education is free but not compulsory. And many children either leave school to help their family, mostly in agriculture, or do not attend school at all (Department of State, March 2006).

Many children suffer from malnutrition. The mortality rate remains high, but the government does not provide enough services in the health care system (Department of State, March 2006).

Many children work on the streets. The Ministry of Social Affairs, Veterans, and Youth Rehabilitation reported 3,084 street children nationwide, which is lower than the number the U.S. Department of State estimates (Department of State, March 2006).

Child prostitution and trafficking are also serious problems. Government officials, police and the military continue to be involved and benefit from trafficking women (Human Rights Watch, 2005).

#### Law reform

Cambodia's legislative framework already covered several provisions of the Convention before the ratification of the CRC, and other legislation has been adopted since.

For example:

- The Labor Act of 1992 lays down conditions for child labor. It prevents exploitation and preserves children's health, and children below 16 may not be employed as wage or salary earners.
- The Marriage and Family Act of 1989 describes the responsibilities of parents or guardians for their children.
- The law on the judicial system, criminal law and criminal procedure provide for the protection of children below 13 and prohibit them from being held in pre-trial detention.

However, there is no legal provision with a general definition of the child in Cambodia. Domestic legislation still needs to be reviewed and new legislation should be enacted. The Committee on the Rights of the Child recommends legislation in the areas of birth registration, family and alternative care, and juvenile justice (Concluding Observation, May 2000).

#### Children's rights institutions and national coordinating mechanism

The Cambodian National Council for Children (CNCC), established in 1995, is a coordinating mechanism for the implementation of the CRC. The Council is composed of 11 representatives of ministries concerning children. It evaluates all policies and programs relating to the life, development, and protection of children. It also prepares reports on all matters relating to children, such as the CRC and the National Plan of Action.

However, the council's ability to manage its work is questionable. The Committee on the Rights of the Child is especially concerned about the lack of human and financial resources (Concluding Observation, May 2000).

There is no independent monitoring mechanism in Cambodia to register and address complaints from children concerning violations of their rights under the Convention (Concluding Observation, May 2000).

**China** (State Report, 27 September 2004)

Date of Ratification: 2 March 1992

HDI 2005: 85th

Infant mortality rate 2006: 23.12 deaths/1,000 live births (CIA World Factbook)

### Overview

China has a comprehensive legal framework to protect the rights and interests of children. There are relatively complete provisions for the protection of children in China's constitution, laws, and administrative regulations.

Despite the legal framework, however, the government's human rights record remains poor. The Chinese government continues to commit human rights abuses such as harassment, detention, and imprisonment (U.S. Department of State, March 2006). The Chinese Communist Party holds a great amount of national power, and there is no independent judiciary.

Primary nine-year education is compulsory in China. However, in rural areas many children do not attend school for the required period, and some never attend. The government succeeded in increasing the enrollment rate of elementary education through its campaign for universal primary education by 2000. The health care delivery system was also improved by the government, which decreased infant mortality rates (Department of State, March 2006).

However, juvenile crimes have sharply increased. From 2000 to 2004, the annual increase in juvenile crime was 14 percent (Department of State, March 2006).

Trafficking in women and children is a serious problem. The law prohibits trafficking, but the country is both a source and destination for trafficking in persons. Most trafficking is internal for the purpose of providing lower middle income families with brides or sons. Some cases involved trafficking of women and girls into forced prostitution in urban areas (Department of State, March 2006).

### Law reform

China has worked hard on legislation to protect the legitimate rights and interests of children. The provisions and principles are reflected in the domestic laws of China, which provide a systematic regulatory framework for the special protection of disabled and minority children.

Besides ratifying the Convention, China drafted the Protection of Minors Act, the Compulsory Education Act, the Adoption Act, the Protection of the Disabled Act, the Mother and Infant Health Protection Act, and other legislation and regulations that concern the rights and interests of children.

### Children's rights institutions and national coordinating mechanism

In 1990, the State Council set up a nationwide coordinating committee for women's and children's affairs, which was later renamed the State Council Committee on Women and Children. The Committee is composed of officials from government departments and public organizations and is chaired by a member of the State Council.

The government set up the National Children's Development Program (2001 – 2010) as a national action directive for child labor. It focuses on four dimensions: health, education, protection of the law, and children and the environment.

In order to implement the program, the relative legislative, judicial and executive departments and various social organizations have set up systems such as the Women and Children's Working Groups of the Committee for Internal and Judicial Affairs of the National People's Congress, the Women's and Youth Committee of the Chinese People's Political Consultative Conference, and the State Council Working Committee on Women and Children.

However, the Committee on the Rights of the Child is concerned that the coordinating system of the program at regional and provincial levels for monitoring is fragmented and is not spread uniformly across all regions. The Committee also found no comprehensive plan of action for the implementation of the Convention in the Hong Kong Special Administrative Region (Concluding Observation, Nov. 2005).

### **Indonesia** (State Report, 7 July 2003)

Date of Ratification: 5 September 1990

HDI 2005: 110th

Infant mortality rate 2006: 34.39 deaths/1,000 live births (CIA World Factbook)

#### Overview

The Indonesian government was authoritarian for decades. In 2004, Susilo Bambang Yudhoyono was directly chosen president in elections that international and domestic observers judged to be free and fair (U.S. Department of State, March 2006).

Indonesia was the nation worst hit by the 2004 earthquake and tsunami, which badly affected Aceh Province in particular. In August 2005, the government of Indonesia and the Free Aceh Movement signed a comprehensive peace agreement after 30 years of devastating armed conflict. Although the peace agreement in Aceh Province is a major step forward, the Indonesian military continues to commit human rights violations in Papua.

The government's commitment to human rights is poor. Internal armed conflict, terrorism, and the country's geographical configuration, which comprises over 17,000 islands, make it difficult to monitor and improve human rights.

In 2003, the leader of the National Commission for Child Protection identified the most pressing problems related to the country's youth as child labor, child trafficking, child prostitution, street children, children in conflict areas and undernourished children (Department of State, March 2006).

Although six years of education is compulsory, many parents cannot afford to send their children to school. According to the International Labour Organization (ILO), one in five school-age children from low-income families had no access to education and experienced various kinds of exploitation at work in June 2005 (Department of State, March 2006).

#### Law reform

Most national laws were reviewed and reformed in accordance with the principles and provisions of the CRC since its ratification. The Child Welfare Act (1979) mentions several rights of the child, and the Human Rights Act (1999) defines more rights of the child. A Child Protection Act, which would provide for more adequate protection for children, was in the process of legislation at the time the state report was being prepared.

The Fourth Amendment to the Indonesian Constitution in 2002 guarantees human rights as well as children's rights. The amendment provides a constitutional basis for review of legislation and other regulations, in particular for review of conformity of criminal and civil law.

#### Children's rights institutions and national coordinating mechanism

The Coordinating Minister for People's Welfare is a mechanism to monitor and implement the CRC. It is responsible for coordinating the national and integrated design of policy, programs, and plans for improving the welfare of the child.

In addition to the Coordinating Minister for People's Welfare, the Child Protection Agency was established as an independent body to promote and protect the rights of the child.

### **Japan** (State Report, 24 July 2003)

Date of Ratification: 22 April 1994

HDI 2005: 11th

Infant mortality rate 2006: 3.24 deaths/1,000 live births (CIA World Factbook)

#### Overview

Japan has widely expanded and improved its social welfare and educational programs since WWII, helping to ensure children's basic human rights.

The ratification of the CRC further increased people's awareness of the rights of children. Since ratification, the Japanese government has tried to consolidate various measures within the existing legal framework to implement the CRC efficiently. Many non-governmental organizations also play an important role in implementing the CRC.

However, as Japanese society becomes more complex, new social problems have emerged such as child prostitution, child pornography, bullying, juvenile delinquency, suicide, drug abuse, and child abuse.

Another serious problem in Japan is the decreasing number of children. Japan is demographically imbalanced. While its society is rapidly aging, Japan has one of the lowest birth rates in the world: 9.37 births/1,000 population (CIA World Factbook, 2006).

#### Law reform

In ratifying the CRC, the Japanese government made sure that national laws were consistent with the provisions of the CRC. Since most matters of the CRC were already guaranteed under the existing legal framework of Japan, ratification of the CRC did not require Japan to enact a new law or amend any existing legislation.

In 1997, the Child Welfare Law was amended and other relevant laws were enacted to ensure conformity of national laws with the CRC and to reflect more effectively the objectives of the CRC.

In 1999, Law on Punishing Acts related to Child Prostitution and Child Pornography and on Protecting Children was adopted, and in 2000, the Child Abuse Prevention Law was adopted.

#### Children's rights institutions and national coordinating mechanism

The promotion of children's rights in Japan is ensured through the implementation of measures initiated respectively by each ministry and agency. Measures related to children include a wide range of issues, and many administrative organs also promote services for children. For example:

- The Ministry of Health and Welfare – providing for the welfare of neglected children and disabled children, services for maternal and child health
- The National Police Agency – prevention of juvenile delinquency, guidance activities, protection of youth victims of crimes, and regulations against crimes injurious to the welfare of the youth
- The Ministry of Justice – correction and rehabilitation of juvenile delinquents and the protection of human rights
- The Ministry of Education – education, sports, and culture
- The Ministry of Labor – protection of minor workers, vocational training

- The Management and Coordination Agency – coordinating mechanism for youth-related measures, promoting various measures for youth at the local level through the Government and local authorities

Since the Cabinet Office as well as the relevant ministries and agencies are in charge of implementation, there is no plan for establishing a new coordinating mechanism for the implementing the CRC. The government will continue to promote the implementation of the CRC under the existing system.

The Committee on the Rights of the Child encourages Japan to establish an independent nationwide system to monitor the implementation of the CRC. The Committee also recommends the establishment of local ombudsmen within each prefecture (Concluding Observation, February 2004).

### **Marshall Islands** (State Report, 24 August 2005)

Date of Ratification: 4 Oct. 1993

HDI 2005: No Statistics

Infant mortality rate 2006: 28.43 deaths/1,000 live births (CIA World Factbook)

#### Overview

Marshall Islands is a constitutional democracy with a population of about 56,000. There has been little economic growth since independence because of limited access to credit and low workforce skills.

Overall, health and education have improved during the past decade. Life expectancy has become longer and mortality rate has significantly fallen. School enrollment numbers have also increased. The government showed commitment to children's welfare through its programs of health care and free education.

However, up to 20 percent of elementary school-age children do not attend school on a regular basis since some of them live too far away from school or cannot afford the monthly registration fee. (U.S. Department of State, March 2006).

Geographic isolation is a barrier to equitable distribution of development resources and efficient delivery of public services. While the Marshall Islands faces rapid population growth, accelerated sea-level rise threatens the capacity of the land.

The rising incidence of suicide, juvenile crime, substance abuse, teen pregnancy and the emergence of youth gangs are underlying problems.

#### Law reform

The government is committed to harmonizing national laws with the principles and provisions of the CRC. For example:

- The Birth, Registration and Marriage Registration Act was amended, raising the legal age of marriage for women from 16 years to 18 years.
- Child Abuse and Neglect Legislation provides for mandatory reporting and investigation of actual or suspected cases of child abuse and neglect.
- The Criminal Code defines sexual relations with a person below the age of 18 as a sex crime and sexual abuse.

#### Children's rights institutions and national coordinating mechanism

The National Nutrition Children's Council (NNCC) was established by the government in 1991 to coordinate interventions for children and to monitor and report on implementation of the CRC. There are six permanent members including the Chief Secretary (Chairman), the Secretary of Health, the Secretary

of Education, the Secretary of Resources and Development, the Secretary of the Interior and the Medical Director of Public Health.

In late 1999, the position of “CRC Focal Point” was established in the Ministry of Internal Affairs. The CRC Focal Point and an international volunteer worked closely with the NNCC to implement the Convention and promote coordination of policies for children.

### **Nepal** (State Report, 3 December 2004)

Date of Ratification: 14 September 1990

HDI 2005: 136th

Infant mortality rate 2006: 65.32 deaths/1,000 live births (CIA World Factbook)

#### Overview

Some progress has been made and changes are taking place concerning the situation of children’s rights in Nepal, but much still remains to be done. The human rights situation in Nepal worsened after King Gyanendra staged a coup against the civilian government in 2005, which he said was necessary to suppress a 10-year-old Maoist insurgency. On Feb. 1, 2005, he dismissed the cabinet, declared a state of emergency, and assumed direct control of the government (U.S. Department of State, March 2006).

Security forces, which were under the control of the king, arrested the leaders of seven opposition political parties, and about 3,000 political, human rights, and student activists were detained for months after the coup (Human Rights Watch, 2005).

While the king maintained his power over key institutions such as the National Human Rights Commission, the civil service, and the media, the Maoists continued to commit serious abuses. They regularly abducted students from schools for political indoctrination. Most returned home within a few days, but some remained with the Maoists, either voluntarily or under compulsion (Department of State, March 2006).

Maoists also abducted teenagers to serve as porters, runners, cooks, and armed cadres. Thirty percent of Maoist guerillas were under the age of 18 (Department of State, March 2006). The Maoists and the government signed a peace agreement in November 2006.

Government policy is to provide free primary education for all children between the ages of 6 and 12. However, education is not compulsory and many families cannot afford school supplies and uniforms (Department of State, March 2006).

Early marriage based on social and religious values continues to abuse girls’ human rights. Girls are seen as a commodity to be bartered in marriage or as a burden. According to the Nepal Ministry of Health, girls’ average age of marriage is 16 years, and boys’ average age is 18 (Department of State, March 2006).

The law prohibits trafficking in persons, but trafficking in women and children remains a serious problem (Department of State, March 2006).

#### Law reform

The government is committed to harmonizing national laws with CRC provisions by adopting a series of laws regarding the rights of the child. One of these is the Children’s Act, formulated in 1992 after the ratification of the CRC, which provides a comprehensive national legal framework for the rights of the child.

Nepal also adopted the Child Labor Act in 2000, which defines hazardous work and prohibits the employment of children under the age of 16. The Kamaiya (a traditional system of bonded labor) Prohibition Act of 2002, which codified the emancipation of bonded laborers, penalized employers engaged in kamaiya labor practices, and established a government kamaiya relief fund.

However, there is inequality of legislation, in particular in local, customary and religious laws, which results in uneven and discriminatory protection and promotion of children's rights (Concluding Observation, Sep. 2005).

*Children's rights institutions and national coordinating mechanism*

Nepal has established coordinating mechanisms in matters relating to the implementation of the CRC, which include the District Child Welfare Board, the Central Child Welfare Board, the Ministry of Women, Child and Social Welfare, Department of Women Development, District Women Development Section and District Development Committee. However, there is lack of coordination among these bodies and not enough resources allocated to these bodies (Concluding Observation, Sept. 2005).

The Ministry of Women, Children and Social Welfare is a central mechanism in Nepal in the process of preparing the report of the CRC. It facilitates coordinating between the ministries, the Social Welfare Council, local government institutions and NGOs in realizing the rights of children.

The government adopted a special child development plan in its Ninth (1997- 2002) and Tenth (2002-2007) Plans, which address issues related to the rights contained in the Convention. Special child development programs are also being implemented for children under five living in remote and economically underdeveloped areas.

The Ministry of Women, Children and Social Welfare coordinates and collaborates with NGOs in implementing the Ninth and Tenth Plans.

Under the Children's Act, District Child Welfare Boards were established in all 74 districts, together with a Central Child Welfare Board. They are responsible for promoting awareness of child rights and mobilizing the government and NGOs to address problems faced by children at the district level.

**Philippines** (State Report, 5 November 2004)

Date of Ratification: 21 August 1990

HDI 2005: 84th

Infant mortality rate 2006: 22.81 deaths/1,000 live births (CIA World Factbook)

Overview

The democratic republic's government generally respects the human rights of its citizens. Overall, civilian authorities maintain effective control of the security forces. However, some elements of the security forces commit human rights abuses (Department of State, March 2006).

Although national orders and laws provide for the welfare and protection of children, child abuse such as sexual exploitation and neglect are serious problems. Approximately 2.4 million children are exposed to hazardous working environments such as quarries, mines, and docksides, and there are approximately 250,000 street children nationwide, according to UNICEF. Children are also victims of police abuse while in detention for committing minor crimes.

The government has devoted considerable effort to the education, welfare, and development of children. The Department of Education had the largest budget of any cabinet government in 2005: 12.3 percent of

the national budget. However, the quality of education still remained poor due in part to inadequate resources (Department of State, March 2006).

The geographical configuration of the country, which is composed of over 7,100 islands, makes it harder to implement adequate programs and services for children living in rural and remote areas. Domestic instability caused by political uncertainties and rebel movements has also disturbed human rights development in the Philippines (Concluding Observation, Sept. 2005).

#### Law reform

The Philippines has committed itself to bringing domestic law into line with the CRC, through the enactment of new laws and the adoption of programs. Many legislative amendments are adopted and new laws enacted, but implementation is poor, particularly at the local level.

Examples of new laws include:

- The Anti-Trafficking in Persons Act adopted in 2003, which instituted policies to eliminate trafficking in persons, in particular women and children, established institutional mechanisms for the protection and support of trafficked persons and provided penalties for traffickers.
- The Republic Act adopted in 2003 to eliminate the worst forms of child labor and afford stronger protection for the working child.
- The Anti-Violence Against Women and their Children Act of 2004 defines violence against women and their children, provides for protective measures for victims and penalties for the perpetrators of this violence.

#### Children's rights institutions and national coordinating mechanism

The Council for the Welfare of Children (CWC) is a coordinating mechanism for the rights of the child, integrating all relevant child-related indicators based on the provision of the CRC. All concerns over child rights are coordinated through the CWC.

The Special Committee for the Protection of Children, co-chaired by the Secretary of the Department of Justice (DOJ) and Secretary of the Department of Social Welfare and Development (DSWD), concurrent chairperson of the CWC, was established in 1995 to oversee implementation of a comprehensive program relative to child protection rights.

### **South Korea** (State Report, 26 June 2002)

Date of Ratification: 20 November 1991

HDI 2005: 28th

Infant mortality rate 2006: 6.16 deaths/1,000 live births (CIA World Factbook)

#### Overview

Korea has broadened the understanding of children's rights and increased their physical and emotional protection by creating legal and institutional measurements. The government generally respects human rights.

Education of children is of great importance in South Korea. Every child has the right to nine years of compulsory education. The government is committed to improving the quality of education in addition to increasing the number of students who receive an education.

Child abuse and trafficking in persons are reported by the U.S. Department of State (March 2006). South Korea is a country of origin, transit, and destination of trafficking in persons. Women are trafficked to the U.S. for sexual exploitation, sometimes through Canada or Mexico, as well as to other Western countries

and Japan. Women from Russia, other countries of the former Soviet Union, China, the Philippines and other Southeast Asian countries are trafficked to South Korea, often on entertainer or tourist visas.

The law prohibits prostitution and trafficking in persons. In 2004, South Korea implemented two new laws against prostitution and human trafficking. The law toughened penalties and provided for enhanced services and protection for victims of the sex trade.

#### Law reform

Many legal, institutional and administrative efforts have been made to harmonize national laws and the provisions of the Convention.

- The Child Welfare Act, the basic law for child welfare, is a central statute that addresses child abuse and is supplemented with several special acts, including the Act on Punishment of Sexual Violence and Protection of Victims, the Act on Prevention of Domestic Abuse and Victim Protection, the Youth Protection Act, and the Act on Protection of Youth from Sexual Exploitation. The Child Welfare Act of 1961 was revised in 1981.
- The Framework Act on Juveniles replaced the Juvenile Upbringing Act in 1993 to provide a basis for creating the social conditions and environment that can improve the development of young people.
- The Labor Standards Act, revised in 1997, strengthens the protection of children through raising the minimum legal age for work from 13 to 15.
- The National Act, the Criminal Procedure Act, and other national laws were revised and adopted to realize children's rights in accordance with the CRC.

#### Children's rights institutions and national coordinating mechanism

Various government departments and national authorities are concerned with national policies for children and youth.

- The Ministry of Health and Welfare is responsible for policies concerning children and is the leading government authority for coordinating and implementing the CRC.
- The Ministry of Culture and Tourism is responsible for policies concerning young people.
- The Ministry of Justice works to eliminate harmful environments for the healthy development of young people.

Many government-funded research institutes are developing welfare policies for children. Non-governmental and voluntary organizations also play an important role in working for children and promoting their rights.

### **Thailand** (State Report, 31 May 2005)

Date of Ratification: 27 March 1992

HDI 2005: 73rd

Infant mortality rate 2006: 19.49 deaths/1,000 live births (CIA World Factbook)

#### Overview

The government of Thailand generally respects the human rights of its citizens. The 1997 Constitution of the Kingdom of Thailand provides for democracy including public participation, a bicameral legislature, and human rights. However, there was a coup d'état in September 2006.

Human Rights Watch (2005) reported violence against both government authorities and civilians near the southern border. Many people were killed in the provinces of Pattani, Yala, and Narathiwat during attacks

on government buildings and clashes of insurgents with police, adversely impacting overall human rights development in the country.

Education is compulsory for nine years, and school tuition is free for 12 years. About 96 percent of children complete 6th grade, 80 percent complete 9th grade, and 79 percent complete 12th grade. There was a sharp increase in graduation rates from junior and senior high school in 2004 and 2005 (Department of State, March 2006),

Street children and trafficking in persons are serious problems in Thailand. There are believed to be approximately 20,000 street children in major urban centers. Many children from Cambodia, Burma, China, and Laos are trafficked for labor and sexual exploitation. The government provides shelters for street children, but some of them avoid the shelters for fear of being detained and expelled from the country. The government estimated there are as many as 30,000 or 40,000 prostitutes under 18 years of age (Department of State, March 2006).

#### Law reform

Since the ratification of the CRC, the government has made efforts to reform domestic laws accordingly. The revised constitution of 1997 focuses on providing greater freedom for citizens and equal rights and liberties in line with the provisions of the CRC.

The constitution called for the establishment of an Extraordinary Committee to consider draft legislation relating to children, to consist of representatives of NGOs on children. It also called for the appointment of a National Committee on Human Rights, and a Parliamentary Ombudsman for Child, Youth and Family.

Under the 1997 constitution, the government enacted new legislation and amended existing laws to conform to the Convention. For example:

- The National Education Act of 1999 allowed all children to study free of charge for a longer period with many kinds of assistance from the Government.
- The Labor Protection Act of 1998 increased the minimum age for legal employment from 13 to 15.
- The Child Protection Act of 2004 provides for all forms of state assistance to children and their families categorized under that Act or other relevant laws. The Act also covers protection, care, development and rehabilitation of children and their families.

#### Children's rights institutions and national coordinating mechanism

The National Youth Bureau (NYB) is the central body to coordinate both the public and private sectors. The NYB is under the new Ministry of Social Development and Human Security, which is responsible for the well-being of all vulnerable groups of the population.

Many governmental bodies are relevant to the CRC: the Ministry of Justice, Central Juvenile and Family Court, the Ministry of Education, the Ministry of Public Health, the Ministry of Interior, the Ministry of Labor and Social Welfare, the National Security Council, the Office of the Attorney-General, the Office of the National Police, Office of the Council of State, Bangkok Metropolitan Administration, etc.

The National Human Rights Commission and the Parliamentary Ombudsman for Child, Youth and Family are two independent bodies that perform the tasks of promoting and protecting the rights of the child. However, the accessibility and availability of these mechanisms to all children is questionable (Concluding Observation, March 2006).

Date of Ratification: 28 February 1990  
 HDI 2005: 108th  
 Infant mortality rate 2006: 25.14 deaths/1,000 live births (CIA World Factbook)

### Overview

Vietnamese authorities have been criticized for persecuting members of independent churches, imposing controls over the Internet and the press, restricting public gatherings, and imprisoning people for their religious or political views (Human Rights Watch, 2005).

On the other hand, the Vietnamese economy is in rapid transition from a centrally planned economy to a socialist-oriented market economy to improve the standard of living and reduce the influence of the Communist Party of Vietnam (CPV). However, many persons in isolated rural areas including ethnic minority groups in the Northwest Highlands, Central Highlands, and the central coastal regions, continue to live in extreme poverty (U.S. Department of State, March 2006).

Education is compulsory through the age of 14, but government and family budgets for education are unsatisfactory, especially in rural areas. Children frequently have to work in the agricultural sector. Ninety percent of children attend primary school, but the percentage decreases with the upper grades (U.S. Department of State, March 2006).

Child prostitution, trafficking in persons and street children remain serious problems. Vietnam is a source of trafficked women and children for the purpose of sexual exploitation. Women are trafficked primarily to Cambodia and China for sexual exploitation and arranged marriage. Between 1990 and 2000, approximately 20,000 young women and girls were sent to China to become brides, domestic workers, or prostitutes.

### Law reform

In a changing economic and social environment, there have emerged pressing social problems for children. Over the years, Vietnam has undertaken to revise and supplement a number of legal instruments related to children in the form of codes, laws, ordinances or other instructions to better protect children. For example:

- The Law on the Protection, Care, and Education of Children in 2004
- The Civil Code in 1995
- Marriage and Family Law

### Children's rights institutions and national coordinating mechanism

The Committee for Protection and Care of Children (CPCC) is a focal point for coordinating with related branches and socio-political organizations in the protection, care and education of children and ensuring the implementation of child-related objectives. CPCCs have been established at various levels since 1994, aiming to monitor and coordinate relevant government agencies and social or economic organizations.

The CPCC, in coordination with UNICEF, has set up a database for children. The Child Rights Indicators consist of 84 indicators and a strategic framework for monitoring and evaluating the implementation of the CRC and the Law on the Protection, Care, and Education of Children.

Date of Ratification: 26 June 1990

HDI 2005: 113th

Infant mortality rate 2006: 51.77 deaths/1,000 live births (CIA World Factbook)

Overview

In Bolivia, education is free and five years of primary school is compulsory. However, especially in rural areas, the attendance in primary school is low. Generally, 50 percent of children complete primary school, and 26 percent graduate from high school (Department of State, March 2006)

Child labor is a serious problem. Children work in mines and other dangerous occupations in the informal sector. Many children are trafficked within the country to work in prostitution, mines, domestic servitude, and agriculture, particularly harvesting sugar cane and Brazil nuts. Children are also trafficked to Argentina, Chile, Brazil, Spain, and the United States (Department of State, March 2006).

Law reform

In 1992, the enactment of the Code of the Minor included many of the ideas of the CRC but did not fully harmonize all of the provisions. In 1999, the Code for Children and Adolescents was enacted as an instrument for the concrete implementation of children's and adolescents' rights.

Bolivia still needs to consider all measures to fully harmonize its legislation with the Convention and to ensure the effective implementation of all legislation relevant to the child.

Children's rights institutions and national coordinating mechanism

There is no independent children's rights institution, and the capacity of coordinating mechanism such as the Vice-Ministry for Youth, Children, and the Elderly, is limited. The National Council for Children, provided for in the Code for Children and Adolescents of 1999 had not been established at the time of the Concluding Observation (February 2005). It is unclear what steps have been taken since the beginning of President Evo Morales's administration.

**Brazil** (State Report, 17 December 2003)

Date of Ratification: 24 September 1990

HDI 2005: 63rd

Infant mortality rate 2006: 28.6 deaths/1,000 live births (CIA World Factbook)

Overview

The government of Brazil has expanded the protection of the rights of the child. Reduction in the infant mortality and the significant expansion of primary education, which was a priority in the last decade, was the greatest government success.

The government also created a series of policies and programs for eliminating child labor, which benefited many and increased awareness of harmful work of children and adolescents.

Despite the government's commitment, millions of children suffer from poverty, work to survive, and fail to receive an education. More than 100,000 children and adolescents live in public shelters primarily due to poverty, abandonment, domestic violence, and drug abuse by parents or guardians (Department of State, March 2006). In Rio de Janeiro, 88 shelters and group homes exist for street children. In Sao Paulo, the city government runs several programs for street children, including a number of shelters.

Trafficking in children for the purpose of prostitution as well as child abuse or negligence are also serious problems.

Since Brazil has diverse characteristics in the different regions and the federal political-administrative structure, inequality hampers progress toward the full realization of the children's rights (Concluding Observation, November 2004).

#### Law reform

The 1988 Constitution and the Statute of the Child and Adolescent (ECA), passed in 1990, are the main legislation concerning children rights.

The Constitution and the ECA promote the doctrine of full protection for the child and adolescent and recognize a set of principles directed at ensuring the primacy of the interests of the child and adolescent.

From the human rights standpoint, the Constitution and the ECA provide a comprehensive view of the human rights of children and adolescents, whether civil, political, social, economic or cultural.

#### Children's rights institutions and national coordinating mechanism

There are multiple actors connected to the implementation of the Convention, but coordination between them at municipal, state and national levels is insufficient despite the existence of the National Council on the Rights of Children and Adolescent (CONANDA).

The CONANDA is responsible for elaborating the general norms for promoting and protecting the rights of the child and overseeing the implementation of assistance for children and adolescents. It is composed of representatives from the Ministry of State, the executive office of the president and non-governmental organizations.

The Ministry of Foreign Relations was responsible for coordinating the work of preparing for this initial report of the CRC. The Ministry of Foreign Relations formed a Drafting Committee, which was composed of representatives of the Ministry of Education; the Ministry of Health, the Ministry of Labor and Employment; the Special Secretariat for Social Assistance; the Department for Children and Adolescents of the Ministry of Justice; Institute of Applied Economic Research; National Foundation for the Indian and a representative of the National Council for the Rights of Children and Adolescents.

### **Chile** (State Report, 20 December 2005)

Date of Ratification: 13 August 1990

HDI 2005: 37th

Infant mortality rate 2006: 8.58 deaths/1,000 live births (CIA World Factbook)

#### Overview

The government of Chile generally respects human rights and has adopted a number of pieces of legislation regarding children's rights.

The government has put a great effort toward education. Since the 1990s, considerable hard work has been made to ensure quality in education and the right of all children to enjoy high-quality schooling regardless of their socio-economic status. Education is universal, compulsory, and free from 1st through 12<sup>th</sup> grade (age 21).

A problem in education is the high number of dropouts, which is particularly marked among children from indigenous groups, living in poverty or living in rural areas. Three-quarters of the population had

completed primary education (8 years), and 61 percent had secondary education (12 years) (Department of State, March 2006).

Violence against children is a problem. Sixty percent of children surveyed between the ages of 7 and 10 had suffered some type of aggression against them or their belongings either inside or outside their homes (Department of State, March 2006).

Trafficking in persons, child labor in the informal economy and child prostitution are also reported.

#### Law reform

Chile adopted a number of laws in order to further bring domestic legislation into conformity with the provisions of the Convention.

- The Adoption Law (the rights of the child are given precedence over the interest of adults)
- The Civil Marriage Act (the age of consent to marriage is set at 16 years for boys and girls without distinction)
- Juvenile Act
- Legislation ending discrimination against children born out of wedlock and recognizing extra matrimonial filiation
- Legislation against the abduction of children and their illegal transfer abroad
- Amendments to the Criminal Code, the Code of Criminal Procedure

#### Children's rights institutions and national coordinating mechanism

The National Policy in favor of Children and Adolescents and Integrated Plan of Action for 2001-2010, adopted in April 2001, are instruments to enhance coordinated intersectorial actions by public authorities.

In May 2003, the Council of Ministers for Children and Adolescents was established to advise the president on the design, definition, coordination and coherence of policies concerning children and adolescents. It was also responsible for preparing for the report.

The creation of the Office for the Protection of the Rights of Children (OPDs) in 2001 under the National Service for Minors is also a major step in coordination in policies and measures designed for children at the local level. The OPDs have professional teams in various disciplines which provide personalized care of a social, psychological and legal nature to children and their families.

### **Ecuador** (State Report, 15 July 2004)

Date of Ratification: 23 March 1990

HDI 2005: 82nd

Infant mortality rate 2006: 22.87 deaths/1,000 live births (CIA World Factbook)

#### Overview

The government has committed to develop children's rights and welfare and has increased funding for child health and education. However, those efforts are insufficient. About 65 percent of children (4.8 million) live in poverty and 15 percent of children under age five suffer from malnutrition (Department of State, March 2006).

A minimum of 10 years of education is compulsory, but due to the lack of schools in many rural areas and low economic states of households, some 660,000 children aged 6-17 (about 22 percent of school-age children) do not attend school (Department of State, March 2006). Even though education is free though high school, there are various related fees that prevent many children and adolescents from attending school.

Trafficking in persons for sexual purpose and child labor are problems. In 2005, the government enacted a law that criminalizes trafficking in persons and provides prison terms of six to 35 years. People are trafficked into Western Europe, primarily Italy and Spain, and other Latin American countries (Department of State, March 2006).

High-level social equality and poor economic conditions are obstacles in implementing the rights of the child.

#### Law reform

The new constitution and laws have been adopted to harmonize the existing legislation with the CRC. The new constitution was enacted in 1998 and provided a broader framework for the exercise of children's rights. Some of the laws include:

- The new Children's and Youth Code in 2002 was developed under the protection of the constitution to guarantee all human rights for all the children in the country.
- The Breastfeeding Promotion and Protection Act was adopted, and the National Council on Breastfeeding was established in 1995.
- The Free Maternity and Childcare Act were promulgated in 1994, and regulations were issued under the Act in 2002.

#### Children's rights institutions and national coordinating mechanism

The Department of Child Protection of the Ministry of Social Welfare is a technical organ that regulates, monitors, and evaluates programs and activities for the care and protection of children and adolescents. It observes children's rights in coordination with the various bodies.

In 2001, the Child Development Coordination Office was established as a body for the coordination of official institutions responsible for conducting public child development policy. It comprises the Department of Child Protection of the Ministry of Social Welfare, the Ministry of Education and Culture, and the Ministry of Public Health.

### **El Salvador** (State Report, 22 October 2003)

Date of Ratification: 10 July 1990

HDI 2005: 104th

Infant mortality rate 2006: 24.39 deaths/1,000 live births (CIA World Factbook)

#### Overview

After a 12-year civil war ended in 1992, El Salvador established institutions and legal instruments to protect the rights of the child. However, two earthquakes occurred in 2001, causing widespread damage. More than one million people lost their residences and many schools were destroyed.

The government is committed to improving children's rights and welfare, but allocation of resources and interagency coordination are insufficient. Protection of human rights was undermined by widespread impunity, corruption among the security forces and other governmental authorities, and gang violence.

Child labor is a widespread problem in El Salvador. According to Human Rights Watch (June 2004), children were working in a hazardous environment on sugar plantations. Harvesting cane requires children to use machetes and other sharp knives to cut sugarcane and strip the leaves off the stalks. At least 5,000 and as many as 30,000 children under age 18 work on Salvadoran sugar plantations.

The Ministry of Education and the Ministry of Labor have worked on raising awareness among students, teachers, and parents regarding the importance of remaining in school and avoiding harmful forms of child labor.

Although education is free, universal, and compulsory through the ninth grade, some children, especially in rural areas, are out of school due to school fees for items such as uniforms (Department of State, March 2006).

Child abuse, prostitution, and trafficking are serious problems too.

#### Law reform

After the ratification of the CRC, the country undertook a major review of domestic legislation, abolishing outdated legislation and introducing amendments and enacting new laws.

These are laws that have been enacted since the ratification of the CRC with a view to bringing domestic legislation into line with international treaty law:

- Drug-related Activities Regulation Act (1991)
- Office of the Procurator for the Protection of Human Rights Act (1992)
- Salvadoran Institute for the Protection of Children Act (1993)
- Family Code (1994)
- Family Court Procedure Act (1994)
- Amendments to the Labor Code (1994)
- Juvenile Offenders Act (1995)
- Register of Family Status and Marital Property Regimes Act (1995)
- General Education Act (1996)
- Domestic Violence Act (1996)
- Salvadoran Institute for the Advancement of Women Act (1996)
- Labor and Social Security Act (1996)
- National Register of National Persons Organization Act (1997)
- Criminal Code (1998)
- Code of Criminal Procedure (1998)

The constitution was also amended in 1999 to recognize every human being as a human person in response to the letter and spirit of the preamble of the CRC.

#### Children's rights institutions and national coordinating mechanism

Two institutions, the Office of the Procurator-General of the Republic and the Salvadoran Minors Council, were formally responsible for child protection. More recently, a number of important institutions were established whose mandate and functions are directly related to the promotion and protection of the rights of the child.

The Salvadoran Institute for the Protection of Children (ISPM) is the main body responsible for protection of children in all kinds of circumstances. The ISPM Act is based on the constitutional mandate to ensure special protection for children and reflects the doctrine of integrated protection based on the CRC.

### **Guatemala** (State Report, 29 March 2000)

Date of Ratification: 6 June 1990

HDI 2005: 117th

Infant mortality rate 2006: 30.94 deaths/1,000 live births (CIA World Factbook)

Overview

Guatemala's human record remains poor after nearly two decades after the return of civilian rule. Impunity for human rights abusers and political violence remain serious problems.

The government of Guatemala has paid special attention to education. The law provides free compulsory education for all children up to the 6th grade. However, the dropout rate is very high: 40 percent of children who entered primary school finish their third year and 30 percent are promoted beyond 6th grade (U.S. Department of State, March 2006).

Almost one quarter of children in Guatemala have to work to survive, and 67 percent of indigenous children suffer chronic malnutrition (Department of State, March 2006). The number of street children is approximately 5,000 nationwide.

Law reform

Guatemala's constitution recognizes international human rights treaties as superior to domestic law. Following ratification of the CRC, it drafted a Children and Adolescents Code which came into force in 1998. In order to make the provisions of the Children and Adolescents Code a reality, an institutional restructuring has taken place within the executive branch, in particular the Social Welfare Development.

The Children and Adolescents Code was replaced by the Law for the Fundamental Protection of Childhood and Adolescence in 2002, which came into force in 2003 (Representing Children Worldwide, November 2005).

The Act on the Prevention, Punishment and Eradication of Domestic Violence in 1996 is a mechanism for preventing and punishing acts which cause harm to people and directly affect their comprehensive development.

Children's rights institutions and national coordinating mechanism

The National Children's Council was established as a monitoring mechanism. It is made up of high-level government representatives, civic leaders and representatives of student organizations. The Council formulates and adopts policies for the comprehensive protection of children, and monitors and supervises services and establishments for children.

**Honduras** (State Report, 20 February 1998)

Date of Ratification: 10 August 1990

HDI 2005: 116th

Infant mortality rate 2006: 25.82 deaths/1,000 live births (CIA World Factbook)

Overview

Abuse of youth and children in poor neighborhoods and in gangs remains a serious problem. Violence and deprivation of the basic necessities are constant issues. Even police and members of the general population engaged in violence against poor youth and children (U.S. Department of State, March 2006). Police officers also engage in killing of children. In 2002, the Special Unit for the Investigation of Violent Deaths of Children was established, but the killing of children has continued. According to Amnesty International (September 2004), nearly 7,000 children and youth have been murdered or extrajudicially executed since February 2003.

Although the law provides free education through the age of 13, dropout rates are high and enrollment rates are low. According to the Department of State, estimated as many as 118,000 out of 1.15 million children aged 6-11 did not receive any schooling during the year 2005.

Child abuse, human trafficking, and child labor are serious problems, and the government has done little to improve living conditions or reduce the number of street children.

#### Law reform

The constitution of Honduras recognizes international treaties as part of domestic law. Following its ratification of the CRC, Honduras adopted the National Methodology for the elaboration of the Code on Minors, which was to harmonize national legislation with the principles of the CRC.

The Code on Children and Adolescents, approved in 1996, is the most highly debated and well known law in civil society. This effort to bring the law into harmony with the principles of the CRC opened up important opportunities for dialogue among civil society, children and national authorities. It outlines in detail a system of social policies, for declaration on the rights of the child, for bases and principles of the new system of special justice of children with all the guarantees of due process for arrest, committal, trial and systems of rehabilitation and re-socialization.

#### Children's rights institutions and national coordinating mechanism

The National Coordinating Commission on the Rights of the Child established in 1993 was responsible for coordinating, directing and planning the elaboration of the draft Code on Minors. It is an intergovernmental body with representation of several sectors of civil society and of boys and girls.

The Honduran Institute for Children and the Family (IHNFA) is an administrative body responsible for social policies on the rights of the child. In response to the provision of article 4 of the CRC, the IHNFA was established in 1995.

### **Mexico** (State Report, 24 August 2005)

Date of Ratification: 21 September 1990

HDI 2005: 53rd

Infant mortality rate 2006: 20.26 deaths/1,000 live births (CIA World Factbook)

#### Overview

Public education is offered through the university level, and nine years of education are compulsory. However, the government fails to ensure that tens of thousands of rural children receive primary education. A large number of parents, especially migrant farming families, choose to have their children work in agricultural fields rather than attend school (Human Rights Watch, 2005). According to the 2002 census, 91 percent of children between ages 6 and 14 attended schools, but only 68 percent of all children entering the first grade completed all nine years (U.S. Department of State, March 2006).

While laws prohibit trafficking in persons, children are trafficked to, from, and within the country. Child labor is a problem especially during the months that families migrate across state lines to work in agricultural camps.

#### Law reform

International treaties are ranked second after the Mexican constitution and ahead of federal and local laws. Articles 4 and 18 of the Constitution were amended in 2000 and 2006 in order to strengthen the protection of children's rights. The rights of children to food, health, education and healthy recreation were raised to constitutional status.

In 2002, the Act on the Protection of the Rights of Children was approved in order to regulate article 4 of the Constitution.

In 2003, reforms were introduced in the Federal Penal Code, the Federal Code of Penal Procedure, the Federal Act against Organized Crime and the Act establishing Minimum Rules for the Social Rehabilitation of Convicted Persons, all with a view to protecting children's rights.

The problem is lack of effectiveness of the measures taken to implement rights, and not all national legislation is in full conformity with the Convention.

*Children's rights institutions and national coordinating mechanism*

State Committees of the National System for Monitoring and Supervising the Implementation of the Convention on the Rights of the Child have been set up in 21 states out of 32 states of the Republic. The establishment of the Committees was recommended by the Committee on the Rights of the Child in 1994.

According to Concluding Observation (June 2006) the National Council for Children and Adolescents was established to coordinate the implementation of national goals in favor of children, but there are problems such as a lack of resources and participation of civil society representation in the Council's work.

**Nicaragua** (State Report, 15 October 2004)

Date of Ratification: 5 October 1990

HDI 2005: 112th

Infant mortality rate 2006: 28.11 deaths/1,000 live births (CIA World Factbook)

*Overview*

Nicaragua is one of the poorest countries in Latin America, with 45.8 percent of the population living below the poverty line, including 15.1 percent who are living in extreme poverty (U.S. State Department). The country also often faces serious natural disasters, such as hurricanes, floods, volcanic eruptions and earthquakes.

Primary education in Nicaragua is free and universal. Although the law provides for compulsory education through the sixth grade, the law is not enforced. The enrollment rate was estimated at 80 percent for primary school and 42 percent for secondary school in 2005 (U.S. State Department, March 2006)

Despite the prohibition of trafficking in persons, Nicaragua is a source for trafficking in women and girls to other countries for the purpose of sexual exploitation. In 2005, the government's anti-trafficking-in-persons office coordinated awareness campaigns for the public and border police and immigration officials, which increased awareness of the problem (Department of State, March 2006).

*Law reform*

After ratifying the CRC in 1990, Nicaragua amended its constitution to reaffirm its commitment to children's rights and to give the CRC constitutional authority.

The Code on Children and Young Persons was passed in 1998, which incorporated all of the principles of the CRC.

*Children's rights institutions and national coordinating mechanism*

The Code on Children and Young Persons established the National Council for the Comprehensive Care and Protection of Children and Young Persons which is attached to the office of the president. It acts as a link between government bodies and coordinates with other State authorities and civil society organizations that work with children and young persons.

**Panama** (State Report, 5 December 2003)

Date of Ratification: 12 December 1990

HDI 2005: 56th

Infant mortality rate 2006: 16.37 deaths/1,000 live births (CIA World Factbook)

Overview

The CRC has been incorporated into Panamanian law and the government of Panama is generally committed to children's rights and welfare. However, in spite of the progress that has been made, the CRC is not fully enforced in practice by the various administrative, political and judicial bodies, owing to an unwillingness to change traditional attitudes, a lack of information and resources and the absence of a real national movement for the rights of the child.

Poverty is a large obstacle in implementing the CRC especially in rural areas. According to the State Report more than one million people (37 percent of the population) live below the poverty line, and more than half a million (19 percent) live in conditions of extreme poverty. More than half of Panamanian children are poor.

Education is compulsory through the nine grade and the law established free public education through high school. However, the enrolment rate is low especially in Darien Province and among indigenous groups. They also have difficulty to reaching medical care. (Department of State, March 2006).

Child abuse is a serious problem. In the 2005, the Ministry of Social Development established a free phone line to psychologists and social workers for children to report abuses.

The magnitude of trafficking is difficult to measure, since the country is a transit point for undocumented economic migrants who are not forced into prostitution or debt bondage. However people are trafficked to, from, and within the country.

Law reform

Panama has legislated and/or amended various laws concerning the rights of the child, but lacks comprehensive legislative policy on the issue.

Family Code of 1994 contains regulations and legislation on prevention and on the protection and care of minors. Child Protection Law is governed primarily by the Family Code, but a new law is under consideration called the Law of the Fundamental Protection of the Child, which would include more fully developed child protection proceedings (Representing Children Worldwide, December 2005)

Children's rights institutions and national coordinating mechanism

The Ministry of Youth, Women, Children and the Family established in 1998 promotes and supervises the organization, administration, coordination and implementation of public policies designed to strengthen the family, the community and priority groups.

The Department of Children and the Department of Youth, both part of the Ministry of Youth, Women, Children and the Family, are responsible for establishing and analyzing the situation of children and

adolescents and proposing and implementing programs and projects that contribute to their full development, protection and assistance.

The National Committee for Monitoring Compliance with the CRC was established by the government in 1998. It is responsible for monitoring compliance with constitutional and legal provisions, and for supervising, coordinating and consulting with national and international institutions and agencies.

However, the Committee on the Rights of the Child is concerned about the lack of a coordinating system among those bodies and the effectiveness of implementation.

#### **Peru** (State Report, 24 May 2005)

Date of Ratification: 4 September 1990

HDI 2005: 79th

Infant mortality rate 2006: 30.94 deaths/1,000 live births (CIA World Factbook)

##### Overview

Of the country's population, 54.8 percent live in poverty and 24.4 percent in extreme poverty. Forty percent of the members of poor households are under 15 years of age (2001). In other words, in terms of distribution by age, children are the most excluded members of Peruvian society and therefore the most vulnerable and exposed to the most risks.

Education is free and compulsory through secondary school and generally is available throughout the country. However, widespread poverty is a problem, and fees for uniforms and books often prevent poor children from attending school. Approximately, one-third of all school-age children and adolescents worked during daytime hours rather than attending school (Department of State, March 2006).

##### Law reform

Peru ratified the CRC in 1990 and the CRC became part of national law. Following the ratification, in 1993 the Code on Children and Adolescents, which incorporated the principles of the Convention, was passed. Peru has developed and strengthened the child protection system by the Code on Children and Adolescents.

In 2000, Peru passed a new Code on Children and Adolescents, which resolved contradictions in the text and incorporated subsequent amendments and other legislation.

##### Children's rights institutions and national coordinating mechanism

The Ministry of Women and Social Development (MIMDES) is responsible for coordinating the social policies for children. The MIMDES was established in order to tackle the situation in which one in two Peruvians remained poor.

The National Plan of Action for Children and Adolescents 2000-2010 (PNAI) was created as well as a multisectoral Commission for its monitoring and implementation.

#### **Venezuela** (State Report, 15 December 1998)

Date of Ratification: 13 September 1990

HDI 2005: 75th

Infant mortality rate 2006: 21.54 deaths/1,000 live births (CIA World Factbook)

##### Overview

The law provides for universal, compulsory, and free education up to the university-preparatory level. However, 45 percent of boys and 35 percent of girls left school before the ninth grade. Many children of African and indigenous descent have no access to the education system.

There are approximately 15,000 children living on the street. Child abuse is rarely reported due to a fear of authorities, although child abuse, including incest, often occurs at home. Trafficking is also a problem: people are trafficked to, from, and within the country.

#### Law reform

Venezuela drafted a new Constitution in 1999 which gave human rights treaties constitutional status and reinforced the authority of the CRC through a specific reference.

In 1998, Venezuela repealed the Protective Law of Minors, which contained elements that were contradictory to the CRC, and published the Organic Law for the Protection of Children and Adolescents, which was in line with the principles of the Convention.

#### Children's rights institutions and national coordinating mechanism

The National System for the Protection and Integral Development of Children and Adolescents was created under the Organic Law for the Protection of Children and Adolescents. However, there is a lack of coordination and monitoring to guarantee the implementation of the Convention.

The National Children's Institute (INAM) and the Central Office of Statistics (OCEI), in cooperation with UNICEF and non-governmental organizations, develops indicators for monitoring the implementation of policies and programs for children.