



Making Children's Rights Work in North Africa:

Country Profiles
on Algeria,
Egypt,
Libya,
Morocco
and Tunisia



BUREAU
INTERNATIONAL
DES DROITS DES ENFANTS

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LOS DERECHOS DEL NIÑO

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The first version of this report was posted on IBCR's website in March 2007. This second version has been reedited in August 2007.

International Bureau for Children's Rights (IBCR)

Created in 1994 and based in Montreal, Canada, the International Bureau for Children's Rights (IBCR) is an international non-governmental organisation (INGO) with special consultative status with the United Nations Economic and Social Council (ECOSOC). IBCR offers its expertise, particularly in the legal sector, to contribute to the protection and promotion of children's rights in conformity with the 1989 United Nations *Convention on the Rights of the Child* (CRC) and its Optional Protocols. The expertise of IBCR resides in the sharing of knowledge and good practices and in the development of tools and models to inspire implementation of children's rights. IBCR's expertise also lies in raising awareness about children's rights to persuade decision-makers to adopt laws and programmes that more effectively respect the rights of the child.

In recent years, IBCR's main successes include its exceptional contribution to the elaboration of the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime as well as their adoption by the United Nations Economic and Social Council (ECOSOC Res. 2005/20). For more information, please visit our website at www.ibcr.org.

This publication is also available in Arabic.

ISBN 978-0-9738554-4-9

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Acknowledgements

This publication is the result of committed work from a number of collaborators and experts whose contribution has been crucial to the success of the programme. First, IBCR wishes to acknowledge the dedication of the country profile team, namely Jean-François Noël, Director General; Fritz Lherisson, Senior Advisor; Guillaume Landry, Programme Manager; and Vrej Atabekian, former Programme Manager (until August 2006). Particular recognition must also go to the numerous interns who drafted, documented, revised and edited the reports and whose work was at the centre of the programme. These include Charlotte Augert, Andrea Diaz Varela, Sophia-Caroline El Kabbaj, Vannina Etori, Laurence Ferland, Maëla Hémonin, Vanessa Lam, Chiara Marcazzan, Sorana Otetea, Elena Raicu, Alfred Reynolds, Ahmed Sidi Moulaye, and Aaisha Tracy.

This publication would not have been possible without the rich exchange of ideas and discussion with various Government Ministries and Departments in these countries, the UNICEF offices in Algeria, Morocco and Tunisia, NGOs and also other professionals and experts in child rights who have responded to questionnaires and provided comments. Special thanks go to Najat M'Jid, Chair of the Moroccan NGO Bayti, and Essam Ali, Children Rights Consultant, for the additional information provided on their respective country. Finally, IBCR would like once again to express its gratitude to Ambassador Moushira Khattab, Vice Chair of UN Committee on the Rights of the Child, for her invaluable support and to Chris Sidoti, Director of the International Service for Human Rights, for his precious assistance in editing and revising the report.

The painting featured on the cover of this report is from artist Marie Denise Douyon, created at the request of the *Commission des droits de la personne et des droits de la jeunesse* of Quebec on the occasion of the Conference “Making Children’s Rights Work”, which was organised by IBCR in Montreal, Canada in November 2004, to celebrate the 15th anniversary of the UN Convention on the Rights of the Child. For more information on the artist, please go to: <http://www.mariedenisedouyon.net>

The International Bureau for Children’s Rights gratefully acknowledges the contribution made by the Ministry of Foreign Affairs of Sweden towards the implementation of this programme.

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Foreword

Although the origins of the Convention on the Rights of the Child can be traced back to the early years of the last century, the actual negotiations proved very controversial and lasted ten years. Once adopted, however, the Convention entered into force within one year, in September 1990, and it has now been in place for more than one and a half decades. With 193 States parties, the universal acceptance of the Convention is unique. The Committee on the Rights of the Child monitors compliance with the Convention.

Representing a very comprehensive compilation of child-specific rights, the Convention constitutes a true challenge for the States. Unlike many other international instruments, the Convention does not merely require legislative amendments and institutional adjustments; it requires the adoption of and adjustment to a child rights-oriented philosophy. Implementation is a continuous and long-term exercise. Compiling information, comparing experiences and sharing successful practices, particularly among States with similar socio-economic situations and cultures, thus becomes an especially valuable process.

It is against this background that one should understand the IBCR's project on Country Profiles on the Status of the Implementation of the Convention on the Rights of the Child and must welcome the second volume covering Algeria, Egypt, Libya, Morocco and Tunisia. Apart from legal and institutional reforms, the emphasis is given to the identification of particular difficulties and good practices; the report demonstrates that the development and adoption of appropriate legislation is often easier than making a difference in practice. In addition, the approach to follow up on conclusions and recommendations made by the Committee on the Rights of the Child provides for a positive and practical interaction with the work of the Committee.

By employing coherent standards and methods, and having the aim to ultimately cover all States, these studies provide a basis for a comparative analysis. They should serve to inspire and encourage States to take further steps towards the full implementation of the Convention, and be a useful tool for the Committee when fulfilling its functions. A broad distribution and dissemination of this report, which will soon also be available in Arabic, will contribute to the common goal of enhancing the rights of the child in North Africa.



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Introduction

The programme on Country Profiles on the Status of the Implementation of the *Convention on the Rights of the Child* (CRC) is one of the core IBCR activities. It involves analysis and reporting on the status of implementation of the CRC and its *Optional Protocols*. It particularly aims to detect the existing challenges and gaps, highlight the progress made and identify the commendable practices that are developed in the area of children's rights by States parties. Moreover, the preparation and publication of the country profiles also allow a comparative analysis and an enhanced knowledge of the situation of children's rights at both country and region levels, highlighting achievements, variations and remaining challenges particular to a regional ensemble. The overall objective is to fill the disparities in monitoring children's rights at the national and regional level, and facilitate the implementation of the CRC and its Optional Protocols globally by providing States Parties with successful international practices that could be implemented in their respective countries. The programme has been attracting much interest on the part of Canadian agencies as well as international partners worldwide.

This publication is the second of its kind. In July 2006, with funding from the Canadian International Development Agency (CIDA), IBCR published its first regional report on South-East Asia, "*Making Children's Rights Work: Country Profiles on Cambodia, Indonesia, Sri Lanka, Timor Leste and Viet Nam*" (available at: http://www.ibcr.org/Publications/CRC/CP_Asia_5Countries.pdf). The second phase of the programme began in January 2006 when the Swedish Ministry of Foreign Affairs provided funding for the completion of profiles for North African countries, namely Algeria, Egypt, Libya, Morocco and Tunisia.

Methodologically, the programme is designed in a manner that combines various techniques and means of collecting, sorting, processing and interpreting information pertaining to children's rights in the selected countries. The research strategy also involved a series of verification techniques, interviews and regular contact with actors involved in the protection and promotion of children's rights in the countries examined in order to augment the information from the analytical part. As designed, the implementation of this programme commenced with collecting preliminary information and

data, and developing the first draft country reports. At this stage the IBCR's country profile team identified certain problematic areas and concerns pertaining to children in the above-mentioned countries. Some areas of research in relation to children's rights lacked up-to-date statistical data as well as an analysis of general trends pertaining to the status of children. Available information about national monitoring mechanisms and actions taken in response to the Concluding Observations of the Committee on the Rights of the Child was also not always sufficient. Nevertheless, the collected information and its analysis enabled the Bureau to create a fairly accurate general comprehension of the status of children and their rights in the selected countries of North Africa.

In order to validate the preliminary results of the IBCR's in-house research and analysis, the Bureau sent its Programme Manager to some of the selected countries on a fact-finding mission. The mission confirmed certain preliminary assumptions of IBCR's research, while also identifying various gaps and areas of concern. More specifically, the mission revealed that progress has been made in the implementation of the CRC, but that there are significant variations in the actions taken to promote and protect the rights of the child. While certain taboos are being broken in some countries, many issues remain by-and-large unspoken and henceforth unaddressed in several countries of the region. Also, certain disparities – both in terms of CRC implementation and research – existed within and between the countries.

Altogether the mission not only resulted in enrichment of the draft reports through the addition of factual information, but also confirmed the need for the proposed programme, by revealing the breaches pertaining to the implementation of the CRC and the Committee's recommendations. Many North African stakeholders expressed their enthusiasm about the programme, showing particular interest in the inclusion of a regional analysis for its potential to inspire neighbouring countries to learn from their respective experience. Following the fact-finding mission, the IBCR's country profile team continued to liaise with actors from the examined countries to verify and develop the content of the reports. Experts on children's rights from Morocco and Egypt were also asked to contribute information and analysis.

In the end, the reports highlighted main areas of concern regarding children's well-being and rights. These were *inter alia* respect for the rights and dignity of the child, including children in rural areas, children born out of wedlock, children in conflict with the law and children living on the streets. The reports also revealed that there is currently a dearth of knowledge about good practices and techniques for implementing and rendering the CRC operational, as well as insufficient coordination and collaboration between and sometimes within the countries. While analysing the collected information, the reports confirm the initial assumption that despite challenges, shortcomings and even apparent violations of children's rights, still in all the selected countries of North Africa, there are certain good practices that need further study and dissemination within countries, both at the regional and international level. These and other results of the programme are detailed in the relevant country reports that are hereby presented to you.

It should be noted that limited prospects of being able to gather different perspectives on the situation of children have led IBCR to decide not to conduct a fact-finding mission in Libya. Between October and December 2006, the IBCR's country profile team has tried instead to contact more than 30 local and international actors in Libya and abroad, including governmental offices and foundations, to collect data and verify information. However, nearly all of these contacts were unsuccessful. As a result, Libya's profile is nearly entirely based on literature and secondary sources, making it relatively less detailed than the others. In spite of the numerous gaps, IBCR nonetheless believes that it is still relevant to produce a brief overview of what is reported on the situation of children in Libya.

A new feature in this publication is the inclusion of a regional analysis. Indeed, lessons learned from the first regional report on South-East Asia as well as consultations with local stakeholders indicated the need for a regional perspective and analysis of the situation of children's rights in order to facilitate the understanding and henceforth sharing of good practices between countries. This second regional report on North Africa therefore introduces a chapter at the end of the report to synthesise and compare accomplishments and remaining challenges in the promotion and protection of children's rights in Algeria, Egypt, Libya, Morocco and Tunisia.

In the meantime, the Bureau continues seeking partners and funding in order to accelerate the pace of the implementation of the programme covering other regions of the world, with a particular interest on the remaining countries of Africa. Ultimately, this programme aims at covering all the States parties to the CRC and presenting a global country-based analysis of the situation of children's rights along the benchmarks of the Convention.



Children's Rights Profile on the People's Democratic Republic of Algeria

1.0 Introduction

1.1 Country Overview

The People's Democratic Republic of Algeria is located in North Africa on the southern shore of the Mediterranean Sea. It shares borders with Morocco, Western Sahara, Mauritania, Mali, Niger, Libya and Tunisia. Algiers is its capital. Of its 32.9 million inhabitants, 36.5% is under 18 years.¹ The population growth was 1.7% between the years 1990 and 2004.² 60% of the population lives in cities.³ Desert comprises 96.55% of the territory. Arabic is the official language. Islam is the state religion⁴ and the majority of Algerians are Sunni Muslim (99%). Approximately 30% of the population is Tamazight-speaking Berbers, many of which retain their own cultural heritage.⁵

Algeria's history is marked by invasions and violence dating back to the second millennium BCE. Following the French conquest of 1830, approximately 1 million French citizens migrated to what France later saw as its metropolitan extension in North Africa. At the end of the Second World War, strong popular movements sought Algeria's independence. The war of independence lasted seven years, resulting in more than 1 million deaths, several million displaced families and the unwilling departure of the French *colons*.⁶ The independence of Algeria was proclaimed on 5 July 1962, following a referendum in 1961. The *Front de libération national*, which led the independence struggle, took power and dominated politics until the late 1980s. Elections in December 1991 were cancelled after the first round when a victory by the *Front islamique du salut* appeared inevitable. A decade of conflict followed, with hundreds of thousands more deaths. At the end of the 1990s Abdelaziz Bouteflika was elected President and negotiated a "peace accord" (civil concord) to end the fighting, bringing a decline in violence and relative social

¹ "State of the World's Children 2007", UNICEF, table 1 pg 102 and table 6 pg 123

² Ibid

³ Ibid

⁴ Constitution Article 2

⁵ "Q&A: The Berbers", BBC News, last updated on 12 March 2004, available online at <http://news.bbc.co.uk/2/hi/africa/3509799.stm> (last accessed on 20 December 2006)

⁶ M. Bonner, M. Reif and M. Tessler. « Introduction », in *The Journal of Modern African Studies*. Volume Press. United Kingdom. 2004, pg 1

stability.⁷ President Bouteflika was re-elected in April 2004.⁸ In a referendum on 29 September 2005 a Charter on Peace and National Reconciliation was supported by 97.43% of Algerians.⁹

Algeria's economy has shown consistent growth due to the high oil prices and International Monetary Fund macroeconomics reform. Although efforts have been made to diversify the economy, oil and natural gas remain its backbone, accounting for 95% of export revenues, 30% of Gross Domestic Product and 60% of budget revenues.¹⁰ Unemployment is high; in 2005, it was estimated at 17.1% by the Office national des Statistiques¹¹ and at 25.4% by the World Bank.¹² According to the Centre National d'Études et d'Analyses pour la Population et le Développement, the poverty level nevertheless has decreased by more than 6% since 1995.¹³ Algeria is ranked 102 of 177 States in the United Nations Development Programme's human development index.¹⁴

The human right situation has improved significantly in recent years. President Bouteflika has launched a national reconciliation project and associations were established for the families of those who disappeared between 1992 and 2003. Arbitrary arrests have been reduced since the end of most violence.¹⁵ Despite these efforts, issues of concern in relation to respect of human right remain. For example, Amnesty International reports that Government actions to

⁷ "Basic search: Algeria", Uppsala University database, available on-line at <http://www.pcr.uu.se/database/conflictSummary.php?bcID=2> (last accessed 16 November 2006)

⁸ "Country profile: Algeria", BBC News, 19 September 2006, available on-line at http://news.bbc.co.uk/2/hi/middle_east/country_profiles/790556.stm (last accessed 17 November 2006)

⁹ "Basic search: Algeria", Uppsala University database, op. cit.

¹⁰ "Algeria", The World Factbook, 14 November 2006, available on-line at <https://www.cia.gov/cia/publications/factbook/geos/ag.html> (last accessed 17 November 2006)

¹¹ Office national des Statistiques de l'Algérie, 2005.

¹² "Algeria: Facts and Figures", World Bank 2005, available on-line at <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/0,,pagePK:180619~theSitePK:136917,00.html> (last accessed 19 October 2006)

¹³ "Algérie : Présentation de l'enquête sur le niveau de vie des ménages et la mesure de la pauvreté", UN Development Programme, available on-line at <http://www.dz.undp.org/evenements/seminaire%20ceneap-pnud1006.htm> (last accessed on 20 December 2006)

¹⁴ "Human Development Report 2006", United Nations Development Programme, table 1 pg 284

¹⁵ "Report 2006: Africa: Algeria", Amnesty International, available on-line at <http://web.amnesty.org/report2006/dza-summary-eng> (last accessed 4 July 2006)

reduce terrorist activities often result in human rights violations, and that violations by non-State actors, including insurgent movements, are also common.¹⁶

1.2 *The Children of Algeria*

More than 13 million children live in the 48 *wilayas* that form Algeria.¹⁷ Children are valued as symbols of continuity and protectors of Algerian culture and tradition. However, the violence of 1992-2003 produced many child victims and affected all children in one way or another. Their well-being was secondary to security imperatives. With greater political and social stability, significant efforts have been made to reduce poverty and improve the quality of social services. For example, to address regional disparities, in November 2005 President Bouteflika launched the National Strategy for Sustainable Rural Development to develop infrastructure, including schools and hospitals, in the south and the plateau regions.¹⁸

1.3 *Facts at a Glance*

- The population of Algeria is 32.9 million, of whom 36.5% are under 18.¹⁹
- The fertility rate is 2.4 births per woman.²⁰
- The population growth rate averaged 1.7% a year from 1999 to 2005 but is declining.²¹
- 60% of the population lives in urban centres.²²
- Less than 2% of the population lives on under a US dollar a day.²³
- The GDP per capita is estimated at USD 6.603.²⁴

¹⁶ "Unrestrained powers: Torture by Algeria's Military Security", Amnesty International, MDE 28/004/2006

¹⁷ "Algeria: The Worst Forms of Child Labour", Report 2004, available on-line at <http://www.globalmarch.org/resourcecentre/country.php> (last accessed 24 October 2006)

¹⁸ Meeting between the International Bureau for Children's Rights (IBCR) and the Commission de la Santé, des Affaires sociales, du Travail et de la Formation professionnelle de l'Assemblée nationale, Algiers, Algeria, November 2006

¹⁹ "State of the World's Children 2007", UNICEF, table 1 pg 102 and table 6 pg 122

²⁰ Ibid table 6 pg 122

²¹ Ibid

²² Ibid

²³ Ibid table 7 pg 126

²⁴ United Nations Development Programme, op. cit., table 14 pg 33

- In 2005, the infant (under 1) mortality rate was estimated at 34 per 1,000 live births, and the child (under 5) mortality rate at 39 per 1,000 live births, down from 220 in 1970 and 69 in 1990.²⁵
- The maternal mortality rate is estimated at 120 for every 100,000 births.²⁶
- Life expectancy at birth is 72 years.²⁷
- 7% of children are moderately underweight and 3% are severely underweight, while 19% are moderately or severely stunted.²⁸
- The primary school net enrolment rates are 98% for boys and 95% for girls and secondary school rates 65% and 68% respectively.²⁹
- The drop-out rate is 5.6% in primary schools³⁰ and 23.5% in high school.³¹
- The literacy rate for people aged 15 and over is 70% (80% for males and 60% for females).³²
- The percentage of HIV positive persons among the 15 years and over age group is 0.1%.³³
- Between 1994 and 2004, education received 24% of the national budget, health 4% and defence 17%.³⁴

²⁵ "State of the World's Children 2007", UNICEF, table 1 pg 102 and table 10 pg 138

²⁶ Ibid table 8 pg 130

²⁷ Ibid table 6 pg 122

²⁸ Ibid table 2 pg 106

²⁹ Ibid table 5 pg 118

³⁰ "2nd Report of Algeria to the CEDAW", The Permanent Mission of Algeria to the United Nations, 1 January 2005, available on-line at <http://www.algeria-un.org/default.asp?doc=2171> (last accessed on 21 December 2006)

³¹ *Concluding observations: Algeria*, 12/10/2005, CRC/C/15/Add.269

³² "State of the World's Children 2007", UNICEF, table 5 pg 118

³³ Ibid table 4 pg 114

³⁴ Ibid table 7 pg 126

2.0 International Conventions and Treaties

Date of admission to UN: 8 October 1962

Treaty	Status	Signature date	Ratification/ accession date	Reporting record
Convention on the Rights of the Child	Ratification	26.01.1990	19.12.1992 (Instrument received by the United Nations on 16.04.1993)	Initial report 16.11.1995, Second report 16.12.2003
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	Ratification		02.09.2006	
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	Ratification		02.09.2006	
African Charter on the Rights and Welfare of the Child	Ratification	21.05.1999	08.07.2003	
Convention on the Elimination of All Forms of Racial Discrimination	Ratification	09.12.1966	14.02.1972	Initial report 31.12.1973
International Covenant on Economic, Social and Cultural Rights	Ratification	10.12.1968	12.09.1989	Initial report 27.09.1994
International Covenant on Civil and Political Rights	Ratification	10.12.1968	12.09.1989	Initial report 15.04.1991
Convention on the Elimination of All Forms of Discrimination against Women	Accession		22.05.1996	Initial report 01.09.1998
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	No action			
Convention related to the Status of Refugees	Succession		21.02.1963	

Treaty	Status	Signature date	Ratification/ accession date	Reporting record
Protocol relating to the Status of Refugees	Accession		08.11.1967	
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	Accession		21.04.2005	
Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Ratification	26.11.1985	12.09.1989	Initial report 13.02.1991
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	Accession		31.10.1963	
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	No action			
Rome Statute of the International Criminal Court	Signature	28.12.2000		
Convention concerning the Minimum Age for Admission to Employment (C-138)	Ratification		30.04.1984	
Convention concerning the Elimination of the Worst Forms of Child Labour (C-182)	Ratification		09.02.2001	

Algeria's reservations on the Convention on the Rights of the Child

At the time of ratification of the CRC, Algeria made interpretative declarations on four articles. On Article 14, the right of the child to freedom of thought, conscience and religion, the Government of Algeria indicated that “the provisions of paragraphs 1 and 2 shall be interpreted ... in compliance with the basic foundation of the Algerian legal system”, in particular the Constitutional provisions on the establishment of Islam as the State religion³⁵ and on freedom of

³⁵ Constitution Article 2

thought and belief³⁶ and the Family Code provision that “a child’s education is to take place in accordance with the religion of its father”.³⁷ The other declarations concerned Article 13 (freedom of expression), Article 16 (right to privacy) and Article 17 (access to information), which Algeria interprets as being subject to the best interests of the child and safeguarding his or her physical and mental integrity, particularly in relation to breaches of public order, public decency and the incitement of minors to immorality and debauchery. The declaration further indicates that the director of a publication destined for children must be assisted by an educational advisory body.³⁸

3.0 Children’s Rights Review

3.1 General Overview

Algeria ratified the Convention on the Rights of the Child on 19 December 1992 and submitted the instrument to the United Nations on 16 April 1993. Its initial report³⁹ was submitted on 16 November 1995 and its second periodic report⁴⁰ on 16 December 2003. The Centre d’information et de documentation sur les Droits de l’Enfant et de la Femme also submitted an alternative report to the Committee on the Rights of the Child on 8 June 2005.⁴¹ The Committee issued its first Concluding Observations on 18 June 1997 and its second Concluding Observations on 12 October 2005. Algeria is due to submit its combined third and fourth reports on 15 May 2010. Algeria has recently ratified both Optional Protocols to the Convention with the Presidential Decree n.06-299 of 2

³⁶ Constitution Article 35

³⁷ Law No. 84-11 of 9 June 1984

³⁸ The declaration refers both to the Algerian Penal Code and to the provisions of Law No. 90-07 of 3 April 1990 of the Information Code. For the complete texts of the reservation and the declaration, see: Convention on the Rights of the Child: Declaration made by, UNHCR available on-line at <http://www.unhchr.ch/tbs/doc.nsf/Statusfrset?OpenFrameSet> (last accessed 30 November 2006)

³⁹ *Initial reports of States parties due in 1995: Algeria*, 29/05/1997, CRC/C/28/Add.4 (State Party Report submitted on 16 November 1995)

⁴⁰ *Second periodic reports of States parties due in 2000: Algeria*, 03/03/2005, CRC/C/93/Add.7

⁴¹ *Concluding observations: Algeria*, 12/10/2005, CRC/C/15/Add.269

September 2006.⁴² The initial reports under the Protocols have not yet been submitted.

While international treaties have precedence over national legislation,⁴³ the Convention has not yet been integrated formally into Algerian law.⁴⁴ Nevertheless, the Committee congratulated Algeria for having adopted several laws to protect and promote the rights of the child.⁴⁵ Act Number 05-04 of February 2005 was enacted as part of a reform of juvenile justice institutions to promote the social integration of children and included training for personnel of the Ministry of Justice.

Algeria has also adopted strategic plans for the benefit of children. The 1992 National Plan of Action for the survival, protection and development of the child was elaborated as a response to the World Summit for Children, but unfortunately its implementation has not been evaluated.⁴⁶ The 1998 National Plan of Action for the protection and well-being of children was accompanied by the establishment of an evaluation committee to follow-up its implementation.⁴⁷ These plans are broad and succinct, prioritising issues such as child health, protection of infants and mothers, access to education, and assistance to abandoned children. They do not include specific indicators or operational structure.⁴⁸

Algeria has established several coordinating bodies to assist in the implementation of the Convention on the Rights of the Child, including the National Committee for the Protection and the Wellbeing of the Child established in 1999 under the Ministry of National Solidarity and Family Affairs. The Committee produced a short National Plan of Action for Children to give general directions

⁴² "Convention et accords internationaux", Journal officiel de la République Algérienne N.55, 13 Chaâbane 1427, 6 September 2006. pg 3

⁴³ "Les Droits de l'enfant en Algérie: Rapport alternatif", Nadia Ait-Zai, in *Revue des Droits de l'Enfants et de la Femme*, Centre d'information et de documentation sur les Droits de l'Enfant et de la Femme (CIDDEF), April-June 2005, pg 5

⁴⁴ Meeting between IBCR and the Fondation pour la Promotion de la Santé et le Développement de la Recherche (FOREM), Algiers, Algeria, November 2006

⁴⁵ *Concluding observations: Algeria*, 12/10/2005, CRC/C/15/Add.269

⁴⁶ Nadia Ait-Zai, op. cit., pg 3

⁴⁷ Ibid, pg 4

⁴⁸ "Plan national d'action pour la protection et l'épanouissement de l'enfant", Ministère de la solidarité nationale et de la famille, Direction de la femme et de l'enfant et de la famille, République Algérienne démocratique et populaire, July 1998

on the implementation of the Convention.⁴⁹ However, it was not a detailed specific strategy for children and the Committee did not play an implementing and coordinating role.⁵⁰ Other bodies established were the Office of the Government's Deputy Minister for the Family and the Status of Women and the National Commission to Combat Child Labour.⁵¹ The Ministry responsible for Family and Women's Affairs was established in 2005 and it in turn established a National Committee for Children in 2006. It is too early to assess the effectiveness of the new National Committee but already concern has been expressed about its limited capacities and resources and the lack of communication between the Committee and civil society.⁵²

In recent years, the Ministry of Employment and Solidarity conducted a series of surveys on children living on the street, neglected children and abandoned children with the support of United Nations Agencies. In 2005, the Ministry for the Family and the Status of Women created a National Committee to combat violence against children.⁵³

The Committee on the Right of the Child welcomed new legal fostering arrangements that enable children to express their views and wishes or even consent to being cared for by parents other than their own, new rules that make it possible for both mother and father to transmit their citizenship to their children, a bill on child protection and increased expenditure and commitment to education and health care.⁵⁴

The recent rapid development of civil society in Algeria has led to significant improvements in the activism and involvement of NGOs in the protection and promotion of children's rights. The Nada Network (*Réseau Algérien pour la défense des Droits de l'Enfant*) was set up in 2005 to coordinate the work of the various child rights agencies. It brings together more than 100 professional associations and NGOs to share information, advocate for responses to violations of

⁴⁹ Meeting between IBCR and the Ministry of Employment and Solidarity, Algiers, Algeria, November 2006

⁵⁰ Meeting with the International Bureau for Children's Rights, Algiers, Algeria, November 2006

⁵¹ *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15/Add.269

⁵² Meeting between IBCR and the Ministry of Employment and Solidarity, Algiers, Algeria, November 2006

⁵³ Ibid

⁵⁴ *Second periodic reports of States parties due in 2000: Algeria*, 03/03/2005, CRC/C/93/Add.7

children's rights and facilitate collaboration and joint initiatives.⁵⁵ In 2005, the local NGO FOREM also created the Observatory on Children Rights to research and advocate for changes in favour of children's rights in Algeria.⁵⁶

According to the Committee on the Rights of the Child, despite the recent progress, challenges remain to achieve the full implementation of the Convention. These challenges include the lack of a comprehensive coordinating mechanism for implementation, the lack of an independent monitoring institution and gaps in the legal framework of children's rights. Other areas of concern include the physical and mental impact on children of the violence that prevailed in the 1990s.⁵⁷

A new Child Protection Code currently under development is expected to compile, update and harmonise all laws pertaining to the protection and promotion of children's rights, as recommended by the Committee on the Rights of the Child.⁵⁸ The draft Code covers areas such as the protection of endangered children, juvenile delinquency and the protection of children placed in institutions.⁵⁹ Some argue that the Code should refer to the African Charter on the Rights and Welfare of the Child and the Arab Charter on Human Rights, both of which have been ratified by Algeria.⁶⁰

3.2 Application of the CRC's Non-Discrimination Principle

The Algerian Constitution guarantees **protection against discrimination** to all citizens.⁶¹ It also specifically provides that "all children are equal before the law. No discrimination shall prevail by reason of birth, race, sex, opinion or any other personal or social condition or circumstance." Nevertheless, more concrete measures are needed to promote tolerance and equality among children. In

⁵⁵ Meeting between IBCR and the Réseau algérien pour la Défense des Droits de l'Enfant. Algiers, Algeria, November 2006

⁵⁶ Meeting between IBCR and the Fondation pour la Promotion de la Santé et le Développement de la Recherche (FOREM). Algiers, Algeria, November 2006

⁵⁷ *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15/Add.269

⁵⁸ Meeting between IBCR and the Ministry of Employment and Solidarity, Algiers, Algeria, November 2006

⁵⁹ "Quelle législation pour la protection de l'enfant?", Benmelha Ghaouti, in *Revue des Droits de l'Enfants et de la Femme*, Centre d'information et de documentation sur les Droits de l'Enfant et de la Femme (CIDDEF), April-June 2006, pg 15

⁶⁰ *Ibid* pg 18

⁶¹ Article 29

2005, the Committee on the Rights of the Child noted “the persistent de facto discrimination faced by girls, children with disabilities, children living in poverty, children born out of wedlock, children in conflict with the law, street children, children living in rural areas and Western Saharan refugee children”.⁶²

Some steps have been taken to address **gender inequality** in Algeria. The Family Code, largely based on *Shari'a* law, was adopted in 1984 and amended in February 2005, inter alia, to grant Algerian nationality through maternal parentage, tighten restrictions on polygamy and establish rules for divorce and parental guardianship.⁶³ The legal age for marriage under the Family Code for both men and women is 19 years and forced marriage is illegal.⁶⁴ Despite these encouraging developments, additional efforts are needed to change attitudes and ease the social pressures that contribute to discrimination against girls.

According to the Ministry of Employment and Solidarity, 3,020 **children born out of wedlock** were registered in 2005.⁶⁵ The Committee on the Rights of the Child recommended that the discriminatory classification of these children as “illegitimate” should be abolished.⁶⁶ In response, the Government indicated that a new law in preparation will make it mandatory to recognise paternity and grant “illegitimate” children a name and identity as a result of conclusive DNA testing.⁶⁷ At present, these children and their mothers suffer from social marginalisation.

Some 2.5% of Algerian children under the age of 15 have a **disability**.⁶⁸ Social stigma, fears and misconceptions surrounding disabilities remain strong in Algerian society, leading to the marginalisation and alienation of these children and limiting their

⁶² *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15/Add.269

⁶³ Meeting between IBCR and Terre des Hommes, Algiers, Algeria, November 2006

⁶⁴ Ordinance Number 05-02 ; see also “Entretien avec Fadila Bant Abdesslam, médiatrice juridico-sociale a l'ASFAD”, Nadia Mellal, in *Revue des Droits de l'Enfant et de la Femme*, Centre d'Information et de Documentation sur les Droits de l'Enfant et de la Femme (CIDDEF), January-March 2006, pg 27

⁶⁵ “L'ADN pour reconnaître la paternité” Article du Quotidien d'Oran, 7 Novembre 2006

⁶⁶ *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15/Add.269

⁶⁷ Quotidien d'Oran, op. cit.

⁶⁸ “سرب مدرسي، تشغيل، أمراض، سوء تغذية وأحلام مؤجلة: أطفال الجزائر يعانون!”, Abdul Malak Hadaad, Al-Shihaab, 2005, available on-line at <http://www.chihab.net/modules.php?name=News&file=article&sid=1073> (last accessed 25 August 2006)

access to buildings and transportation.⁶⁹ However, children with disabilities have access to free prosthesis.⁷⁰ The Government favours the integration of children with a minor disability in regular schools and since 2002 the number of integrated children has increased from 254 to 417. Government-run specialist centres offer services to children with various disabilities, including 80 medical and pedagogical centres for children with intellectual disability, 35 schools for the deaf and 16 for the blind and three centres for children with physical disability.⁷¹ In addition, civil society organisations operate 119 institutions for children with disabilities.⁷² Although the network of centres for children with disabilities is relatively developed, the infrastructure is reported to be in bad condition and the centres lack qualified staff.⁷³ Finally the Government provides a National Standard Solidarity Allowance to ensure a decent income to families with a dependant child with disabilities.⁷⁴

The Algerian Constitution grants children the right to express their views and their opinions.⁷⁵ However, there are concerns that the right of the child to freedom of thought, conscience and religion is not fully respected in practice and that some children suffer **discrimination based on religion**.⁷⁶ “[T]he law limits the practice of other faiths, including prohibiting public assembly for purposes of practicing a faith other than Islam.”⁷⁷ The Parliament enacted a law on 20 March 2006 to regulate non-Islamic religions.⁷⁸ The law prohibits proselytising and imposes a penalty of up to five years in prison and a fine of between 500,000 and 1 million dinars (approximately USD 12 800) for any non-Muslim sharing her or his

⁶⁹ *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15/Add.269

⁷⁰ “Algeria”, Country Reports on Human Rights Practices – 2005, 8 March 2006, available on-line at <http://www.state.gov/g/drl/rls/hrrpt/2005/61685.htm> (last accessed 4 July 2006)

⁷¹ “Written Replies From The Government Of Algeria To The List Of Issues”, 25/08/06, CRC/C/RESP/91

⁷² Meeting between IBCR and the Ministry of Employment and Solidarity, Algiers, Algeria, November 2006

⁷³ Meeting with the International Bureau for Children's Rights, Algiers, Algeria, November 2006

⁷⁴ “Written Replies From The Government Of Algeria To The List Of Issues”, 25/08/06, CRC/C/RESP/91

⁷⁵ Articles 2, 36 and 38

⁷⁶ *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15/Add.269

⁷⁷ “Algeria”, International Religious Freedom Report 2006, available on-line at <http://www.state.gov/g/drl/rls/irf/2006/71418.htm> (last accessed 20 October 2006)

⁷⁸ Ordinance 06-03

faith with a Muslim, including through providing services and publications.⁷⁹

In 2003, *Tamazight*, the language of the Berbers or Amazigh, was included into the education system.⁸⁰ However, concern was expressed that “the existing domestic laws and policies do not adequately preserve and promote the Amazigh identity of children, including their right to use their own language.”⁸¹ No action has since been taken by the Government in this regard.

The Committee on the Rights of the Child expressed particular concern about the lack of access to basic services, such as health and education, for children of nomadic families and communities.⁸²

3.3 Application of the CRC's Best Interests of the Child Principle

The Algerian Constitution prescribes the principle of the **best interests of the child** to safeguard families, young people and children.⁸³ However, the Committee on the Rights of the Child recently considered that the Government did not give adequate attention to this principle in national legislation and policies, particularly in relation to custody decisions. The general population has a low level of awareness about this principle.⁸⁴ Some initiatives have been taken to increase awareness. For instance, magistrates, decision-makers and law enforcement authorities have been trained in the past two years on the application of the Convention, with a significant impact on the attitudes and approaches of trainees.⁸⁵ Nonetheless, children are still largely seen as the objects of rights rather than the subjects of rights. More efforts are needed to ensure that children's rights are adequately reflected in domestic legislation and are taken as a primary consideration in all decision-making.⁸⁶

⁷⁹ “الجزائر تقرر قانونا يمنع التبشير لدين غير الإسلام”, Al-Muheet, 2006, available on-line at <http://us.moheet.com/asp/country.asp?m=5> (last accessed 4 July 2006)

⁸⁰ “الربيع الأمازيغي 2001: نضال شباب الجزائر وكادحيها المتواصل”, Al-Manadil-a, July 2005, available on-line at http://www.al-mounadhil-a.info/article.php3?id_article=395 (last accessed 24 August 2006)

⁸¹ *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15/Add.269

⁸² *Ibid*

⁸³ Article 63

⁸⁴ *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15/Add.269

⁸⁵ Meeting between IBCR and Centre d'Information et de Documentation sur les Droits de l'Enfant et de la Femme (CIDDEF), Algiers, Algeria, November 2006

⁸⁶ *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15Add.269

3.4 Application of the CRC's Child Development Principle

Algeria's social security system helps people in disadvantaged social groups to recover the cost of **healthcare**, especially medicine, through health insurance. Those who do not contribute to the social security system because of social deprivation and illness receive free medicine. The budget allocation for the health sector and the National Social Insurance Fund has increased from 89.23 billion dinars (USD 1.26 billion) in 2004 to 95.69 billion dinars (USD 1.35 billion) in 2005.⁸⁷ Access to healthcare is also provided through schools, as every school in Algeria has a clinic with a doctor and a psychologist.⁸⁸ However, maintenance and development of health infrastructure are said to be deficient.⁸⁹

The reduction of **infant and maternal mortality** rates remains a government priority despite the important reductions seen in recent years.⁹⁰ The Ministry of Health, Population and Hospital Reforms introduced a National Prenatal Programme 2005-2008 in April 2005 to halve these rates,⁹¹ train medical staff and increase awareness among pregnant woman and adolescents.⁹² A recent assessment of progress found that information about risks during pregnancy has indeed been made more widely available to adolescents and the capacity of the medical staff has been reinforced.⁹³

According to UNICEF, 10% of children are moderately or severely underweight and 19% are moderately or severely stunted.⁹⁴ **Malnutrition** is particularly persistent among children living in rural areas with limited access to health services. A number of initiatives have been taken since 2003, when the Ministry of Health, Population

⁸⁷ "Written Replies from the Government of Algeria to the List of Issues", 25/08/06, CRC/C/RESP/91

⁸⁸ Meeting between IBCR and Centre d'Information et de Documentation sur les Droits de l'Enfant et de la Femme (CIDDEF), Algiers, Algeria, November 2006

⁸⁹ "Algeria", Country Reports on Human Rights Practices – 2005, 8 March 2006, available on-line at <http://www.state.gov/g/drl/rls/hrrpt/2005/61685.htm> (last accessed 4 July 2006)

⁹⁰ *Second periodic reports of States parties due in 2000: Algeria*, 14/09/2005, CRC/C/93/Add.7 (State Party Report submitted on 16 December 2003)

⁹¹ *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15Add.269

⁹² "Santé et nutrition des mères et des enfants", UNICEF en Algérie, Document d'UNICEF, Mai 2006

⁹³ "Revised Country Programme Document Algeria", 26 October 2006, E/ICEF/2006/P/L.17/Rev.1, available on-line at http://www.unicef.org/about/execboard/files/06-PL17_Algeria_Rev1.pdf (last accessed 30 November 2006)

⁹⁴ "State of the World's Children 2007", UNICEF table 2 pg 106

and Hospital Reforms launched a prevention and **immunisation** campaign for early detection and treatment of communicable diseases. More recently, with the assistance of UNICEF, health and nutrition programmes have been set up to improve immunisation and respond to respiratory infections, iron deficiencies and general malnutrition.⁹⁵ In June 2006, UNICEF indicated that the plan for the eradication of poliomyelitis had been maintained and the immunisation coverage for children under 5 years had been increased, making Algeria one of the leading nations in the vaccination coverage of its children. Viral hepatitis immunisation has also been introduced.⁹⁶ To address the need for reliable data, the Government, in cooperation with UNICEF, has undertaken multiple indicator studies to evaluate the effectiveness of programmes.⁹⁷

HIV prevalence remains low, at 0.1% in 2003.⁹⁸ However, **HIV/AIDS** continues to be a concern as the number of new cases doubled in 2004 from the previous year. There may be a large number of unreported cases, with the actual number up to ten times that of reported cases.⁹⁹ In 2005, 4,100 women and girls above 15 were estimated to live with HIV.¹⁰⁰ The lack of sex education for teenagers is a matter for concern.¹⁰¹ Reproductive health is only discussed in biology classes in senior high-school, although NGOs offer extracurricular programmes to raise awareness about contraceptives and reproductive health.¹⁰²

The Algerian Government and international agencies have responded to the need. In 1989 the Government established an HIV/AIDS Committee with representatives from different ministries and,

⁹⁵ "At a Glance: Algeria: Statistics", UNICEF, available on-line at http://www.unicef.org/infobycountry/algeria_statistics.html (last accessed 4 July 2006)

⁹⁶ "Projet de descriptif de Programme de pays: Algérie", UNICEF, June 2006, pg 4

⁹⁷ "Santé et nutrition des mères et des enfants", UNICEF en Algérie, op. cit.

⁹⁸ *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15Add.269

⁹⁹ Kaci RACELMA, "Algeria: Low HIV prevalence not a problem? Think again", Inter Press Service, 6 January 2006, available on-line at <http://www.aegis.com/news/ips/2006/IP060103.html> (last accessed 20 October 2006)

¹⁰⁰ "At a Glance: Algeria", UNICEF, op. cit.

¹⁰¹ *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15Add.269

¹⁰² Meeting between IBCR and Centre d'Information et de Documentation sur les Droits de l'Enfant et de la Femme (CIDDEF), Algiers, Algeria, November 2006

starting in 2005, a subcommittee for children.¹⁰³ The Ministry of Health, Population and Hospital Reforms, in collaboration with the World Health Organisation, the United Nations Population Fund, UNAIDS, and UNICEF, developed the National Strategic Plan on AIDS for 2003 to 2006. The Government has established Specialised Youth Health Facilities within the State health system¹⁰⁴ and introduced a pilot project of youth-oriented counselling services and healthcare education¹⁰⁵ and “anonymous self-referral screening centres for HIV/AIDS and STDs”,¹⁰⁶ In November and December 2005, in collaboration with UNICEF, it conducted an HIV/AIDS awareness and prevention campaign.¹⁰⁷ In December 2005, the Ministry of Health, Population and Hospital Reforms announced that 42 new testing centres would be opened during the first four months of 2006 to provide voluntary, anonymous and free services.¹⁰⁸

The Constitution of Algeria guarantees the right to **education** to all children, without distinction of race, colour, sex or other factors.¹⁰⁹ School is free and compulsory for all children, including non-nationals, aged between six and 16. Civic and religious education is prioritised in the school curriculum from an early age in preparatory schools, kindergartens and nursery schools.¹¹⁰ The 2007 budget gives education the highest priority for public spending, before defence.¹¹¹ However, the Government has been criticised for the inefficiency of its spending in education, with one of the world's lowest rate of graduates (10%) in comparison with the total number of registered children in school.¹¹²

¹⁰³ “Algeria launches Unite for Children Unite Against Aids”, At a Glance: Algeria, UNICEF, available on-line at http://www.tsunamigeneration.org/infobycountry/algeria_30584.html (last accessed 30 November 2006)

¹⁰⁴ “Written Replies From The Government Of Algeria To The List Of Issues”, 25/08/06, CRC/C/RESP/91

¹⁰⁵ *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15Add.269

¹⁰⁶ “Written Replies From The Government Of Algeria To The List Of Issues”, 25/08/06, CRC/C/RESP/91

¹⁰⁷ “At a Glance: Algeria”, UNICEF, op. cit.

¹⁰⁸ “Algeria: Low HIV prevalence not a problem? Think again”, Inter Press Service, Kaci Racelma, 6 January 2006, available on-line at <http://www.aegis.com/news/ips/2006/IP060103.html> (last accessed on 21 December 2006)

¹⁰⁹ Article 53

¹¹⁰ *Second periodic reports of States parties due in 2000: Algeria*, 03/03/2005, CRC/C/93/Add.7

¹¹¹ Meeting between IBCR and UNICEF, Algiers, Algeria, November 2006

¹¹² Algérie, Document de Stratégie 2002-2006 & Programme Indicatif National 2002-2004, Partenariat Euro-Med, pg. 10, available on-line at

Despite general progress in schooling in recent years, the low enrolment rate in pre-primary education is a matter of concern,¹¹³ especially in rural areas where there are fewer schools, limited means of transport and security issues.¹¹⁴ Reform of the education system, begun in 2003, seeks to increase the enrolment rate of children aged between 5 and 6 years by 3.2%.¹¹⁵

There has been success over the past five years in increasing the gross enrolment rates in both pre-primary and secondary education.¹¹⁶ The number of children in primary and secondary schooling increases by an average of 6.55% a year, which equates to an average annual increase of 190,000 students, including 92,000 girls.¹¹⁷ However, problems remain. Only 37% of children aged between 15 and 18 years old attend secondary schools.¹¹⁸ According to a local NGO, an estimated 10% of children are not enrolled in school and 23% drop-out before completing schooling,¹¹⁹ with an even higher rate in rural area.¹²⁰ The net enrolment rate for girls is a little lower than for boys in primary education and slightly higher in secondary education. However, the Committee on the Rights of the Child notes that literacy and enrolment rates of girls do not seem to keep pace with those of boys.¹²¹ According to UNICEF, girls in rural areas are more likely not to attend school.¹²²

http://ec.europa.eu/comm/external_relations/algeria/csp/02_06_fr.pdf (last accessed 20 December 2006)

¹¹³ *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15Add.269

¹¹⁴ UNICEF, "The State of the World's Children 2006: Excluded and Invisible", available on-line at http://www.unicef.org/sowc06/pdfs/sowc06_fullreport.pdf (last accessed 23 October 2006)

¹¹⁵ "UNESCO Supports Reform of the Algerian Education System", UNESCO, October 2003, available on-line at http://portal.unesco.org/education/en/ev.php-URL_ID=23411&URL_DO=DO_TOPIC&URL_SECTION=201.html (last accessed 30 November 2006): "Education de qualité pour tous", UNICEF en Algérie, UNICEF document, May 2006

¹¹⁶ *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15Add.269

¹¹⁷ *Second periodic reports of States parties due in 2000: Algeria*, 03/03/2005, CRC/C/93/Add.7

¹¹⁸ "Projet de descriptif de Programme de pays: Algérie", UNICEF, Juin 2006, pg 3

¹¹⁹ Abdul Malak Hadaad, Al-Shihaab, op. cit.

¹²⁰ "Association Algérienne d'Alphabétisation IQRAA: Journée d'étude sur la déperdition scolaire", Ait Saïd Rabah, in *Revue des Droits de l'Enfants et de la Femme*, Centre d'Information et de Documentation sur les Droits de l'Enfant et de la Femme (CIDDEF), January-March 2006, pg 31

¹²¹ *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15Add.269

¹²² UNICEF, "The State of the World's Children 2006: Excluded and Invisible", op. cit.

One necessary strategy to increase enrolment rates is the provision of assistance to poor children. Three million children from low-income families are receiving an allowance of 2,000 dinars (USD 28) to cover enrolment fees and school meals. In 2005, this programme cost 6 billion dinars (USD 8.5 million). The Government also supports school feeding programmes and transportation in poorer communities for more than 2 million primary school students or close to half of the total student population.¹²³ The Government and UNICEF are currently implementing a National Education Strategy to halve illiteracy rates by 2015.¹²⁴ In addition, they have begun a project "Ecoles amies des Enfants" to prioritise quality education for all children.¹²⁵

Vocational training for adolescents and young people is also widely available throughout the country, with more than 1,000 training centres reportedly serving an equal number of girls and boys. The demand for this training is increasing, partly due to stricter criteria in the formal education sector.¹²⁶ The quality of the training is a concern and will be targeted by the Government in the next development phase of the education system. Efforts are also needed to match the training with the needs of potential employers.¹²⁷

The education situations and needs of children of nomadic families are largely unknown.¹²⁸

Algeria ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of **Children in Armed Conflict** on 2 September 2006. The recruitment of children in the military is forbidden,¹²⁹ but there has been criticism that there are no safeguards to prevent recruitment of under-18s into armed groups.¹³⁰ Although the minimum age of compulsory recruitment is 19 years,

¹²³ "Written Replies From The Government Of Algeria To The List Of Issues", 25/08/06, CRC/C/RESP/91

¹²⁴ "Education de qualité pour tous", UNICEF en Algérie, op. cit.

¹²⁵ Ibid

¹²⁶ Meeting between IBCR and the Commission de la Santé, des Affaires sociales, du Travail et de la Formation professionnelle de l'Assemblée nationale, Algiers, Algeria, November 2006

¹²⁷ Meeting between IBCR and the Fondation pour la Promotion de la Santé et le Développement de la Recherche (FOREM), Algiers, Algeria, November 2006

¹²⁸ *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15Add.269

¹²⁹ Ordinance No. 74-103 of 15 November 1974, referred to in *Second periodic reports of States parties due in 2000: Algeria*, 03/03/2005, CRC/C/93/Add.7

¹³⁰ "Algeria: Child Soldiers Global Report 2004", Coalition to Stop the Use of Child Soldiers, 2004, available on-line at http://www.child-soldiers.org/document_get.php?id=939 (last accessed 4 July 2006)

the minimum age for voluntary recruitment to the regulated armed forces or the unregulated paramilitary forces is unclear.¹³¹ The Government of Algeria has made political and socio-economic changes in its priorities with the relative stability of peace and security since 2000. Thousands of people including minors have been disarmed, pardoned or granted amnesty.¹³²

The Algerian Constitution protects the **family** as the basic unit that assists the child to develop fully¹³³ and provides special benefits and specific rights for children.¹³⁴ While under Algerian law both parents share responsibility for the upbringing and development of the child, the Committee on the Rights of the Child has expressed concern that Algerian fathers exercise full power over the child in practice.¹³⁵

Children **born out of wedlock** are considered wards of the State.¹³⁶ Although unmarried mothers reportedly have good access to medical care, because of strong social stigma many girls resort to abortion which is illegal and so is performed in extremely dangerous conditions.¹³⁷ Approximately 3,000 “illegitimate” children are born every year in Algeria, 90% of whom are abandoned for socio-economic reasons.¹³⁸ These children may be placed in one of the 35 specialised institutions for assisted children, where families can come to select a child for *kafalah*, a form of voluntary long-term fostering arrangement established by law. Some of these institutions are run by NGOs but the majority operate under the auspices of the State. Foster parents can give a family name to the child under their care but inheritance rights are not possible.¹³⁹ The Government is reported to examine ways to favour deinstitutionalisation of children

¹³¹ *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15Add.269

¹³² “Algerian amnesty takes effect”, Arab World, 3 March 2006, available on-line at <http://english.aljazeera.net/NR/exeres/65F4777C-66BD-4301-8F8C-882A0B2CE1CB.htm> (last accessed 23 October 2006)

¹³³ Article 58

¹³⁴ *Second periodic reports of States parties due in 2000: Algeria*, 03/03/2005, CRC/C/93/Add.7

¹³⁵ *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15Add.269 pg 9

¹³⁶ *Second periodic reports of States parties due in 2000: Algeria*, 03/03/2005, CRC/C/93/Add.7

¹³⁷ Abortion is illegal according to article 304 of the Algerian Criminal Code. See: *Second periodic reports of States parties due in 2000: Algeria*, 03/03/2005, CRC/C/93/Add.7

¹³⁸ Meeting between IBCR and Terre des Hommes, Algiers, Algeria, November 2006

¹³⁹ Nadia Ait-Zai, op. cit., pg 18

deprived of a family environment, with greater consideration for the autonomy of children.¹⁴⁰

In Algeria, birth and deaths are recorded in the civil registers and de facto recognition may be used as a way to establish identity.¹⁴¹ **Birth registration** is free and mandatory within 5 days of birth (10 days in the case of the Oasis and Saharan regions).¹⁴² Although 97% of births were registered in 2002, birth registration is not equally accessible for children across Algeria.¹⁴³ Children from nomadic families have lower birth registration rates.¹⁴⁴ The registration of children born out of wedlock is also an issue of concern in light of the social stigma associated with these births. The Committee on the Rights of the Child recommended that Algeria implement a more efficient birth registration system, free of charge for all and covering its territory fully, including through mobile birth registration units and awareness-raising campaigns to reach the most remote areas.¹⁴⁵

Violence against children was trivialised to a certain extent in Algeria due to the culture of violence resulting from the armed conflict of the 1990s. This attitude towards violence persists today. Corporal punishment and psychological violence receive little attention because Algerians have been exposed to far more graphic violence as a result of terrorism.¹⁴⁶ The law protects children from all forms of violence, physical or mental abuse, desertion or ill-treatment.¹⁴⁷ In 2005, there were 5,091 reported cases of physical or sexual violence against children and 28 children were killed.¹⁴⁸ Violence within families, including child abuse and ill-treatment, is

¹⁴⁰ Meeting between IBCR and the Ministry of Employment and Solidarity, Algiers, Algeria, November 2006

¹⁴¹ Civil Code Article 26; *Second periodic reports of States parties due in 2000: Algeria*, 03/03/2005, CRC/C/93/Add.7

¹⁴² Nadia Ait-Zai, op. cit., pg 7

¹⁴³ "Birth Registration Critical in providing for Children, UNICEF Says", UNICEF, 6 May 2002, available on-line at <http://canberra.usembassy.gov/hyper/2002/0605/epf315.htm> (last accessed 5 July 2006)

¹⁴⁴ *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15Add.269

¹⁴⁵ Ibid

¹⁴⁶ Meeting between IBCR and the Foundation Mahfoud Boucebc, Algiers, Algeria, November 2006

¹⁴⁷ Civil and Criminal Codes and Ordinance Number 72-03 of 10 February 1972; *Second periodic reports of States parties due in 2000: Algeria*, 14/09/2005, CRC/C/93/Add.7 (State Party Report submitted on 16 December 2003)

¹⁴⁸ "أطفال الشوارع، ضحايا العنف، المجرمين: جنوح الأحداث يهدد بانتشار الجريمة المنظمة مستقبلاً", Algerian News, 6 May 2006, available on-line at http://www.b7thy.com/newsp/issue1_files/New_Folder/News_2.htm (last accessed 25 August 2006)

very rarely reported to authorities. The Committee on the Rights of the Child noted the lack of reporting and coordination between medical and social services and legal authorities in child abuse cases.¹⁴⁹ Although prohibited in schools, corporal punishment is permitted in the home and largely accepted as a form of discipline.¹⁵⁰ Other forms of violence in the school are also of concern and the Ministry of Education is said to be currently conducting a study on this topic before drafting a response strategy.

Post-traumatic stress disorder among children is a concern in Algeria, a result again attributed to past violence and the experience of trauma during the 1990s.¹⁵¹ The Ministry of Employment and Solidarity and NGOs provide counselling sessions in youth centres to respond to this need.¹⁵² With the support of the United Nations Development Fund for Woman (UNIFEM), the United Nations Population Fund (UNFPA) and UNICEF, the Government has opened psychological recovery centres and follow-up and social reintegration units for children traumatised as a result of terrorist violence or the earthquake of May 2003.¹⁵³ The implementation in 2001 of a National Programme of Mental Health is a key step in addressing the specific rights of child witnesses and victims of violence.¹⁵⁴ However, there are only three residential homes for child victims of terrorism.¹⁵⁵ It is noted that more specialists and better training for personnel working in this sector are needed. While trauma resulting from terrorism is decreasing in Algeria, more and more children are reportedly in need of assistance due to violence at home or in school.¹⁵⁶

There have been reports that **sexual exploitation of children** is increasing in Algeria and that girls and boys who work as vendors, couriers or domestic servants are particularly vulnerable.¹⁵⁷ The

¹⁴⁹ *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15Add.269

¹⁵⁰ *Ibid*

¹⁵¹ Other contexts compared were Cambodia, Gaza and Ethiopia. "Mental health Aspects of Prolonged Combat Stress in Civilians", US Department of Veterans Affairs, 25 June 2006, available on-line at http://www.ncptsd.va.gov/facts/disasters/fs_civilians.html (last accessed 4 July 2006)

¹⁵² Meeting between IBCR and Foundation Mahfoud Boucebci, Algiers, Algeria, November 2006

¹⁵³ Meeting between IBCR and El Baraka, Algiers, Algeria, November 2006

¹⁵⁴ "Protection des enfants ayant des besoins spécifique", UNICEF en Algérie, Document d'UNICEF, May 2006

¹⁵⁵ *Second periodic reports of States parties due in 2000: Algeria*, 03/03/2005, CRC/C/93/Add.7

¹⁵⁶ Meeting between IBCR and Foundation Mahfoud Boucebci, November 2006

¹⁵⁷ *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15Add.269

Government has been criticised for not taking adequate measures to combat sexual exploitation, child prostitution or human trafficking.¹⁵⁸ The extent and nature of sexual violence against children are not well known, as the Government denies the existence of the problem in Algeria.¹⁵⁹ A current study on HIV/AIDS and girls involved in prostitution in Algeria may promote better understanding of the issue.¹⁶⁰ It is illegal for anyone to incite, promote or facilitate vice or corruption involving minors below 19 years of age.¹⁶¹ Although the sexual exploitation of children, child prostitution, rape, sexual abuse and indecent acts towards children are prohibited by the Penal Code, there are no specific legal framework, action plan¹⁶² or programme of awareness-raising or prevention to address the situation. Algeria ratified the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography on 2 September 2006.¹⁶³ It has not yet submitted its initial report under the Protocol.

The prevalence of **child trafficking** in Algeria is contested. The Global March against Child Labour reports increasing activity by organised criminal networks to smuggle and traffic people including children from parts of West Africa and Asia to Europe for forced labour, and there are unconfirmed reports that young Algerian girls are trafficked to Italy and other Western countries.¹⁶⁴ There are reportedly no systematic screening measures to distinguish trafficking victims from illegal migrants.¹⁶⁵ Algeria's laws do not specifically criminalise trafficking in persons although there is a legal framework to address the sale and trafficking of children, integrating both the causes and the effects of child trafficking, and to prosecute

¹⁵⁸ "Algeria", End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes http://www.ccpat.net/eng/adv_search.asp (last accessed 4 July 2006)

¹⁵⁹ Meeting between IBCR and the Ministry of Employment and Solidarity, Algiers, Algeria, November 2006

¹⁶⁰ Meeting between IBCR and the Scouts Musulmans algériens, Algiers, Algeria, November 2006

¹⁶¹ Article 342 of the Algerian Criminal Code. See also *Second periodic reports of States parties due in 2000: Algeria*, 03/03/2005, CRC/C/93/Add.7

¹⁶² *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15Add.269

¹⁶³ Presidential Decree Number 06-299; "Convention et accords internationaux", Journal officiel de la République algérienne N.55, 13 Chaâbane 1427, 6 September 2006. pg 3

¹⁶⁴ "Algeria: The Worst Forms of Child Labour", op. cit.

¹⁶⁵ "Algeria", Trafficking in Persons Report 2006, available on-line at <http://www.state.gov/g/tip/rls/tiprpt/2006> (last accessed 24 October 2006)

trafficking offences¹⁶⁶ To date the focus has been on prosecution rather than an prevention or the protection of victims.¹⁶⁷ In 2004, the Government announced a plan to create an office to address human trafficking and appoint a national anti-trafficking coordinator. However, their effectiveness remains unclear. In 2006, it provided the first witness protection programme for a victim of trafficking.¹⁶⁸

The Algerian Government recognises that migration to and through Algeria is increasing due to its location and recent economic growth.¹⁶⁹ Some migrants are unlawful but voluntary. Others are refugees. According to UNHCR, there are 160 recognised **refugees** in Algeria, including a few accompanied children, and more than 500 applicants awaiting recognition. Children who are applying for a refugee status or are in Algeria through unlawful migration do not have access to schools.¹⁷⁰

Sharing a border with Morocco and Western Sahara, Algeria is also home to many **Saharawi refugees**.¹⁷¹ The dispute over Western Sahara is longstanding and tens of thousands of refugees, 80% of whom are women and children, set up refugee camps in areas of Algeria, particularly in the southern town of Tindouf, which were previously considered uninhabitable desert.¹⁷² Opinions differ as to the exact number of refugees living in Algerian camps, with estimates ranging from 90,000 to 200,000.¹⁷³ These refugees find it difficult to access adequate assistance from the Government and NGOs.¹⁷⁴ Humanitarian assistance available to children, especially food, has

¹⁶⁶ Algerian Civil Code Article 36 and the Criminal and Civil Codes; see also *Second periodic reports of States parties due in 2000: Algeria*, 03/03/2005, CRC/C/93/Add.7

¹⁶⁷ Meeting with the International Bureau for Children's Rights, Algiers, Algeria, November 2006

¹⁶⁸ "Algeria", Trafficking in Persons Report 2006, op. cit.

¹⁶⁹ Rapport de l'Algérie sur la traite des personnes constatée par le Département d'Etat Américain." Algeria. Interdepartmental Committee, July 2006, pg 4

¹⁷⁰ Meeting between IBCR and the United Nations High Commissioner for Refugees. Algiers, Algeria, November 2006

¹⁷¹ "Country Report: Algeria", 2003, available on-line at <http://www.protectionproject.org/algeria.doc> (last accessed 24 October 2006)

¹⁷² "Camps: Saharawi refugee camps", Western Sahara Online, available online at <http://www.wsahara.net/camps.html> (last accessed 6 July 2006)

¹⁷³ "Conditions in Western Saharan refugee camps worsen as exile lengthens, food aid wanes", United Nations High Commissioner of Human Rights", 28 March 2002, available on-line at <http://www.unhcr.org/cgi-bin/texis/vtx/news/opendoc.htm?tbl=NEWS&id=3ca323bf4&page=news> (last accessed 6 July 2006)

¹⁷⁴ *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15Add.269

been insufficient.¹⁷⁵ The child mortality rate is much higher than in Algeria generally (62 per 1,000 births compared with 39). The maternal mortality rate is also very high (700 per 100,000 births compared with 120 in Algeria generally).¹⁷⁶ UNICEF is working to reduce these rates by 25% by the year 2009. Data collection on the causes of high mortality rates is therefore a priority. Specific training will be provided to medical staff and mothers and children will be educated about good practices of hygiene.¹⁷⁷

The Ministry of Education supports the education of Saharawi children outside the camps and provides material for schools in the camps. Approximately 2,987 children attend school in the camps around Tindouf, supported by 78 education personnel, mostly volunteers, working in 40 educational units, including 28 primary schools.¹⁷⁸ Despite a high primary school enrolment rate, about 55% of Saharawi children encounter failure at school and must repeat a year.¹⁷⁹ The quality of the education provided, the qualification of the teachers and the constant changes in personnel are described as serious problems for children. UNICEF is giving priority in its 2007-2009 programme to improving the quality of education and lowering illiteracy rates by providing school materials.¹⁸⁰ A supplementary food programme in primary schools encourages school attendance while reducing malnutrition. It reaches 7.7% of the children.¹⁸¹ The rights of girls to education and health and the principle of non-discrimination against girls are said to be respected in the camps by and large.¹⁸²

Children who live on the street are a source of concern in Algeria. Push and pull factors include limited access to housing, unemployment, poverty, domestic violence and abuse.¹⁸³ The lack of statistics makes it very difficult to assess the extent of the problem. A

¹⁷⁵ Meeting between IBCR and the United Nations High Commissioner for Refugees, Algiers, Algeria, November 2006

¹⁷⁶ "Descriptif de programme 2007-2009: Les enfants et les femmes Sahraouis réfugiés dans les camps de Tindouf", UNICEF, September 2006, pg 2

¹⁷⁷ Ibid, pg 5-6

¹⁷⁸ *Second periodic reports of States parties due in 2000: Algeria*, 03/03/2005, CRC/C/93/Add.7

¹⁷⁹ "Descriptif de programme 2007-2009: Les enfants et les femmes Sahraouis réfugiés dans les camps de Tindouf", UNICEF, op. cit., pg 2

¹⁸⁰ Ibid, pg 6

¹⁸¹ Meeting between IBCR and the United Nations High Commissioner for Refugees, Algiers, Algeria, November 2006

¹⁸² Ibid

¹⁸³ *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15Add.269

2003 survey found that of all children living on the street 60% are boys and 41% are 15 years or under.¹⁸⁴ These children have limited access to food, clothing, housing, health services and education, and are particularly vulnerable to economic and sexual exploitation.¹⁸⁵ Local NGOs report the emergence of networks that exploit children to collect money through begging.¹⁸⁶ In 2001 the Ministry of Employment and Solidarity established the *SAMU Social Enfants*, replacing police interventions against the children with mobile teams of psychologists and specialised educators working on the streets with the children living there.¹⁸⁷ However, street children are considered likely to commit crimes and so law enforcement authorities still tend to focus their energy and resources on them. In 2005, 3,485 children living on the streets were arrested and many were returned to their families.¹⁸⁸ The Ministry is drafting a plan to provide mobile emergency medical service for children with a particular focus on children at risk of physical and psychological problems.¹⁸⁹

Substance abuse is reported to be a growing phenomenon among adolescents, especially those living on the streets, but there is only one state-run detoxification centre and no specific strategy to address the problem.¹⁹⁰ Children in “moral danger” are directed to specialised centres while 48 Open Child Observatory Centres provide re-education, protection and reintegration services to children still living in a family environment.¹⁹¹ The Ministry of Employment and Solidarity has 2.6 billion dinars (USD 37 million) to operate all the centres under its auspices, including the Open Child Observatory Centres, the various centres for children with disabilities, centres for

¹⁸⁴ « Les enfants de la rue en Algérie », Mostefa Khiati, Observatoire des Droits de l'Enfant, FOREM, 2006

¹⁸⁵ *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15Add.269

¹⁸⁶ Meeting with the International Bureau for Children's Rights, Algiers, Algeria, November 2006

¹⁸⁷ “Les enfants de la rue en Algérie”, Mostéfa Khiati, FOREM, Observatoire des droits de l'enfant, 2006, pg 97

¹⁸⁸ Algerian News, op. cit.

¹⁸⁹ “Written Replies From The Government Of Algeria To The List Of Issues”, 25/08/06, CRC/C/RESP/91

¹⁹⁰ Meeting between IBCR and the Ministry of Employment and Solidarity, Algiers, Algeria, November 2006

¹⁹¹ “Les Droits de l'enfant en Algérie: Rapport alternatif”, Nadia Ait-Zai, in *Revue des Droits de l'Enfants et de la Femme*, Centre d'Information et de Documentation sur les Droits de l'Enfant et de la Femme (CIDDEF), Avril-Juin 2005, pg 24

orphans and abandoned children and social integration centres.¹⁹² Some of these institutions are reportedly understaffed and ill-equipped.¹⁹³ Terre des Hommes, an international NGO, has been working with the Government to train personnel in these institutions to improve the quality of the care provided and prevent secondary abuse and exploitation.¹⁹⁴

The minimum age for employment in Algeria is 16.¹⁹⁵ A 2004 study on child labour, initiated by the Ministry of Labour and Social Welfare in collaboration with the ILO, concluded that **child labour** in Algeria was not serious and that there was “no inhumane, degrading, or extreme exploitation of the person of the child in Algeria”.¹⁹⁶ According to the study, of the 2,146 children surveyed, 26% worked, 15.6% worked while attending school and 10.2% no longer attended school.¹⁹⁷ However, estimates of the number of child workers in Algeria range from 600,000 to 1.8 million.¹⁹⁸ Many children aged 16 and under, in both urban and rural areas, are encouraged by their parents to work in the informal sector.¹⁹⁹ Children who drop out of school may also be absorbed by the labour market.²⁰⁰ The situation is likely exacerbated by the high rate of unemployment. The use of girls as maids seems not to be as prevalent as in neighbouring countries but the practice does exist and is under-studied.²⁰¹ The problem of child labour has taken a new

¹⁹² Meeting between IBCR and the Ministry of Employment and Solidarity, Algiers, Algeria, November 2006.

¹⁹³ “Les enfants de la rue en Algérie”, Mostéfa Khiati, FOREM, Observatoire des droits de l'enfant, 2006, pg 100

¹⁹⁴ Meeting between IBCR and Terre des Hommes, Algiers, Algeria, November 2006.

¹⁹⁵ Ordinance No. 75-31 of 29 April 1975

¹⁹⁶ “Travail des enfants au stade de la prevention”, El Watan, 19 June 2005, available on-line at <http://www.elwatan.com/2005-06-19/2005-06-19-21556> (last accessed 5 July 2006)

¹⁹⁷ Ibid

¹⁹⁸ Mostéfa Khiati, FOREM, op. cit. ; Abdul Malak Hadaad, Al-Shihaab, op. cit.; “1.8 مليون طفل جزائري يعملون: عمالة أطفال الجزائر.. بين الاضطراب وعدم الوعي!”, available on-line at http://www.asyeh.com/asyeh_world.php?action=showpost&id=187 (last accessed 25 August 2006)

¹⁹⁹ “La main d'œuvre infantile en Algérie: Des parents poussent leur enfants à travailler”, Nassima Oulebsir, *Algerie-dz*, 20 March 2004, available on-line at <http://www.algerie-dz.com/article217.html> (last accessed 5 July 2006)

²⁰⁰ Meeting between IBCR and the Scouts Musulmans algériens, Algiers, Algeria, November 2006

²⁰¹ Ibid

dimension in recent years and responses have yet to adapt to the new challenge.

In its 2005 Concluding Observations, the Committee on the Rights of the Child stressed that Algeria needs to continue taking measures to prohibit the economic exploitation of children, to enforce the minimum age for employment and the prohibition of hazardous work.²⁰² This ineffectiveness is particularly acute for children working in the informal economy, where regulations and inspections are particularly deficient.

A number of government initiatives have been taken or are being developed to address the issue of child labour. In 2002 a National Commission to Prevent and Combat Child Labour was inaugurated under the Ministry of Labour and Social Security to coordinate 12 government departments and various trade unions and to inform, raise awareness, research and monitor the situation of child labour. Its recommendations have led to increased penalties.²⁰³ At the beginning of the 2004–2005 school year, lessons on children's rights and child labour were introduced as part of the school curricula.²⁰⁴ According to the Ministry of Labour a law is now being drafted to appoint labour inspectors to monitor the informal sector.²⁰⁵

Algeria's **juvenile justice** system is basic but the demands on it are substantial. In 2004, a total of 10,965 children were convicted of crimes. In 2005, some 4,739 children had been convicted of theft. In Algeria, the age of criminal responsibility is set at 13 (below this age children may not, even temporarily, be placed in detention²⁰⁶) while the age of criminal majority is set at 18²⁰⁷. The focus of sentencing is re-education rather than punishment. The death penalty cannot be imposed for crimes committed by a person under the age of 18.²⁰⁸ If a child is found guilty of a crime, he or she will be either released to his or her parents or detained. A convicted child has ten days to appeal the judge's decision. In February 2005 the Algerian

²⁰² *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15Add.269

²⁰³ Meeting between IBCR and the Ministry of Labour, Algiers, Algeria, November 2006

²⁰⁴ "Written Replies From The Government Of Algeria To The List Of Issues", 25/08/06, CRC/C/RESP/91

²⁰⁵ Meeting between IBCR and the Ministry of Labour. Algiers, Algeria, November 2006

²⁰⁶ Penal Code Article 456; see also Nadia Ait-Zai, op. cit., pg 25

²⁰⁷ Code of Criminal Procedure Article 442

²⁰⁸ *Second periodic reports of States parties due in 2000: Algeria*, 03/03/2005, CRC/C/93/Add.7; Nadia Ait-Zai, op. cit., pg 25

Government revised the “Act on the system of penal institutions and the social reinsertion of detainees which improves the status of children within the juvenile justice system”.²⁰⁹

The Government of Algeria has created a separate juvenile division within its court system as part of its efforts to improve the juvenile justice system.²¹⁰ However, according to an alternative report to the Committee on the Rights of the Child, there are no specialised judges for juveniles.²¹¹ In collaboration with UNICEF, the National Institute of Magistrates is integrating practice and a better understanding of child rights, including international standards on juvenile justice.²¹²

Young offenders may be placed in public correctional schools or in remedial educational institutions where they are classified on the basis of penal status, seriousness of the offence, age, personality and reform status.²¹³ There are 30 specialised Social Reinsertion Centres and Protection Centres, under the Ministry of Employment and Solidarity, for children convicted of petty crimes and children referred to prevent delinquency. These centres are stricter than the Open Child Observatory Centres but are still said to have an educative and preventive approach to rehabilitation.²¹⁴ Nevertheless, some issues have been raised in relation to the situation in these centres, particularly as to the conditions of detention, the lack of access to a complaint mechanism and the lack of resources and trained personnel. One NGO, the *Scouts musulmans algériens*, has entered a partnership with the Ministry of Justice to support the re-education of about 600 children detained in these centres.²¹⁵

Despite all the efforts to reform the juvenile justice system, children as young as 13 may still be jailed for up to 20 years.²¹⁶

²⁰⁹ *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15Add.269

²¹⁰ *Second periodic reports of States parties due in 2000: Algeria*, 03/03/2005, CRC/C/93/Add.7

²¹¹ Nadia Ait-Zai, op. cit., pg 25

²¹² *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15Add.269

²¹³ *Second periodic reports of States parties due in 2000: Algeria*, 03/03/2005, CRC/C/93/Add.7

²¹⁴ Meeting between IBCR and the Ministry of Employment and Solidarity, Algiers, Algeria, November 2006

²¹⁵ Meeting between IBCR and the Scouts Musulmans algériens, Algiers, Algeria, November 2006

²¹⁶ *Concluding Observations: Algeria*, 12/10/2005, CRC/C/15Add.269

3.5 *Application of the CRC's Child Participation Principles*

The Constitution of Algeria guarantees freedom of conscience and opinion, freedom of expression and freedom of intellectual, artistic and scientific creation.²¹⁷ Children can exercise their rights freely through mass communications such as newspaper, radio and television.²¹⁸ However, the child's right to participation is seldom observed in reality. The participation of adults in public spheres has been restrained in Algeria for decades, although improvements are noticeable in recent years. So child participation is seen by many as a luxury Algeria cannot yet afford. Mechanisms to support children's participation are reported to be lacking, especially in community life.²¹⁹

Civic education and children's rights, including the right to participate, have been incorporated in the school curriculum.²²⁰ Children have participated in the International Day of the Child and in the Day of the African Child and other outreach activities have been organised along with the screening of children's documentaries. Both houses of Parliament have held special sessions for children where children were allowed to ask questions freely about their rights.²²¹ Local Delegates for Youth Affairs, under the Ministry of Youth Affairs and Sports, are in charge of developing recreational, cultural and educative activities for children and young people. These Delegates are also closely involved in awareness-raising campaigns and outreach activities to disseminate information and exchange with children and adolescents on subjects such as HIV/AIDS, smoking and the Convention. These programmes encourage peer education and strengthen youth leadership.²²²

A hotline called "*je t'écoute*" (I'm listening to you) was due to be launched in January 2007 by the Nada Network to report violations of children's rights. Starting in six primary schools and six junior high schools in Algiers, the project focuses on children empowerment and

²¹⁷ Respectively Article 35, 36 and 38

²¹⁸ Act Number 90-07 of 3 April 1990; see also *Second periodic reports of States parties due in 2000: Algeria*, 03/03/2005, CRC/C/93/Add.7

²¹⁹ Meeting with the International Bureau for Children's Rights, Algiers, Algeria, November 2006

²²⁰ *Second periodic reports of States parties due in 2000: Algeria*, 03/03/2005, CRC/C/93/Add.7. (State Party Report submitted on 16 December 2003)

²²¹ "Written Replies From The Government Of Algeria To The List Of Issues", 25/08/06, CRC/C/RESP/91

²²² Meeting between IBCR and the Ministry of Youth Affairs and Sports, Algiers, Algeria, November 2006

is expected to reach 2,400 students. Students from these selected schools will receive training on children's rights, including on how to make a complaint against anyone who violates his or her rights. They will be taught how to pass on their knowledge to other children, as they will in turn become peer educators for other children.²²³

4.0 Overall Assessment

The violence of the 1990s limited Algeria's capacity to fully protect and promote children's rights. While the Government recognises that Algeria fell behind during that period, it is determined and is taking concrete steps to move forward quickly. Nevertheless the Government is faced with competing priorities, within a context where the influence of Islam remains significant in social, moral, legal and family matters.

One of the main challenges is reaching domestic agreement on what the key problems for Algeria's children are, what factors underlie them and what should be done in response. There are different points of view on the nature and extent of vulnerable groups of children, such as children living on the street, child labourers, child victims of trafficking and child victims of sexual exploitation, making it difficult to combine strategies and resources to address the problems.

High drop-out rates and poor quality teaching in the education system are serious concerns. Violence against children has been trivialised in daily life. Discrimination against girls and religious and ethnic minorities has been reduced but efforts are still required to ensure equal rights for all. The Convention on the Rights of the Child is still unknown to many people, including some decision-makers, and child participation has been very limited.

On the positive side, civil society in Algeria has experienced unprecedented developments in recent years. It is becoming more active and more robust, both in service provision and in advocacy. The media are increasingly interested in issues related to the children's rights of the child, helping to raise awareness of child protection issues in particular, although the approach by and large is sensationalist.²²⁴ Coordination among NGOs and between government and NGOs remains weak. The development of a

²²³ "Présentation du projet " Je t'écoute"", Nada –Réseau Algérien pour la Défense des Droits de l'Enfants, pg 3-4

²²⁴ Meeting between IBCR and the daily El Watan, Algiers, Algeria, November 2006

National Plan of Action for Children is more and more urgent, as the number of State interventions increases but without comprehensive strategies to focus them.

There has been progress in recent years in harmonising national legislation with the Convention on the Rights of the Child, in combating child labour, in reforming the juvenile justice system and in raising awareness on HIV/AIDS. Statistics on the health of children and the enrolment of children in school have improved. The Government is now examining important changes, such as finding alternatives to the institutionalisation of children and the introduction of a Child Protection Code. There are more programmes to support and integrate children with disabilities, although their marginalisation persists. Many challenges remain in implementing and enforcing new legislation, allocating sufficient resources to the sectors in need and implementing comprehensive prevention strategies against abuse and neglect.

The challenge for Algeria in protecting and promoting children's rights is the challenge of implementing the Convention on the Rights of the Child, making good the obligations that Algeria voluntarily accepted and the promises it made when it ratified the Convention. Much more is required to achieve this.



Children's Rights Profile on the Arab Republic of Egypt

1.0 Introduction

1.1 Country Overview

The Arab Republic of Egypt is strategically located at the intersection of Africa and Asia and so controls land movement between the two continents as well as the Suez Canal and the estuary of the Nile River. It has borders with Libya, Sudan, Israel and the Occupied Palestinian Territories and sea frontages on the Mediterranean Sea, the Red Sea and the Gulf of Aqaba. It plays an important role in Middle Eastern and North African regional and global politics and is one of the most significant members of African, Arabic and Islamic groupings in international forums.

Egypt is probably the world's oldest continuing civilisation and has had a fundamental influence on human culture. It has been both conqueror and conquered. In 1517, Egypt became part of the Ottoman Empire. It was one of the first Middle Eastern societies to be forced to open to Western influence following Napoleon's invasion in the early 19th century. From the late 19th to the mid 20th century, it was dominated by Britain. Egypt became fully independent after the Second World War and became a republic on 19 June 1953 after King Farouk had been deposed. The official language is Arabic and the majority of Egyptians are Muslim (90%). Coptic Christians are the largest minority religious community, with 9% of the total population.¹ Islam is the State religion.²

With over 74 million people, Egypt is the most populous country in the Arab world.³ 40% of its population is under 18 years. It has four major regions: the Nile Valley and Delta, the Western Desert, the Eastern Desert and the Sinai Peninsula. Almost the entire population, 99%, lives in the Nile Valley and Delta region, making it a very densely populated area. Egypt has the second largest economy in the Arab world.⁴ Its economy is primarily based on tourism,

¹ "Background note: Egypt", US Department of State, August 2006, available on-line at <http://www.state.gov/r/pa/ci/bgn/5309.htm> (last accessed 4 October 2006)

² Article 2, "Egypt Constitution", Laws and Constitution, available on-line at http://www.egypt.gov.eg/english/laws/Constitution/chp_one/part_one.asp (last accessed 12 October 2006)

³ "State of the World's Children 2007", UNICEF, table 1 pg 102

⁴ Economist.Com country briefings, http://www.economist.com/countries/_/Egypt/profile.cfm?folder=History%20in%20brief (last accessed 6 December 2006)

remittances from Egyptians working abroad, petroleum and revenues from the Suez Canal.⁵ According to the Minister of Finance, 30% of Egypt's economic activities are in the informal sector.⁶ Egypt is steadily improving its economy, achieving an average of 2.5% economic growth a year between 1990 and 2004.⁷ The International Monetary Fund (IMF) considers it one of the top countries in the world undertaking economic reforms.⁸ It has been ranked 111 of 177 States in the United Nations Development Programme (UNDP)'s human development index.⁹

However, Egypt confronts serious economic and social problems, including the very high population density along the banks of the Nile.¹⁰ 23% of the population live below the poverty line and the unemployment rate is close to 30% among those aged between 18 and 25 years.¹¹ Many families encounter great difficulties in fulfilling their responsibilities in raising their children due to their precarious financial situation. In July 2000, the Government decided to increase social security payments to the approximately one million families living in extreme poverty. Nevertheless, these families still have to cover school and hospital fees for their children, a situation that often compromises the rights of poor children to education and health.¹²

Hosni Mubarak became the President of Egypt following the assassination of his predecessor, Anwar Sadat, in 1981. He was elected within Egypt's tightly controlled political system to his fifth

⁵ UNDP Egypt country profile, available on line at <http://www.undp.org.eg/profile/egypt.htm> (last accessed 21 December 2006)

⁶ Economist. Com country briefings, op. cit.

⁷ "Human Development Report 2006", United Nations Development Programme, table 14 pg 333

⁸ "IMF Executive Board Concludes 2006 Article IV Consultation with the Arab Republic of Egypt", IMF, 11 July 2006, available on-line at <http://www.imf.org/external/np/sec/pn/2006/pn0675.htm>, (last accessed 2 November 2006)

⁹ United Nations Development Programme, op. cit., table 1 pg 285

¹⁰ UNDP Egypt country profile, op. cit.

¹¹ "Economic Participation of Women in Egypt", H. Nassar, American University in Cairo, 31 March 2004, available on-line at www.aucegypt.edu/src/wsite1/background/employment_egypt.htm (last accessed 10 October 2006)

¹² "NGOs' Report on the Rights of the Child in Egypt", report submitted by the NGO Coalition on the Rights of the Child at the 26th Session of the Committee on the Rights of the Child, Geneva, 8 to 26 January 2000, available on-line at <http://www.crin.org/resources/infoDetail.asp?ID=185> (last accessed 5 December 2006), pg 21

consecutive six-year term in September 2005. The electoral reform in 2005 that had opened the presidential election to other candidates did not fundamentally alter the process.¹³ The principal opposition movement, the Muslim Brotherhood, was not entitled to contest the election directly as it is considered a religious organisation. No other opposition grouping was strong enough to challenge the ruling party seriously.¹⁴

Human rights feature as part of the Government's professed commitment to political reform. On 19 January 2004, the Government established the National Council for Human Rights to monitor and report on the human rights situation in the country. The Council is not an independent human rights institution.¹⁵

1.2 The Children of Egypt

Egypt has put the survival and development of children at the centre of its policy agenda. In 1989, President Mubarak declared the 1990s the Decade of the Egyptian Child. In 2000, the President launched the Second Decade for the Protection and Welfare of the Egyptian Child to improve health care services for all children, provide social protection to children and families in difficult situations, including children who drop out of school, child workers, children living on the streets, children in conflict with the law and children in institutions, and ensure the registration of all children in compulsory free education.¹⁶ The Presidential Declaration on the Second Decade for the Protection and Welfare of the Egyptian Child guided the formulation of a National Plan of Action to implement the outcome of the United Nations General Assembly Special Session on a World Fit for Children. This plan is currently being updated in cooperation with UNICEF.¹⁷ The situation of children in Egypt has improved but many profound challenges remains.

¹³ BBC News Country Profile: Egypt, available on line at http://news.bbc.co.uk/1/hi/world/middle_east/country_profiles/737642.stm (last accessed 21 December 2006)

¹⁴ Ibid

¹⁵ Communication between the International Bureau for Children's Rights (IBCR) and a Children Rights Consultant, Cairo, Egypt. November 2006

¹⁶ Lababidy, Leila (UNESCO Consultant), "The Delivery of Early Childhood Services: Egypt's National Case Study", available on line at portal.unesco.org/education/en/file_download.php/64491a8c237c9d21dd029769614fbc75Egypt.pdf (last accessed 6 December 2006), pg 1

¹⁷ Communication between International Bureau for Children's Rights and the National Council for Childhood and Motherhood, December 2006

1.3 *Facts at a Glance*

- Of the population of 74 million, 40% are under the age of 18 years.¹⁸
- 42% of the population live in cities.¹⁹
- The infant (under 1 year) mortality rate is 28 per 1000 births and the child (under 5) mortality rate is 33 per 1,000 births, down from 225 in 1970 and 104 in 1990, respectively.²⁰
- The maternal mortality rate is 84 per 100,000 births.²¹
- 5% of children are moderately underweight and 1% severely underweight and 18% are moderately or severely stunted²² (23.2% in rural Upper Egypt and 13.3% in rural Lower Egypt). 30% of children under five suffer from some degree of anaemia.²³
- Life expectancy at birth is 70 years.²⁴
- The primary school net enrolment rates are 97% for boys and 94% for girls and the secondary school net enrolment rates 81% and 77% respectively.²⁵
- The adult literacy rates are 83% for males and 59% for females.²⁶
- 3% of the population live on less than 1 USD a day²⁷ and 44% on less than 2 USD a day.²⁸
- Per capita GDP is USD 4,211.²⁹
- Between 1994 and 2004, the share of the national budget for health was 3%, for education 15% and for defence 9%.³⁰
- In 2003, the budget of the Ministry of Education was 24.2 billion Egyptian pounds (USD 4.25 billion).³¹

¹⁸ "State of the World's Children 2007", UNICEF, table 1 pg 102 and table 6 pg 122

¹⁹ Ibid table 6 pg 122

²⁰ Ibid table 10 pg 138

²¹ Ibid table 8 pg 130

²² Ibid table 2 pg 106

²³ Egypt demographic and health survey EDHS 2000, Fatma El-Zanaty, Ann A. Way, January 2001, available on-line at <http://www.measuredhs.com/pubs/pdf/FR117/00FrontMatter.pdf> (last accessed 21 December 2006)

²⁴ "State of the World's Children 2007", UNICEF, table 6 pg 102

²⁵ Ibid table 5 pg 118

²⁶ Ibid table 5 pg 118

²⁷ Ibid table 7 pg 126

²⁸ United Nations Development Programme, op. cit. table 3 pg 293

²⁹ Ibid table 1 pg 285

³⁰ "State of the World's Children 2007", UNICEF, table 7 pg 126

- 11% of urban children and 24% of rural children were involved in early marriage between 1986 and 2004.³²
- From 1997 to 2005, 92% of girls and women from urban areas and 98% of those from rural areas were subjected to genital mutilation,³³ while 27.7% of girls aged between 0 and 17 had been mutilated and 41% were waiting for the procedure.³⁴
- 25% of street children are under 12 years and 66% of them are between 13 and 16 years.³⁵

2.0 International Conventions and Treaties

Date of admission to UN: 24.10.1945

Treaty	Status	Signature date	Ratification/ accession date	Reporting record
Convention on the Rights of the Child	Ratification	05.02.1990	06.07.1990	Initial Report 23.10.92; Second Periodic report 18.09.98
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	The Government of Egypt states that it has acceded to the Optional Protocol on 12 July 2002 but this is not indicated in the database of the Office of the High Commissioner for Human Rights.			
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	Accession		12.07.2002	12.08.2004

³¹ Communication between International Bureau for Children’s Rights and the National Council for Childhood and Motherhood, December 2006

³² “At a Glance: Egypt”, UNICEF, available on-line at http://www.unicef.org/infobycountry/egypt_statistics.html (last accessed 10 October 2006)

³³ The State of the World’s Children 2007, UNICEF Report, table 9, pg 134

³⁴ “The National Plan to Stop Violence against Children – Egypt”, National Council for Childhood and Motherhood, Draft March 2006

³⁵ “A Civil Society Forum for North Africa and Middle East on Promoting and Protecting the Rights of Street Children”, Consortium for Street Children, 3-6 March 2004, Cairo, Egypt, available on-line at <http://www.streetchildren.org.uk/reports/northafrica.pdf> (last accessed 10 October 2006), pg 11

Treaty	Status	Signature date	Ratification/ accession date	Reporting record
African Charter on the Rights and Welfare of the Child	Ratification	30.06.1999	09.05.2001	
Convention on the Elimination of All Forms of Racial Discrimination	Ratification	28.09.1966	01.05.1967	
International Covenant on Economic, Social and Cultural Rights	Ratification	04.08.1967	14.01.1982	
International Covenant on Civil and Political Rights	Ratification	04.08.1967	14.01.1982	
Convention on the Elimination of All Forms of Discrimination against Women	Ratification	16.07.1980	18.09.1981	
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	No action			
Convention related to the Status of Refugees	Accession		22.05.1981	
Protocol relating to the Status of Refugees	Accession		22.05.1981	
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	Accession		19.02.1993	
Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Accession		25.06.1986	
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	Accession		12.06.1959	
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	No action			

Treaty	Status	Signature date	Ratification/ accession date	Reporting record
Rome Statute of the International Criminal Court	Signature	26.12.2000		
Convention concerning the Minimum Age for Admission to Employment (C-138)	Ratification		09.06.1999	
Convention concerning the Elimination of the Worst Forms of Child Labour (C-182)	Ratification		06.05.2002	

Egypt's reservations on the Convention on the Rights of the Child

When ratifying the Convention on the Rights of the Child, the Government of Egypt made reservations to Articles 20 and 21 in relation to alternative care for children deprived of their family environment and adoption. The reservations were unnecessary as the Convention recognises Islamic fostering traditions, *kafalah*, and does not require a State to provide for adoptions. On 31 July 2003 Egypt withdrew its reservations.³⁶

3.0 Children's Rights Review

3.1 General Overview

Egypt ratified the Convention on the Rights of the Child on 2 September 1990. Its initial report was submitted to the Committee on the Rights of the Child on 23 October 1992³⁷ and the Committee issued its first Concluding Observations on 18 February 1993.³⁸ Egypt reported a second time to the Committee on 18 September 1998³⁹ and the Concluding Observations were issued on 21 February

³⁶ CRC Reservations and Declarations, http://www.bayefsky.com/./html/egypt_t2_crc.php (last accessed 30 November 2006)

³⁷ "Initial Report of States parties due in 1992: Egypt", 11/12/1992, CRC/C/3/Add.6

³⁸ "Concluding Observations: Egypt 3rd Session", Committee on the Rights of the Child, 18 February 1993, CRC/C/15/Add.5

³⁹ "Second periodic report due in 1997: Egypt", 11/11/1991, CRC/C/65/Add.9

2001.⁴⁰ Egypt is due to submit its combined third and fourth reports to the Committee in 2007.⁴¹

Egypt acceded to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography on 12 July 2002. It has not yet submitted its initial report to the Committee under the Optional Protocol which was due on 12 August 2004. The Egyptian Government also reports having acceded to the Optional Protocol on the Involvement of Children in Armed Conflict on the same day in July 2002 but no such indication is found in the database of the Office of the High Commissioner for Human Rights and no initial report to the Committee under the Optional Protocol has been submitted.

In its 2001 Concluding Observations, the Committee on the Rights of the Child welcomed the enactment of the 1996 Child Law, which integrated in one law a number of earlier legal instruments for the protection of the child and enhanced the consistency of the national legislation with the Convention.⁴² It also noted the discrepancy between the definition of the child in the Child Law as a person under 18 years and the definition in the 1948 Civil Code as a person under 21 years.⁴³

The Committee was also concerned about reliable data, training in children's rights and cooperation between government and civil society. It stressed the need for Egypt's Central Agency for Public Mobilization and Statistics to collect data on children effectively in order to guide policy and legislative changes and to address issues pertaining to the protection and promotion of children's rights. The training of professionals working directly with children and the greater involvement of civil society in planning and addressing child protection issues were also highlighted.⁴⁴ Recognising the importance

⁴⁰ "Concluding Observations: Egypt 26th Session", Committee on the Rights of the Child, 21 February 2001, CRC/C15/Add.145

⁴¹ Meeting between IBCR and the National Council for Childhood and Motherhood, Montreal, Canada, December 2006

⁴² "National Report on Follow-up to the World Summit for Children Egypt", National Council for Childhood and Motherhood, 30 December 2000, available on-line at <http://www.arabhumanrights.org/unconf/child/unicef/egypt-00e.pdf#search=%22egypt%20national%20council%20of%20childhood%20and%20motherhood%22> (last accessed 11 October 2006)

⁴³ "Egypt: Summary and Analysis", Representing Children Worldwide (RCW), Yale Law School, May 2005, available on-line at <http://www.law.yale.edu/rcw/rcw/jurisdictions/afn/egypt/frontpage.htm> (last accessed 13 October 2006)

⁴⁴ Ibid, para.14

of this Law in improving the protection of children in Egypt, the Committee noted at the same time that some interpretations of Islamic family law can be in conflict with the spirit of human rights proclaimed in the Convention.⁴⁵ The Government responded positively to these recommendations. In 2002, the Foreign Ministry in collaboration with the UNDP launched a human rights capacity building programme to train judges, magistrates, law enforcement authorities, media personnel, teachers and professionals working with children and to improve on a continuing basis their understanding of a wide range of human rights treaties, including the Convention on the Rights of the Child.⁴⁶ In 2004, the National Council for Childhood and Motherhood initiated a Child Labour Survey and established a national database on education to improve the collection of statistics and facilitate follow up. In 2005 the National Council also developed a Plan of Action for Marginalised Children that was approved by the Prime Minister at a gathering of 27 governors and the ministers of education, health, social affairs and local development and the minister of the two parliamentary chambers. The National Council reports that all its strategies and programmes are implemented through partnerships with government ministries, local communities and NGOs.

In its 2001 Concluding Observations, the Committee on the Rights of the Child encouraged the establishment of an independent national human rights institution.⁴⁷ In response, in June 2003, the Egyptian Government established a National Council of Human Rights, alongside two existing councils: the National Council for Women and the National Council for Childhood and Motherhood. The responsibility for the protection and promotion of children's rights is part of the attribution of each of these Councils, a situation which creates some contradictions and overlaps. However, in practice, the National Council for Childhood and Motherhood has been the highest national authority since its inception in January 1988 with responsibilities in relation to the Convention.⁴⁸ Its mandate includes policymaking and planning, coordinating, monitoring and

⁴⁵ "Concluding Observations: Egypt 26th Session", Committee on the Rights of the Child, 21 February 2001, CRC/C15/Add.145, para.6

⁴⁶ Communication between International Bureau for Children's Rights and the National Council for Childhood and Motherhood, December 2006

⁴⁷ "Concluding Observations: Egypt 26th Session", Committee on the Rights of the Child, 21 February 2001, CRC/C15/Add.145, para.18

⁴⁸ "National Report on Follow-up to the World Summit for Children Egypt", National Council for Childhood and Motherhood, op. cit.

evaluating activities for the protection and development of children.⁴⁹ It has been very active in promoting children's rights. None of the Councils has been accredited as an independent national human rights institution that complies with relevant international standards.⁵⁰

The National Council for Childhood and Motherhood has also been active in promoting legislative reform to ensure greater consistency with the requirements of the Convention on the Rights of the Child. In 2006, after three years of consultations with civil society and government ministries, it proposed a programme to reform the Child Law, including:

- Increasing the minimum age of children's criminal responsibility to 12 years;
- Increasing the minimum age of girl's marriage to 18 years;
- Providing a distinct status and treatment for children considered at risk and children in conflict with the law;
- Ensuring separate environments for children and adults in detention centres;
- Protecting the right of a child not to be separated from his or her family unless it is necessary in his or her best interests;
- Establishing an effective mechanism to monitor and follow up the situation of children at risk and implement social and psychological measures for these children and their families;
- Reinforcing sanctions against parents who do not send their children to school;
- Developing a strategy to fight against the commercial exploitation of children;
- Protecting girls' health, including through condemning female genital mutilation and early marriage;
- Prohibiting the worst forms of child labour;
- Criminalising the exploitation of children through the Internet and other information technologies, including the sexual exploitation, sale of children, child prostitution and child pornography; and

⁴⁹ Ibid.

⁵⁰ Principles relating to the Status of National Institutions (The Paris Principles), Office for the United Nations High Commissioner for Human Rights, available on-line at <http://www.ohchr.org/english/law/parisprinciples.htm> (last accessed 20 December 2006)

- Increasing sanctions for those exploiting children sexually and economically.

The National Council is confident that these amendments will be enacted in 2007 and subsequently enforced.⁵¹

3.2 Application of the CRC's Non-Discrimination Principle

The Egyptian Constitution enshrines the principle of equality between all citizens,⁵² while the 1996 Child Law specifically prohibits discrimination in relation to children. Nevertheless, challenges remain in terms of implementation.

Gender discrimination continues to be an issue in Egypt. In 2003, Egypt observed the Year of the Girl Child to raise awareness about girls' rights and empower girls to protect themselves. There is still a 5% gender gap in school enrolment and girls living in rural regions are particularly vulnerable, having the additional pressure of caring for siblings.⁵³ Often the eldest daughter will be required to forgo schooling to take household responsibilities or contribute to household income.⁵⁴ In 2003, the Girls' Education Initiative was adopted to increase girls' enrolment in school, set up revenue-generating activities for graduates and establish school committees to raise community awareness. In addition, this Initiative led to the building of 594 schools to enrol approximately 19,500 students by the end of December 2006, 92% of whom were girls from disadvantaged areas within seven governorates.⁵⁵ Since 2004, UNESCO has contributed to the establishment of multi-purpose community learning centres to assist children and women to become

⁵¹ Communication between International Bureau for Children's Rights and the National Council for Childhood and Motherhood, December 2006

⁵² Article 40

⁵³ Communication between International Bureau for Children's Rights and the National Council for Childhood and Motherhood, December 2006

⁵⁴ "Charged With Being Children: Egyptian Police Abuse of Children in Need of Protection", Human Rights Watch (HRW), February 2003, available on-line at, <http://hrw.org/reports/2003/egypt0203/egypt0203.pdf> (last accessed 3 November 2006), pg 12-13

⁵⁵ "The National Programs Implemented by the National Council for Childhood and Motherhood (NCCM)", Appendix (1) to The National Plan to Stop Violence against Children – Egypt, National Council for Childhood and Motherhood, Draft March 2006

self reliant and to develop learning and cultural networks.⁵⁶ Since 1992, the National Council on Childhood and Motherhood implements a National Plan of Action to follow-up the World Declaration on the Survival, Protection and Development of Children.⁵⁷

The Committee on the Rights of the Child was concerned by the disparity between the minimum age of marriage for boys (18 years) and girls (16 years). The National Council for Childhood and Motherhood has proposed changes to Egyptian law to address this concern. Furthermore, until recently children born of an Egyptian mother and a foreign father did not acquire Egyptian nationality, denying them access to public education and basic health services.⁵⁸ Legislative reform in July 2004 granted women the right to pass nationality to their children.⁵⁹ As another initiative in the Year of the Girl Child, the Government launched a national project to eliminate female genital mutilation.

Egyptian laws still discriminate against **children born out of wedlock**. Islamic jurisprudence does not recognise the lineage of these children from their fathers. As a result, hundreds of thousands of children are not recognised by their fathers, are often not registered and so do not have access to government funded education and health care, although the law does grant them the right to birth registration and equal access to public services such as education.⁶⁰ Following a high profile case, legislation has been proposed to identify fathers through paternity tests when a certificate of marriage is provided, thus giving some children legal status and the ability to obtain identification and birth certificates to access public services. However, even if paternity is established or the father

⁵⁶ "Multi-purpose Community Learning Centers", UNESCO, available on-line at http://portal.unesco.org/en/ev.php-URL_ID=21956&URL_DO=DO_TOPIC&URL_SECTION=201.html (last accessed 17 October 2006)

⁵⁷ National Report on Follow-up to the World Summit for Children Egypt, National Council for Childhood and Motherhood, op.cit.

⁵⁸ Law 26/1975; NGO Coalition on the Rights of the Child, op. cit.

⁵⁹ "Egypt", Freedom House, available on-line at <http://www.freedomhouse.org/template.cfm?page=172> (last accessed 12 October 2006)

⁶⁰ Communication between International Bureau for Children's Rights and the National Council for Childhood and Motherhood, December 2006

recognises a child born out of wedlock, the child's illegitimate birth is documented and the child is not eligible to inherit from the father.⁶¹

Socio-economic inequalities between **cities and rural and slum districts** in Egypt and between the Delta and Upper Egypt have a significant impact on children's rights. Education, food, shelter and healthcare services are concentrated in urban areas of the Lower Egypt, resulting in discrimination against the rural children of Upper Egypt who are among the most disadvantaged in terms of access to social services.⁶² Girls in rural areas are particularly disadvantaged. Internal migration has placed great pressure on urban infrastructure, where services are insufficient to meet the rapid increase in demand. The impact of these changes on children, however, is not well documented.⁶³

The proximity of Sudan and other conflict areas has led to many migrants and refugees entering Egypt. Estimates of the number of refugees who entered Egypt in 2005 vary from 500,000 to 3 million. Very few of them have obtained refugee status from the United Nations High Commissioner for Refugees. Discrimination against **migrants and refugees** is prevalent⁶⁴ and this impacts on their children, who cannot register in public schools and often have difficulties in obtaining medical assistance. A Presidential Decree of 2001 permits only Sudanese children of officially recognised refugees to receive public primary education but even these children have difficulty accessing education because refugee families usually do not have the extensive documentation required.⁶⁵

⁶¹ "Egypt: New Paternity Law Stipulating DNA Testing Proposed", Integrated Regional Information Networks (IRIN), 13 Apr 2006, available on-line at http://www.irinnews.org/report.asp?ReportID=52777&SelectRegion=Middle_East (last accessed 13 October 2006)

⁶² NGO Coalition on the Rights of the Child, op. cit., pg 16

⁶³ Ibid

⁶⁴ "Egypt", Forced Migration Online (FMO), Sherifa Shafie, June 2005, available on-line at <http://www.forcedmigration.org/guides/fmo029/> (last accessed 12 October 2006)

⁶⁵ Such as birth certificate, last school report, identity document with legal residence permit and a letter from the Embassy of Sudan; "Cairo: A Transit City for Migrants and African Refugees", Ayman Zohry, 2005, [available on-line at http://www.zohry.com/pubs/Zohry-CEDEJ2005.pdf](http://www.zohry.com/pubs/Zohry-CEDEJ2005.pdf) (last accessed 2 November 2006), pg 5

The Egyptian Constitution declares Islam as the State religion.⁶⁶ Although Egypt has ratified the International Covenant on Civil and Political Rights, which guarantees religious freedom, Egyptian law discriminates against **religious minorities**, especially Copts, probably the largest Christian community in the Arab world.⁶⁷ This discrimination is reported to be apparent in relation to marriage, parenting, education, inheritance and conversion.⁶⁸ The Committee on the Rights of the Child recommended in its 2001 Concluding Observations that Egypt follow the good practice of other States in reconciling fundamental rights with principles of Islamic law.⁶⁹

It is estimated that between 1 and 2.5 million **children living with disabilities** live in Egypt.⁷⁰ Negative social attitudes and feelings of shame contribute to a vicious cycle of isolation, whereby children with disabilities are often hidden from their families and community.⁷¹ The discrimination against children with disabilities is evident in a number of areas. They generally remain outside public schools and have limited access to public services, and are more frequently subject to peer abuse in juvenile institutions.⁷² A National Committee for the Elimination of Disability was established in 1996 to detect, prevent and support community involvement in the rehabilitation of persons with disabilities. The following year, a National Disability Strategy for 1997-2017 was launched.⁷³ The National Council has initiated several campaigns, prevention activities, early detection programmes and new services for children with disabilities. Moreover, the National Council for Childhood and

⁶⁶ Article 2, "Egypt Constitution", Laws and Constitution, available on-line at http://www.egypt.gov.eg/english/laws/Constitution/chp_one/part_one.asp (last accessed 12 October 2006)

⁶⁷ "Summary of Findings", Center for Religious Freedom, Freedom House, available on-line at <http://freedomhouse.org/religion/publications/endangered/> (last accessed 12 October 2006)

⁶⁸ U.S. Department of State, International Religious Freedom Report 2006- Egypt, available on-line at <http://www.state.gov/g/drl/rls/irf/2006/71420.htm> (last accessed 20 December 2007)

⁶⁹ "Second periodic report due in 1997: Egypt", 11/11/1991, CRC/C/65/Add.9

⁷⁰ "The Conditions of Human Rights in Egypt During the Last Ten Years", The Land Center for Human Rights, June 2004, pg 201, available on-line at http://www.omct.org/pdf/escr/2006/intl_conference2005/ii_b_2_egypt_general_evaluation.pdf (last accessed 20 December 2006)

⁷¹ Communication between IBCR and a Children Rights Consultant, Cairo, Egypt. November 2006

⁷² "The Conditions of Human Rights in Egypt During the Last Ten Years", The Land Center for Human Rights, op. cit., pg 201-202

⁷³ NGO Coalition on the Rights of the Child, op. cit., pg 15

Motherhood has conducted regular training programmes for more than 3,500 professionals working with children with disabilities, and has set up a free hotline and a website to disseminate information about available services for children with disabilities. The Children at Risk Programme gives financial and logistical support to NGOs working on preventing abuse and neglect and protecting the rights of children with disabilities and on facilitating their social integration.⁷⁴ In 2006, The National Council started a national consultation to develop amendments to the Child Law in relation to disability. However, financial constraints have limited implementation of the national strategy and the various disability programmes.⁷⁵

3.3 Application of the CRC's Best Interests of the Child Principle

Article 3 of the 1996 Child Law enshrined the principle of the best interests of the children in all decisions and procedures regarding children in Egyptian law. However, the Egyptian NGO Coalition on the Rights of the Child reports that the application of this principle in juvenile courts is weak, since decisions are seldom made with the best interests of the child as a first priority.⁷⁶ According to the National Council for Childhood and Motherhood, amendments to the Child Law will be presented to Parliament in 2007 to reinforce the application of the principle.⁷⁷ The establishment of family courts with women judges in 2004 was a step towards a better integration of this principle.⁷⁸ However, custody decisions in divorce proceedings have generally overlooked the best interests of the child principle as well as the right of children to participate in decisions affecting their living situation. Recently, the Constitutional Court defined the best interests of the child as the primary consideration in custody decisions, regardless of other laws.⁷⁹ The principle still needs to be integrated better into social practices and attitudes. The Egyptian

⁷⁴ Communication between IBCR and the National Council for Childhood and Motherhood, December 2006

⁷⁵ NGO Coalition on the Rights of the Child, op. cit., pg 15

⁷⁶ Ibid, pg 10

⁷⁷ Communication between International Bureau for Children's Rights and the National Council for Childhood and Motherhood, December 2006

⁷⁸ "CRC, Alternative Reporting and Follow-Up on Concluding Observations in Arab Countries", A report on a regional workshop held in Broummana-Lebanon between 28 September and 1 October 2005, Rania Fazah, Samar Haydar, Ghanem Bibi, available on-line at http://www.crin.org/docs/ARC_CRC_Alternative_Reporting_workshop_2005_report_E.pdf (last accessed 12 October 2006)

⁷⁹ Representing Children Worldwide, op. cit.

NGO Coalition on the Rights of the Child also calls for the integration of this principle into decision-making processes related to socio-economic development.⁸⁰

3.4 Application of the CRC's Child Development Principle

In recent years, **child and maternal health** has significantly improved in Egypt. The child mortality rate has decreased to 33 per 1,000 births in 2005 from 225 in 1970 and 104 in 1990.⁸¹ Nevertheless, the child mortality rate in rural Upper Egypt is 66% higher than the national rate, reflecting more general inequalities in health conditions between children in rural and urban communities.⁸² Several factors contribute to the high rate of child mortality, including the young age of marriage for girls, the lack of access to prenatal care and medical assistance at births, repeated unspaced pregnancies, lack of access to transportation to hospital, poor nutrition, anaemia and poor sanitation.⁸³ Diarrhoeal diseases are said to cause 20% of child mortalities.⁸⁴ The UNDP's principal recommendation to address challenges to the survival of children in Egypt is to increase sanitation efforts by developing infrastructure, providing greater access to clean water, incorporating health education in public school curriculum and providing free nutritional meals for poor children in schools.⁸⁵

More generally, there are both positive and negative developments relating to child health. Successful immunisation campaigns against the main communicable diseases have made a major impact on mortality and illness rates, with 98% of children vaccinated.⁸⁶ These efforts must be continued. In February 2006, the Ministry of Health and Population commenced implementation of a five-year Integrated

⁸⁰ NGO Coalition on the Rights of the Child, op. cit.

⁸¹ "State of the World's Children 2007", UNICEF, table 10 pg 138

⁸² Fatma El-Zanaty, Ann A. Way, op. cit.

⁸³ "Country Cooperation Strategy for WHO and Egypt: 2005-2009", WHO, 2005, available on-line at http://www.who.int/countryfocus/cooperation_strategy/countries/ccs_final_egy_2005_en.pdf (last accessed 3 November 2006)

⁸⁴ "At a Glance: Egypt", UNICEF, op. cit.

⁸⁵ "Country Cooperation Strategy for WHO and Egypt: 2005-2009", WHO, 2005, available on-line at http://www.who.int/countryfocus/cooperation_strategy/countries/ccs_final_egy_2005_en.pdf (last accessed 3 November 2006); "اهالى... من موت اطفالهم بسبب مياه الشرب الملوثة", The Land Center for Human Rights, 17 October 2005, available on-line at <http://www.hrinfor.org/egypt/lchr/2005/pr1017.shtml> (last accessed 30 July 2006)

⁸⁶ Egyptian Demographic and Health Surveys 2005

Reproductive Health Services Project, "TAKAMOL", to improve the quality of integrated primary health care available to children and their mothers and to encourage community mobilisation activities.⁸⁷ On the other hand, the financial difficulties of the Health Insurance Organisation of Egypt has reduced access to medical services, with likely detrimental consequences for children's health. The Organisation provides insurance for approximately half the Egyptian population including students and pre-school children. In 2003, before its current difficulties, it provided 1.65 billion Egyptian pounds (USD 288 million) for health services.⁸⁸

Malnutrition constitutes an important health problem for children in Egypt, with 6% of children under 5 years being moderately or severely underweight and 18% being moderately or severely stunted.⁸⁹ Again, there are significant regional inequalities: in 2002 the rate of stunted children in rural Upper Egypt was 23.2 %, compared with 13.3% in rural Lower Egypt. About 48.5% of children under five and 31% of adolescents aged 11 to 19 suffer from some degree of anaemia.⁹⁰ In 2004, Egypt completed a project to eliminate the parasitic disease caused by mosquitoes and provided drug treatment to 89% of the at risk population (2.5 million children and adults).⁹¹

In Egypt, the HIV prevalence rate among those over 15 years is less than 1%, with an estimated 5,300 individuals living with HIV.⁹² Reported figures are much less, however, due in part to social and religious stigma surrounding HIV/AIDS that discourages people from testing.⁹³ In September 2006, the total cumulative number of reported cases was 2,552, including 710 foreigners.⁹⁴ Less than 1% of

⁸⁷ "Orientation to TAKAMOL Integrated Reproductive Health Services Project", USAID, pg 1

⁸⁸ "Country Cooperation Strategy for WHO and Egypt: 2005-2009", WHO, op. cit.

⁸⁹ "State of the World's Children 2007", UNICEF, table 2 pg 106

⁹⁰ Egyptian Demographic and Health Surveys 2005

⁹¹ "Eliminating Lymphatic Filariasis: Egypt Begins the Final Chapter in Stopping a Dreaded Disease", World Health Organization (WHO), available on-line at http://www.who.int/features/2004/lymphatic_filariasis/en/ (last accessed 3 November 2006)

⁹² "State of the World's Children 2007", UNICEF, table 4 pg 114

⁹³ "Egypt faces up to Aids", BBC News, November, 2003, available on-line at http://news.bbc.co.uk/2/hi/middle_east/3240938.stm (last accessed 3 November 2006)

⁹⁴ "Combating HIV/AIDS in Egypt", Ministry of Health and Population, December 2006.

reported cases are due to mother to child transmission.⁹⁵ According to UNICEF, 11.6% of reported HIV/AIDS cases in Egypt concern individuals aged between 15 and 24. A 2002 study found that 31% of children living on the streets in Cairo said that they had had sexual relations, 91.9% suffered from sexually transmitted infections and 54.2% of the girls interviewed said they had been pregnant at least once. The study concluded that the groups most vulnerable to HIV infection are street children, injecting drug users, female sex workers, men who have sex with men and prisoners.⁹⁶ The increase in the use of intravenous drugs among teenagers is reported to be a growing concern for the transmission of HIV/AIDS.⁹⁷

Egypt has had a National AIDS Programme since 1987 to promote safer sexual behaviour, promote and distribute condoms, provide care for people living with HIV/AIDS, monitor groups that are most vulnerable and promote voluntary counselling and testing.⁹⁸ Since 1996, the Government has operated an anonymous HIV/AIDS hotline, which receives approximately 1,000 calls a month,⁹⁹ nearly all of them from adults.¹⁰⁰ In 2005, an anonymous testing centre opened¹⁰¹ and the Egyptian Ministry of Health and Population introduced free triple antiretroviral therapy.¹⁰² Yet, UNAIDS notes that social stigma undermines efforts to create and implement preventive policies.¹⁰³

⁹⁵ "Epidemiological Fact Sheet On HIV/AIDS and Sexually Transmitted Infections", UNAIDS and WHO, 2005, available on-line at http://hivinsite.ucsf.edu/pdf/UNAIDS/Egypt_en.pdf (last accessed 3 November 2006)

⁹⁶ "An Evaluation of the Health Conditions of Street Children in Cairo", Maha Ghobashi, Maissa Shawki, and Iman Al Tahlawi, American University in Cairo (AUC), 2002, available on-line at http://www.aucegypt.edu/pdr/Research/Briefs/014_Maha_Ghobashi.pdf (last accessed 3 November 2006), pg 3

⁹⁷ Communication between International Bureau for Children's Rights and the National Council for Childhood and Motherhood, December 2006

⁹⁸ "Country Cooperation Strategy for WHO and Egypt: 2005-2009", WHO, op. cit.

⁹⁹ "Breaking a Social Taboo: AIDS Hotline in Cairo", Karim El-Gawhary, Middle East Report, available on-line at <http://www.merip.org/mer/mer206/hotline.htm> (last accessed 3 November 2006)

¹⁰⁰ Communication between IBCR and USAIDS Egypt. December 2006

¹⁰¹ "Egypt: Abstain, Be Faithful and Call the Hotline", Frontline, PBS, 2005, available on-line at <http://www.pbs.org/wgbh/pages/frontline/aids/countries/eg.html> (last accessed 3 November 2006)

¹⁰² "Egypt", UNAIDS, available on-line at <http://www.unaids.org/en/Regions/Countries/Countries/egypt.asp> (last accessed 17 October 2006)

¹⁰³ "Epidemiological Fact Sheet On HIV/AIDS and Sexually Transmitted Infections", UNAIDS and WHO, 2005, available on-line at

Although many religious leaders emphasise abstinence and do not endorse the use of condoms, on 13 December 2004 over 80 religious leaders signed the Cairo Declaration of Religious Leaders in the Arab States in Response to the HIV/AIDS Epidemic, recognising the influential role of religious leaders in preventing the spread of HIV.¹⁰⁴

Many adolescents remain ill-informed about **reproductive health** and sexually transmitted diseases.¹⁰⁵ UNICEF reports that only 10% of adolescents know about condom usage and their role in prevention of HIV and other sexually transmitted infections.¹⁰⁶ Since September 2000, the United States Agency for International Development has supported peer education programmes to train university students to inform other young people about sexually transmitted diseases and reproductive health.¹⁰⁷ In September 2003, the National Council for Childhood and Motherhood launched an Adolescent Reproductive Health Project in remote villages for adolescents aged between 15 and 17 years enrolled in preparatory and secondary schools to build local capacities through information campaigns, teacher training and adolescent education on health issues.¹⁰⁸ The United Nations Population Fund also collaborates with the National Council to provide health education to first year secondary school students in at least ten governorates on topics such as early marriage, violence against women, adolescent reproductive health and hygiene.¹⁰⁹ The Ministry of Health and Population,

http://hivinsite.ucsf.edu/pdf/UNAIDS/Egypt_en.pdf (last accessed 3 November 2006)

¹⁰⁴ "The Cairo Declaration of Religious Leaders in the Arab States in Response to the HIV/AIDS Epidemic", available on-line at <http://www.fhi.org/NR/rdonlyres/czq22beaksmsi57uhzlr5azfnhyup4oyvycluyhzvouua3cg7vmppsy3dkldicxz3hgnflxkqgtrmh/CairoReligiousLeadersDeclarationEnglish.pdf> (last accessed 3 November 2006); "Christian and Muslim Leaders Trained to Raise AIDS Awareness", Family Health International (FHI), December, 2005, available on-line at <http://www.fhi.org/en/HIVAIDS/country/Egypt/Egyptian+Religious+Leaders+Trained.htm> (last accessed 3 November 2006)

¹⁰⁵ "Adolescence", UNICEF, available on-line at http://www.unicef.org/egypt/children_151.html (last accessed 3 November 2006); "HIV/AIDS overview", UNICEF, 2005, available on-line at http://www.unicef.org/egypt/hiv_aids.html (last accessed 3 November 2006)

¹⁰⁶ "HIV/AIDS overview", UNICEF, 2005, op. cit.

¹⁰⁷ Communication between IBCR and USAID Egypt, December 2006

¹⁰⁸ Communication between International Bureau for Children's Rights and the National Council for Childhood and Motherhood, December 2006

¹⁰⁹ Communication between IBCR and USAID Egypt, December 2006

UNICEF, UNAIDS and the National Council for Childhood and Motherhood have organised several international events with young people to raise awareness about reproductive health and HIV/AIDS. Reproductive health education has been integrated into the school curriculum in recent years but it is still minimal and often ill-informed.¹¹⁰ Much therefore remains to be done to counter and prevent the spread of HIV.

Female Genital Mutilation (FGM) is a cultural practice, not a religious requirement, imposed on girls, generally when they are aged between 6 and 12 years. A preliminary survey for 2005 found that 27.7% of girls aged between 0 and 17 had been mutilated and 41% were waiting for the procedure.¹¹¹ Although prohibited by a ministerial decree, the practice is still widespread and continues to pose serious health risks and psychological trauma for girls.¹¹² However, there is some progress. A 2000 study found that new acts of mutilation fell from 83% to 78% over the span of five years.¹¹³ The Ministry of Health has also recorded a diminution of the practice among school girls aged from 10 to 18.¹¹⁴ The Egyptian Government and UNICEF have undertaken several awareness raising campaigns to educate communities on the harms caused by the practice.¹¹⁵ The Government of Egypt in cooperation with UNICEF has marked the annual International Day of Zero Tolerance of Female Genital Mutilation on 6 February for the past

¹¹⁰ Communication between International Bureau for Children's Rights and the National Council for Childhood and Motherhood, December 2006

¹¹¹ "The National Plan to Stop Violence against Children – Egypt", National Council for Childhood and Motherhood, Draft March 2006

¹¹² "Female Genital Mutilation (FGM): Legal Prohibitions Worldwide", Center for Reproductive Rights, February 2005, available on-line at http://www.crlp.org/pub_fac_fmnicpd.html (last accessed 3 November 2006); "The Conditions of Human Rights in Egypt During the Last Ten Years", The Land Center for Human Rights, op. cit., pg 264

¹¹³ "Egypt: Country Reports on Human Rights Practices", US Department of State, 25 February 2004, available on-line at <http://www.state.gov/g/drl/rls/hrrpt/2003/27926.htm> (last accessed 3 November 2006)

¹¹⁴ "Like a Virgin, Young Women Undergo Surgery to 'Restore' Virginity", Lynn Sherr, ABC News, 20 June 2003, available on-line at <http://www.psurg.com/abcnews-2003-06-20.htm> (last accessed 3 November 2006)

¹¹⁵ "Summary of Mid-Term Reviews and Major Evaluations of Country Programmes: Middle East and North Africa Region", UN Economic and Social Council, 2003, available on-line at <http://www.unicef.org/about/execboard/files/0-PI.28.pdf> (last accessed 3 November 2006), pg 9

four years.¹¹⁶ In 2003, the Government hosted the Afro-Arab Conference on the Legal Status of FGM in collaboration with Italian and Egyptian NGOs and various religious figures. Also in 2003, the National Council for Childhood and Motherhood, the UNDP and more than 20 NGOs created 120 FGM Free Village Models in Upper Egypt to create a positive socio-cultural atmosphere at the grass-root level and among decision-makers on the elimination of the practice. The National Council also leads a national anti-FGM campaign to break taboos and introduce an article within the Child Law to penalise those who practise mutilation.

Egypt has achieved important progress in children's **education** since it ratified the Convention on the Rights of the Child in 1990. More than 15.5 million children are now enrolled in 37,000 primary and secondary schools. School attendance rates have increased, from 61.3% in 1960-1961 to 91.7% in 2000-2001 in primary schools, with a gender gap of 4%, and from 17.1% to 71.1% in secondary schools, with a gender gap of 2%.¹¹⁷ The primary school net enrolment rates are 97% for boys and 94% for girls and the secondary school net enrolment rates 81% and 77% respectively.¹¹⁸ In addition, 46,313 new places were created in kindergartens in 2001 and 2002.¹¹⁹ Between 2004 and 2007, the budget for basic education increased fourfold.¹²⁰ Other achievements include ending the system of school shifts, improving the training of teachers, enhancing the educational curriculum, setting up a health insurance scheme for school children and reducing the school drop-out rate from 9.3% to 3.2% (twice as many boys drop out of primary school than girls).¹²¹ The National

¹¹⁶ "UNICEF hails progress toward ending female genital cutting", 6 February 2006, available on-line at http://www.unicef.org/media/media_30925.html (last accessed 17 October 2006)

¹¹⁷ Communication between International Bureau for Children's Rights (IBCR) and the National Council for Childhood and Motherhood (NCCM), December 2006

¹¹⁸ Ibid table 5 pg 118

¹¹⁹ Lababidy, Leila (Unesco Consultant), op. cit., pg 6,

¹²⁰ USAID Egypt, available on-line at <http://www.usaid.gov/policy/budget/cbj2007/ane/eg.html> (last accessed 6 December 2006)

¹²¹ Poverty lines, Policy Research & the Poverty and Social Policy Departments of the World Bank, No. 2 April 1996, available on line at www.worldbank.org/html/prdph/lmsr/research/povline/pl_n02.pdf (last accessed 21 December 2006)

Council for Childhood and Motherhood also leads a project to provide students access to computers and new technologies.¹²²

The challenges that remain, however, are great. Many relate to poverty and its effect on children's educational opportunities. Although education is compulsory until the age of 14, economic hardship often compels children out of school and into the workforce at early ages. A 2003 study reveals high number of children from poor families dropping out of school.¹²³ In rural Upper Egypt a third of girls and 13% of boys of ten years from poor families never attended schools.¹²⁴ Some 25.2% of the total population over 10 years of age is illiterate,¹²⁵ 45.7% of whom being categorised as poor.¹²⁶ Although education is free by law, the average hidden cost per student for education in government schools was 748 Egyptian pounds (USD 130) annually in 2003 and is said to have increased substantially since then.¹²⁷

In addition to poverty, poor quality schooling is a primary cause for children dropping out of school.¹²⁸ In 2000, NGOs reported that the quality of teaching had changed little and teachers continued to use traditional teaching methods that overlooked the important role of child participation.¹²⁹ The public system faces the challenge of addressing the shortage of qualified teachers with need for an estimated 160,000 new teachers in years to come.¹³⁰ As unemployment affects even those who complete high school and university, adults and children are reported to be questioning the

¹²² Communication between International Bureau for Children's Rights and the National Council for Childhood and Motherhood, December 2006

¹²³ "The Effect of Child Work on School Enrolment in Egypt", Ragui Assaad, Deborah Levison and Nadia Zibani, July 2003, available on-line at http://www.erf.org.eg/workshops/Tunisia_Workshop_%20papers/Assaad%20Levison%20&%20Zibani.pdf (last accessed 3 November 2006)

¹²⁴ NGO Coalition on the Rights of the Child, op. cit., pg. 22

¹²⁵ *Ministry of Education Publications*, 2006

¹²⁶ Mona El-Baradei: "Education, cultural and leisure activities", unpublished paper prepared in 2004 to Egypt's second periodic report UN Committee on the Rights of the Child

¹²⁷ This includes tuition fees, uniforms, books, transportation and virtually mandatory private tutoring. Communication between IBCR and a Children Rights Consultant, Cairo, Egypt, November 2006

¹²⁸ "NGO Coalition on the Rights of the Child, op. cit., pg 22

¹²⁹ Ibid.

¹³⁰ Law No. 591/1998; "Girl's Education: Issues and Impact", UNICEF, available on-line at <http://www.unicef.org/egypt/education.html> (last accessed 7 November 2006)

value of education, a challenge that the Government must still address.

Children in Egypt may experience **violence** at school, at work and at home. Violence in schools is prohibited¹³¹ but the Committee on the Rights of the Child expressed concern in its 2001 Concluding Observations about reported cases of corporal punishment.¹³² According to the NGO Coalition on the Rights of the Child, 54% of pupils claim that teachers are usually violent with them.¹³³ The Land Center for Human Rights reports that in such cases families are encouraged to withdraw complaints out of a desire to maintain peace in the community or a fear of retribution.¹³⁴

Egypt has yet to adopt laws to deal effectively with violence in the family. Corporal punishment is also said to be common in children's workplaces as well as in detention and rehabilitation institutions.¹³⁵ 45% of children living on the streets said that they left home because of domestic violence and abuse.¹³⁶ According to UNICEF, 37% of Egyptian young people interviewed reported having been tied up or beaten and 26% reported injuries from domestic violence, including fractures, loss of consciousness and permanent disability.¹³⁷ The Land Center for Human Rights notes the cultural importance placed

¹³¹“The National Plan to Stop Violence against Children”, Egypt National Council for Childhood and Motherhood, Draft March 2006

¹³² “Concluding Observations: Egypt 26th Session”, Committee on the Rights of the Child, 21 February 2001, CRC/C15/Add.145

¹³³ NGO Coalition on the Rights of the Child, op. cit., pg 14, citing “Adolescents Survey and Social Change in Egypt”, March 1999

¹³⁴ “Poverty, Inequality and Violence: The Economic, Social and Cultural Root Causes of Violence, Including Torture, A Human Rights Perspective”, OMCT, October, 2005, available on-line at http://www.omct.org/pdf/escr/2006/intl_conference2005/i_b_part_iib_egypt_profile_and_case_studies_rev2.pdf (last accessed 3 November 2006), pg 255-256; “مرآة أخرى وبالمعادى ... الاستغلال الجنسى”، 13 June 2005, Egyptian Center on the Rights of the Child, available on-line at <http://www.hrinfo.org/egypt/ecrc/2005/pr0613.shtml> (last accessed 30 July 2006).

¹³⁵ NGO Coalition on the Rights of the Child, op. cit., pg 14, citing “Adolescents Survey and Social Change in Egypt”, March 1999

¹³⁶ “Street Children In Egypt: from the home, to the street, to inappropriate corrective institutions”, Iman Bibars, Environment and Urbanization, Vol. 10, No. 1, April 1998, available on-line at <http://www.colorado.edu/journals/cye/interest/bibas.pdf> (last accessed 7 November 2006), pg 2

¹³⁷ “Child Protection From Violence, Exploitation and Abuse”, UNICEF, available on-line at http://www.unicef.org/protection/index_violence.html (last accessed 7 November 2006)

on privacy in the family, estimating that reported incidents of domestic abuse represent barely 10% of the actual number of cases.¹³⁸

In 2005, the National Council for Childhood and Motherhood established a National Committee to Combat Violence against Children, with members drawn from ministries, the State Information Service, NGOs, including ECPAT International, independent experts and the private sector such as the ACCOR hotel chain. The National Committee has sub-committees on violence in the school, violence in the family and commercial sexual exploitation of children. The Committee adopted common definitions of violence and developed a strategy for the protection of children.¹³⁹ It organised a Middle East and North Africa regional consultation on the UN Study on Violence against Children in June 2005 and a follow-up conference in March 2006 where Arab countries, including Egypt, presented a National Plan of Action to combat violence against children.¹⁴⁰ The National Council for Childhood and Motherhood, with funding from the European Union, is implementing the Children at Risk Programme which began in 2005, to reduce poverty among children at risk and enhance the capacity of NGOs to contribute effectively to social development.¹⁴¹

Birth registration is compulsory within 10 days after birth and is free of charge. More than 90% of births are registered.¹⁴² Some

¹³⁸ "The Conditions of Human Rights in Egypt During the Last Ten Years", The Land Center for Human Rights, op. cit., pg 256; "العنف ضد الاطفال في مصر خلال طفل (157) النصف الاول من عام 2006 الضحايا والقتلى من الاطفال ضحايا بالسياسيات غير انسانيه قتل - (35) اعتداء جنسي - (43) اعتداء اسري", The Land Center for Human Rights, 30 July 2006, available on-line at <http://www.hrinfo.org/egypt/lchr/2006/pr0730.shtml> (last accessed 30 July 2006)

¹³⁹ Communication between International Bureau for Children's Rights and the National Council for Childhood and Motherhood, December 2006

¹⁴⁰ "Report: Middle East and North Africa (MENA) Consultation on Violence against Children and Follow up Consultation and The MENA Regional Conference of Child Helpline International", 25-28 March 2006, The National Council for Childhood and Motherhood available on-line at http://www.violencestudy.org/IMG/pdf/Final_VAC_Report.pdf (last accessed 29 November 2006)

¹⁴¹ Communication between International Bureau for Children's Rights and the National Council for Childhood and Motherhood, December 2006

¹⁴² "Universal Birth Registration: The Challenge in Africa", Assefa Bequele PhD, Executive Director, The African Child Policy Forum, A paper prepared for the Second Eastern and Southern Africa Conference on Universal Birth Registration

parents reportedly do not register their children to avoid having a son serve in the army or a daughter attend school when older.¹⁴³ Some underprivileged families reportedly do not register their daughters so that they can sell them in marriage to men from the Gulf States. Birth registration is also made difficult for hundreds of thousands of children born of an Egyptian mother and a foreign father.¹⁴⁴ More attention from the Government is needed to remedy these situations.

Abandoned children must be handed to police and the Ministry of Social Affairs for registration and referral to appropriate care. However, no government statistics are available about the number of abandoned children.¹⁴⁵ Poverty, limited access to birth control,¹⁴⁶ and social stigma against children born out of wedlock are all contributing factors to the number of abandoned children placed in institutions.¹⁴⁷ According to the Ministry of Social Solidarity, in 2002-2003 45% of institutionalised children were placed there because of the illness of their guardian or parent, 12% for economic reasons and 33% because of abandonment.¹⁴⁸ The Ministry of Social Affairs is responsible for over 174 institutions that provide health, educational and vocational services for approximately 6,000 children.¹⁴⁹ The quality of care provided in these institutions varies greatly¹⁵⁰ and

Mombasa, Kenya, 26-30 September, 2005, pg 12, available on-line at [http://www.africanchildforum.org/Documents/Universal%20Birth%20Registrati on_final.pdf](http://www.africanchildforum.org/Documents/Universal%20Birth%20Registrati%20on_final.pdf) (last accessed 13 December 2006)

¹⁴³ Communication between International Bureau for Children's Rights and the National Council for Childhood and Motherhood, December 2006

¹⁴⁴ "Birth Registration Right From the Start", UNICEF, March 2002, pg 4 and 15. available on-line at <http://www.unicef.at/fileadmin/medien/pdf/birthreg.pdf> (last accessed 13 December 2006)

¹⁴⁵ Representing Children Worldwide, op. cit.

¹⁴⁶ "The State of the World's Children 2006", UNICEF, pg 136

¹⁴⁷ Due to anti-proselytizing laws in Egypt, all abandoned children who do not know their parents go to Muslim orphanages, whereas Coptic Christian orphanages can only take in children whose parents are identified as Christian. See M'Daghri, Muhammad Abdelkebir Alaoui. "The Code of Children's Rights in Islam", Trans. Moncef Lahlou, *Children in the Muslim Middle East*, ed. Elizabeth Warnock Fernea. Austin: University of Texas Press, 1995, pg 31

¹⁴⁸ "The National Plan to Stop Violence against Children - Egypt", National Council for Childhood and Motherhood, Draft March 2006

¹⁴⁹ "Street Children Report" United Nations Office on Drugs and Crime, available on-line at http://www.unodc.org/pdf/youthnet/egypt_street_children_report.pdf (last accessed 10 November)

¹⁵⁰ "Beloved Outcasts", The Cairo Times, Anthony Fontes and Faye Wanchic, available on-line at http://www.mafhoum.com/press7/187S28_fichiers/adoption0804.htm (last accessed 3 November 2006)

there does not seem to be a system to oversight the health, education and protection of children in institutions.¹⁵¹ The *kafalab* foster care system – which in Egypt allows foster parents to change the child's name through the court system¹⁵² but does not give the children any inheritance rights – managed by the Ministry of Social Affairs supports the integration of approximately 2,500 abandoned children into host families.¹⁵³

Despite the lack of information about **children living on the streets**, many socio-economic indicators show that the phenomenon is increasing, especially in large cities. Estimates of the number of children living on the streets range from 150,000¹⁵⁴ to 2 million.¹⁵⁵ 25% of children living on the streets are less than 12 years old¹⁵⁶ and more boys live on the streets than girls, although the number of girls on the streets is increasing.¹⁵⁷ In 2001, 42,505 children were arrested and 10,958 were charged for being “vulnerable to delinquency”. Egyptian legislation does not refer specifically to street children but a bill is currently being examined to change the legal category from “vulnerable to delinquency” to “vulnerable to neglect”.¹⁵⁸

In 2000, the United Nations Office on Drugs and Crime (UNODC) conducted a Rapid Situation Assessment on children living on the streets in Greater Cairo and Alexandria, finding that poverty, family

¹⁵¹ “Other Families”, Amany Abdel-Moneim, Al-Ahram Weekly, 1999, available on-line at <http://weekly.ahram.org.eg/1999/428/li1.htm> (last accessed 3 November 2006); “إنتهاك حقوق أطفالنا بدور رعاية الأيتام بالإسكندرية... في ظل غياب الرقابة الحقيقية وتفتش الفساد”, Egyptian Center on the Rights of the Child, 9 January 2005, available on-line at <http://www.hrinfor.org/egypt/ecrc/2005/pr0109.shtml> (last accessed 30 July 2006)

¹⁵² “Progress of Arab Women”, Chapter Two: Social Security and Social Welfare, United Nations Development Fund for Women (UNIFEM), 2004, <http://www.arabwomenconnect.org/docs/PAW2004-ch2.pdf> (last accessed 10 November 2006), pg 32

¹⁵³ “Street Children Report”, United Nations Office on Drugs and Crime, op. cit., pg 30

¹⁵⁴ “Hope for Street Children in Cairo”, United Nations Office on Drugs and Crime, December 2001, available on-line at http://www.unodc.org/unodc/newsletter_2001-12-01_1_page007.html (last accessed 3 November 2006)

¹⁵⁵ “Street Children”, CARITAS Alexandria, 2004, available on-line at <http://www.caritasalex.com/street.htm> (last accessed 7 November 2006)

¹⁵⁶ Consortium for Street Children, op. cit., pg 11

¹⁵⁷ “Strategy for Protection, Rehabilitation and Reintegration of Street Children in Egypt”, National Council for Childhood and Motherhood, July 2002, pg 4

¹⁵⁸ “Harsh life of Egypt's neglected street kids”, CNN, 1 July, 2006, available on-line at <http://edition.cnn.com/2006/WORLD/meast/07/01/egypt.diary/index.html> (last accessed 7 November 2006)

breakdown and child abuse and neglect were the leading causes of children living and working on the streets: 80% of street children were exposed to real or constant threat of violence, 70% were school drop-outs and 30% had never attended schools. A 2002 study found that children living in the street often suffer from malnutrition.¹⁵⁹ Since December 2006, UNODC has collaborated with the Ministry of Justice, the Ministry of Interior and the National Council for Childhood and Motherhood to compile a database on street children and children in conflict with the law.¹⁶⁰

In March 2003, the National Council for Childhood and Motherhood developed a National Strategy for the Rehabilitation and Reintegration of Street Children to change public perceptions of street children and secure their rights to health, education and family.¹⁶¹ The Strategy is designed to address pull and push factors that lead children to the streets, to provide mechanisms for their reintegration in the society and to prepare a manual for personnel working with these children.¹⁶² There has been concern that the training of law enforcement authorities working on the streets is deficient. Under this project, since 2003, more than 200 police officers have attended awareness raising workshops on street children.¹⁶³ In June 2005, the National Council also launched the Child Helpline, a 24 hour a day toll-free phone number for complaints of violations of children's rights, to provide "the opportunity for children to seek help, to ask for support and to express their threats or pains and to be listened respectfully about difficult issues and risks that are affecting their lives".¹⁶⁴ More than 210,000 calls were received in the first year of operation.¹⁶⁵ To address the root causes of children on the streets, the Ministry of Social Affairs conducts several revenue-generating programmes and

¹⁵⁹ Maha Ghobashi, Maissa Shawki, and Iman Al Tahlawi, *op. cit.*, pg 3

¹⁶⁰ "Hope for Street Children in Cairo", United Nations Office on Drugs and Crime, *op. cit.*

¹⁶¹ Consortium for Street Children, *op. cit.*

¹⁶² "Strategy for Protection, Rehabilitation and Reintegration of Street Children in Egypt", National Council for Childhood and Motherhood, July 2002, pg 9

¹⁶³ "Egypt: Street Children Abandoned by the System", Integrated Regional Information Networks (IRIN), 2006 available on-line at http://www.irinnews.org/report.asp?ReportID=50065&SelectRegion=Middle_East (last accessed 7 November 2006)

¹⁶⁴ "Children Helpline 16000", National Council for Childhood and Motherhood, pg 2

¹⁶⁵ Communication between International Bureau for Children's Rights and the National Council for Childhood and Motherhood, December 2006

counselling services to support poor families and NGOs run day care centres and mobile units to reach out to vulnerable children.¹⁶⁶

Children abusing substances is a major concern in Egypt as it affects an increasing number of children and adolescents. However, data are lacking and the extent of the problem is unknown. Following the discussions at the National Conference for Protecting Youth from Drug Abuse in April 2001, the National Council on Childhood and Motherhood, in collaboration with the Italian Cooperation and the UNODC Regional Office developed the 2005 National Strategy for Protection of Youth from Drugs that focuses on prevention more than on rehabilitation. It includes the creation of a training centre for personnel working in the field.¹⁶⁷

Girls on the streets are exposed to sexual abuse, forced prostitution and intense social stigma and both girls and boys are vulnerable to being trafficked.¹⁶⁸ There are little data available on **trafficking and sexual exploitation** of children on Egypt because of the taboo nature of the issues.¹⁶⁹ According to ECPAT International's report on Egypt, child prostitution is increasing and more than 80% of street children are exploited sexually, mainly through prostitution and pornography. Most children do not have access to basic sexual education and health care, resulting in an increase of sexually transmitted infections. Sex tourism is also becoming a serious concern, with poor suburbs of cities like Cairo and Alexandria now major destinations for rich men from the Gulf States. Sexually exploited children are often considered to be offenders rather than victims, and so are arrested.¹⁷⁰ Human Rights Watch reports several cases of police extortion against girl victims of sexual exploitation in

¹⁶⁶ "Hope Village Society", available on-line at <http://www.egyhopevillage.com/origination.htm> (last accessed 18 October 2006)

¹⁶⁷ "The National Strategy for Protecting Youth from Drug Abuse In the Arab Republic of Egypt", National Council for Childhood and Motherhood in collaboration with the Italian Cooperation and the United Nations Regional Office for Drugs and Crime, June 2005, pg 4-5

¹⁶⁸ CARITAS Alexandria, op. cit.

¹⁶⁹ "Commercial Sexual Exploitation of Children: The Situation in the Middle East/North Africa Region", UNICEF, 2002, available on-line at <http://www.unicef.org/events/yokohama/background8.html> (last accessed 7 November 2006)

¹⁷⁰ "Egypt", ECPAT International, available on-line at http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp (last accessed 18 October 2006)

exchange of protection.¹⁷¹ Some NGOs are working with UNICEF to reach vulnerable girls and boys in order to prevent their involvement in commercial sexual exploitation. One NGO runs a programme to facilitate the reintegration of young mothers living on the streets.¹⁷² The National Council for Childhood and Motherhood has proposed an amendment to the Child Law to criminalise the exploitation of children through information technologies, the sale of children, child prostitution and child pornography. A section of the March 2006 National Plan of Action to Stop Violence against Children addresses the protection, prevention and rehabilitation of child victims of sexual exploitation.¹⁷³ It is too early to assess whether this new policy framework deals with the issue effectively.

Egypt is considered as a country of transit for **trafficking** of women from Eastern Europe to Israel but no information is available on trafficking in children.¹⁷⁴ In 2005, government trained security officers were posted at the borders to prevent human trafficking. As part of the strategy developed by the National Committee to Combat Violence against Children in Egypt, the Women's International Peace Movement launched a campaign entitled 'zero tolerance to trafficking' to raise awareness on the issue.¹⁷⁵ Egypt does not yet have legislation specifically targeted at preventing and criminalising trafficking, but it addresses the issues as part of its legislation on child labour and prostitution.¹⁷⁶

Between 1986 and 2004, 11% of urban children and 24% of rural children were involved in **early marriage**.¹⁷⁷ Now, early marriage affects about 12% of young girls.¹⁷⁸ Many girls from rural areas are

¹⁷¹ "Mass Arrests of Street Children in Egypt: Beatings, Sexual Abuse Common in Police Custody", Human Rights Watch, 19 February 2003, available on-line at <http://www.hrw.org/press/2003/02/egypt021903.htm> (last accessed 7

November 2006); "Charged With Being Children: Egyptian Police Abuse of Children in Need of Protection", Human Rights Watch, op. cit., pg 20, 33-34

¹⁷² Hope Village Society Cairo, op. cit.

¹⁷³ Communication between International Bureau for Children's Rights and the National Council for Childhood and Motherhood, December 2006

¹⁷⁴ "Trafficking in Persons Reports", US Department of State, op. cit.

¹⁷⁵ Communication between International Bureau for Children's Rights and the National Council for Childhood and Motherhood, December 2006

¹⁷⁶ "2005 Trafficking in Persons Report: Egypt", US Department of State, 2005, available on-line at <http://www.state.gov/g/tip/rls/tiprpt/2005> (last accessed 7 November 2006)

¹⁷⁷ "At a Glance: Egypt", UNICEF, op. cit.

¹⁷⁸ "Adolescence: Issues and Impact", UNICEF Egypt, available on-line at <http://www.unicef.org/egypt/adolescence.html> (last accessed 13 October 2006)

forced into temporary marriages with men from the Gulf States.¹⁷⁹ The Land Center for Human Rights reports that this practice is more prevalent in rural areas of Upper Egypt, noting that strong traditions and high illiteracy and poverty rates are contributing factors.¹⁸⁰ Programmes promoting the education of girls and increased media coverage against the practice may have helped reducing it in recent years.¹⁸¹

Child labour is diverse in Egypt and its extent and nature are not clearly understood although it is considered to have increased in recent years. About 2.7 million children aged between 6 and 14 years, representing 20% of the children in that age group, are estimated to be in the labour force.¹⁸² In 2001, the majority (58%) of working children were aged between 12 and 14, 27% of whom were girls and 82% of those aged from six to 14 years were registered in schools, although they did not necessarily attend classes.¹⁸³ Girls are exploited as domestic servants, although the Government reports that their number may be declining. The informal sector is recognised to be the main user of child labour.¹⁸⁴ Child labour is seen as resulting from poverty, especially in the context of increasing costs of basic educational and health services.¹⁸⁵

In 2002, Egypt ratified the International Labour Organization (ILO) Convention 182 on the Worst Forms of Child Labour. Since April 2003, Egyptian law has prohibited children below 14 from working, while children between 14 to 18 years can only work for limited hours in certain conditions.¹⁸⁶ An amendment of the law has been proposed to prohibit explicitly the worst forms of child labour.

¹⁷⁹ ECPAT International, op. cit.

¹⁸⁰ "The Conditions of Human Rights in Egypt During the Last Ten Years", The Land Center for Human Rights, op. cit., pg 267

¹⁸¹ Communication between International Bureau for Children's Rights and the National Council for Childhood and Motherhood, December 2006

¹⁸² El-Tawila, Sahar: National Survey on Adolescents in Egypt, Population Council, March 1999

¹⁸³ "National Strategy for the Elimination of Child Labor in the Arab Republic of Egypt", National Council for Childhood and Motherhood, February 2006, pg 16-17

¹⁸⁴ Communication between International Bureau for Children's Rights and the National Council for Childhood and Motherhood, December 2006

¹⁸⁵ "National Strategy for the Elimination of Child Labor in the Arab Republic of Egypt", National Council for Childhood and Motherhood, op. cit., pg 15

¹⁸⁶ "The Conditions of Human Rights in Egypt During the Last Ten Years", The Land Center for Human Rights, op. cit., pg 253; "تحليل تقرير حول عمالة الأطفال", Land Center for Human Rights, March 2005, available on-line at [المضمون الصحفي](#)

Child labourers suffer **harsh working conditions**.¹⁸⁷ In 2003, over one million children worked seasonally in agricultural, where heavy machinery and pesticides posed serious health hazards.¹⁸⁸ To reduce injuries, the World Health Organization is supporting the Ministry of Health and Population to enhance their risk assessment and management capabilities to address the harms confronting child labourers.¹⁸⁹ The lack of monitoring and inspection mechanisms is also a problem. Indeed, "the inspection process is fractional and disorganized".¹⁹⁰ The 2001 Concluding Observations of the Committee on the Rights of the Child recommended a monitoring system to document the numbers of children in the work force and their conditions to establish a plan of action for the enforcement of child labour laws.¹⁹¹ In January 2006, the ILO, with the National Council for Childhood and Motherhood, launched the first National Strategy for the Elimination of Child Labour, for the training of labour inspectors and work supervisors and the coordination of national and international laws and policies.¹⁹² In February 2006, the "Red Card to Child Labour Campaign" was initiated under the auspice of the President's wife to raise awareness of the problem.¹⁹³ In June 2006, the ILO, the World Bank and the Government launched the SCREAM initiative (Supporting Children's Rights through Education, the Arts and the Media) to raise awareness and empower young people to fight against child labour and to integrate child workers in schools.¹⁹⁴

<http://www.hinfo.org/egypt/ecrc/2005/pr0400-1.shtml> (last accessed 7 November 2006)

¹⁸⁷ El-Tawila, Sahar, op. cit.

¹⁸⁸ "The Conditions of Human Rights in Egypt During the Last Ten Years", The Land Center for Human Rights, op. cit., pg 253; "في محطة البذور بقرية سدس يعمل في محطة البذور ورش المبيدات لتأمين غذائنا دون حماية لحياتهم وصحتهم للاطفال في تخزين البذور", The Land Center for Human Rights, 25 July 2006, available on-line at <http://www.lchr-eg.org/> (last accessed 30 July 2006)

¹⁸⁹ "Country Cooperation Strategy for WHO and Egypt: 2005-2009", WHO, op. cit.

¹⁹⁰ "National Strategy for the Elimination of Child Labor in the Arab Republic of Egypt", National Council for Childhood and Motherhood, op. cit., pg 20-21

¹⁹¹ "Concluding Observations: Egypt 26th Session", Committee on the Rights of the Child, 21 February 2001, CRC/C15/Add.145

¹⁹² "National Strategy for the Elimination of Child Labor in the Arab Republic of Egypt", National Council for Childhood and Motherhood, op. cit., pg 21

¹⁹³ "Fighting Child Labour", ILO, 11 May 2006, available on-line at <http://www.ilo.org/public/english/region/afpro/cairo/countries/child-labour.htm> (last accessed 7 November 2006)

¹⁹⁴ "Press Release : World Day against Child Labour 12 June 2006, The End of Child Labour, Together we can do it!", ILO, available on-line at

Much remains to be done in relation to **juvenile justice** in Egypt. Between 1997 and 2002, 13,021 children were in conflict with the law, 64% of whom were aged between 7 and 15 years and the numbers are reportedly increasing.¹⁹⁵ According to Human Rights Watch, the police regularly sweep the cities to arrest children as young as five working and living on the streets and, once detained, many suffer from a range of abuses, including torture, at the hands of the police.¹⁹⁶ The Committee Against Torture has found widespread detention of minors with adults and physical, sexual and psychological abuses of minors at the hands of police.¹⁹⁷ The Committee also reported that some of the overarching systemic problems that perpetuate abuses against children in police detention include lack of official monitoring, investigation and prosecution.¹⁹⁸ Many children are detained without being charged with a crime.¹⁹⁹

According to the 1996 Child Law, children are criminally liable at the age of 7 years. Children living on the streets are considered to be juvenile delinquents and it is criminal for them to beg, perform, sell goods, collect garbage or be homeless or vagrant.²⁰⁰ The Child Law provides guidelines requiring three magistrates and two experts to hear the children's cases in court but juvenile courts has yet to be established in sufficient numbers to be able to accommodate all the juvenile caseload.²⁰¹ There is not yet a chapter in the legislation to regulate the status of child victims and witnesses of crimes.²⁰² The UNODC has been working since 2003, in cooperation with the National Council for Childhood and Motherhood, the Ministry of the Interior and the Ministry of Education, to strengthen the legislative and institutional framework of juvenile justice in Egypt. Last year, the National Council also proposed an amendment to the

<http://www.ilo.org/public/english/region/afpro/cairo/press/press.htm> (last accessed 18 October 2006)

¹⁹⁵ "The National Plan to Stop Violence against Children – Egypt", National Council for Childhood and Motherhood (NCCM), Draft March 2006

¹⁹⁶ "Charged With Being Children: Egyptian Police Abuse of Children in Need of Protection", Human Rights Watch, *op. cit.*

¹⁹⁷ "Concluding Observations: Egypt: 29th Session, Committee Against Torture", 23 December 2002, CAT/C/CR/29/4

¹⁹⁸ OMCT, *op. cit.*, pg 26

¹⁹⁹ "The Conditions of Human Rights in Egypt During the Last Ten Years", The Land Center for Human Rights, *op. cit.*, pg 195

²⁰⁰ *Ibid*, pg 199

²⁰¹ Representing Children Worldwide *op. cit.*

²⁰² Communication between International Bureau for Children's Rights and the National Council for Childhood and Motherhood, December 2006

Child Law to separate children from adults in detention centres and to raise the minimum age of criminal liability.²⁰³

There are 33 institutions dealing with juvenile delinquents in Egypt: one closed institution for those aged above 15 convicted of serious crimes, two semi-closed centres for children above 15 convicted of minor crimes and 30 open centres. The Government reports that psychological, health, recreational and vocational training programmes are offered in all 33 centres, while there are programmes for education, work, holidays and family visits in the semi-closed and open centres.²⁰⁴

3.5 Application of the CRC's Child Participation Principles

Child participation is not yet integrated in the practices and decision-making processes of Egyptian society. For example, only citizens over 21 years can be a founder or member of a board, effectively impeding the child's right to association and participation.²⁰⁵

There are a number of creative initiatives promoting children's participation. The Government established in 1999 a Child Parliament.²⁰⁶ In 1999, the NGO Coalition on Child Rights established the Children and Adolescent Forum as an opportunity for children to express their opinion, to represent wider groups of children and young people and to convey their opinions to State officials.²⁰⁷ The members of the Forum, 50 boys and girls aged between 11 and 18 years, come from different socio-economic backgrounds, with some of them being out-of-school or working teenagers. In 2006, 1,300 children from 13 governorates took part in the Forum.²⁰⁸ The Youth Association for Population and Development is a programme founded by a group of young people after the International Conference for Population and Development held in Cairo in 1994. Under the programme 200 youth trainers

²⁰³ Ibid

²⁰⁴ Ibid

²⁰⁵ NGO Coalition on the Rights of the Child, op. cit., pg 11

²⁰⁶ UN Press Release, CRC, 26 Session, 15 January 2001, available on-line at <http://www.unhcr.ch/hurricane/hurricane.nsf/view01/7F6DD23CA52064F8C12569D50058FA29?opendocument> (last accessed 20 December 2006)

²⁰⁷ "Children Debate Rights Issues with Governor of Aswan", UNICEF Media Centre, available on-line at http://www.unicef.org/egypt/media_866.html (last accessed 5 December 2006)

²⁰⁸ Ibid

encourage young people's participation in society.²⁰⁹ During the 2005 elections in Egypt, a new campaign entitled "Political Girl Empowerment and Participation" was formed to promote the right of girls to participate. The Middle East and North Africa Regional Consultation on Violence against Children and its follow up consultation, in June 2005 and March 2006 respectively, included consultation platforms to enable young people to contribute to the final document and recommendations. The right of children to participate is gaining attention and attitudes are slowly yet progressively changing but more training is needed for both children and adults to make this right a reality.²¹⁰

The Government has been involved with the media in raising awareness through the Think Twice programme. PLAN International and the National Council on Childhood and Motherhood runs a "Child Media Project" to develop advocacy capacities among disadvantaged children (including children with disabilities).²¹¹

4.0 Overall Assessment

The last Concluding Observations of the Committee on the Rights of the Child were issued in 2001. Since then, Egypt has made progress in the promotion and protection of children's rights, in spite of problems of rapid urbanisation, poverty and changes in the traditional family units. The Government withdrew its reservations to the Convention and reports having ratified both its Optional Protocols. Data collection has improved, although it is still not adequate to serve as a reliable basis for planning and evaluation. Strategies have been developed to coordinate actions for vulnerable children, including strategies on street children, child labour, drug abuse and female genital mutilation. Efforts have been made to close the gender gap, to break the isolation of children with disabilities and to reform the juvenile justice system and institutions. More resources have been invested in the education sector. More opportunities have been given to children to exercise their right to participate. The Child Law and other laws have been revised but more amendments are

²⁰⁹ UN Volunteers, available at <http://egypt.unv.org/en/news/doc/youth-minister-launches-egyptian.html> (last accessed 22 December 2006)

²¹⁰ Communication between International Bureau for Children's Rights and the National Council for Childhood and Motherhood, December 2006

²¹¹ Ibid

needed to align the law more fully with the Convention on the Rights of the Child.

Some of Egypt's greatest challenges for its children are related to law enforcement, monitoring and evaluation, and training of professionals. Health is one area where the inequalities between girls and boys, both between Upper and Lower Egypt and between rural and urban areas are obvious and must be addressed. Although the infant and child mortality rates have been reduced, efforts are still needed to address chronic sanitation problems, improve child nutrition and expand immunisation. Improvement in the quality of education, the fight against the drop-out rates and elimination of corporal punishment in schools must be pursued. Discrimination against refugees continues to be a concern. The numbers of street children, substance abuse among teenagers and sexual exploitation of children are increasing and children in these situations are living in more extreme circumstances. Adolescents know far too little about reproductive health. Parents still need to be made aware of their responsibilities to register their children and those in rural areas need more opportunities to do so.

Overall, Egyptian society seems committed to addressing the many challenges its children face. The Egyptian Government should be encouraged to pursue these issues and to expand its activities to comply fully with the Convention. There is a need for action to follow words.



Children's Rights Profile on the Great Socialist People's Libyan Arab Jamahiriya

1.0 Introduction

1.1 Country Overview

The Great Socialist People's Libyan Arab Jamahiriya is located in North Africa, bordering the Mediterranean Sea to the north and Tunisia, Algeria, Niger, Chad, Sudan and Egypt. Its capital is Tripoli. During the mid-16th century, the Ottomans conquered Libya. In 1911, under a secret agreement with France, Italy invaded Libya and turned it into a colony.¹ Following the Second World War, Italy relinquished all claims to Libya.² On 24 December 1951 Libya declared its independence as a constitutional hereditary monarchy. On 1 September 1969 a military coup against King Mohammed Idris brought to power Colonel Mu'ammarr Al-Gaddafi who redefined Libya as a socialist people's republic.

Libya was effectively isolated from the international community from 1992, when the United Nations imposed an arms and air embargo in response to the 1988 bombing of Pan Am flight 103 over Lockerbie (Scotland),³ to August 2003, when it took formal responsibility for the bombing, agreed to compensate the families of the 270 victims and announced the dismantling of its programmes of weapons of mass destruction.⁴

The economy of Libya relies largely on its oil resources and oil output is expected to increase.⁵ The economy is also supported by agriculture, tourism and manufacturing.⁶ The ending of international isolation was accompanied by some limited internal economic reforms that have begun to generate economic growth. A 2005 report from the United Nations Development Programme (UNDP) asserts that decreased government control over economics and more progressive social policies have helped to raise living conditions in

¹ "History of Libya", History World, available on-line at <http://www.historyworld.net/wrldhis/PlainTextHistories.asp?historyid=aa83> (last accessed 30 October 2006)

² Question of the disposal of the former Italian colonies: Resolution 289 (IV), 21 November 1949

³ Resolution 748 (1992), 31 March 1992

⁴ S/RES/1506 (2003), 12 September 2003

⁵ "World Energy Outlook 2005: Executive Summary", International Energy Agency, available on-line at <http://www.iea.org/Textbase/npsum/WEO2005SUM.pdf> (last accessed 2 August 2006) pg 47

⁶ Ibid

Libya above those of other countries in the region.⁷ The Programme notes nevertheless that mismanagement and bad governance have left the country with a “medium” level of human development.⁸ In 2006 it was ranked 64th of 177 States in the UNDP's human development index.⁹

Economic reforms, however, have not been accompanied by political reforms and Libya remains under authoritarian control. It has often been criticised by human right organisations such as International Federation of Human Rights Leagues¹⁰, Amnesty International¹¹ and Human Rights Watch¹² on the basis of widespread, persistent human rights violations. Amnesty International reports, for example, that individuals who criticise the Government continue to be imprisoned.¹³ Associations engaged in political activity are illegal. Charitable associations approved by the Government are allowed to operate, but independent human rights organisations are prohibited.¹⁴ However, access by international human rights groups to assess human rights conditions in Libya has been increased, with visits by Amnesty International in February 2004 and Human Rights Watch in May 2006.

⁷ *Country programme and related matters: Libya*, 6/09/2005, DP/DCP/LBY/1 (Draft country programme document for the Libyan Arabs Jamahiriyia: 2006-2009, 14 July 2005)

⁸ “Human Development Report 2005”, United Nations Development Programme, available on-line at http://hdr.undp.org/reports/global/2005/pdf/HDR05_complete.pdf (last accessed 2 August 2006)

⁹ *Ibid*, table 1, pg 284

¹⁰ *Question of the Violation of Human Rights and Fundamental Freedoms in any part of the World*, Written statement* submitted by International Federation of Human Rights Leagues (FIDH) to the UN Commission on Human Rights, 17 March 2003, available on line at [http://www.unhchr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.2004.NGO.158.En?Opendocument](http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.2004.NGO.158.En?Opendocument) (last accessed 19 December 2006)

¹¹ “Middle East and North Africa: Libya”, Amnesty International 2006 Report, available on line at <http://web.amnesty.org/report2006/lby-summary-eng> (last accessed 19 December 2006)

¹² Human Rights Watch World Report 2006, available on line at <http://www.hrw.org/wr2k6/> (last accessed 19 December 2006)

¹³ “Middle East and North Africa: Libya”, Amnesty International, op. cit.

¹⁴ “Country Reports on Human Rights Practices – 2005: Libya”, US Department of State, 8 March 2006, available on-line at <http://www.state.gov/g/drl/rls/hrrpt/2005/61694.htm> (last accessed 1 November 2006)

1.2 *The Children of Libya*

Libya benefits from a developed network of public infrastructure and programmes that have contributed to improving the situation of children in the past decades, particularly in the education and health sectors. In 2006, the Government, with the UNDP Country Office, developed a macro-economic reform programme, "Strategies, Policies and the Economic Conditions for the Development Plan 2006-2010", that incorporates economic reform and diversification, development of education and a knowledge society and, improved governance at the local and central levels. This Plan, if implemented, will serve as the framework for the development of social and economic responses to children's rights in the years to come.¹⁵

1.3 *Facts at a Glance*

- The total population is 5.9 million, including 2.1 million children.¹⁶
- 36% of the population is less than 18 years.¹⁷
- The annual population growth is 2%.¹⁸
- GDP per capita decreased from USD 7,570 in 2002¹⁹ to USD 4,400 in 2006.²⁰
- The unemployment rate is close to 30%.²¹
- Maternal mortality rate is 97 for every 100,000 births.²²

¹⁵ United Nations Development Programme, Draft country Programme document for the Libyan Arab Jamahiriya (2006-2009), 14 July 2005, available on line at <http://www.undp.org/excebrd/word/DCPLBY1.doc> (last accessed 18 December 2006)

¹⁶ "The State of the World's Children 2007", UNICEF, table 1 pg 103

¹⁷ Ibid, table 6 pg 123

¹⁸ Ibid, table 6 pg 123

¹⁹ United Nations Development Programme, Programme on Governance in the Arab Region, available on line at <http://www.undp-pogar.org/countries/morestats.asp?gid=1&ind=6&cid=10> (last accessed 20 December 2006)

²⁰ World Development Indicator database, April 2006 in "Libya: Facts and Figures", World Bank 2005, available on-line at <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/MENAEXT/LIBYAEXTN/0,,menuPK:410789~pagePK:141159~piPK:141110~theSitePK:410780,00.html> (last accessed 3 November 2006)

²¹ "Libya: Facts and Figures", World Bank 2005, available on-line at <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/MENAEXT/LIBYAEXTN/0,,menuPK:410789~pagePK:141159~piPK:141110~theSitePK:410780,00.html> (last accessed 3 November 2006)

- The fertility rate is 2.9 children per woman.²³
- The infant (under 1) mortality rate is 18 per 1,000 live births,²⁴ a reduction from 105 deaths per 1,000 live births in 1970²⁵.
- The child (under 5) mortality rate also decreased from 160 per 1,000 live births in 1970 to 19 per 1,000 live births in 2004.²⁶
- 6% of children are moderately or severely underweight and 15% are moderately or severely stunted.²⁷
- In 2003, the literacy rate among those aged above 15 was 81.7% (91.8% male and 70.7% female).²⁸
- School enrolment for grade 1 is approximately 98%.²⁹
- The combined gross enrolment ratio for primary, secondary and tertiary schools in 2005 was 96%.³⁰
- Between 1997 and 1999, primary school enrolment was estimated at 100% and secondary school enrolment was 76% for girls and 67% for boys.³¹
- 87% of the population lives in cities.³²
- In 2003, the total health expenditure per capita was US\$327, for a total of 4.1% of the GDP.³³

On 11 September 1969, Libya adopted a new Constitution which was amended on 2 March 1977. The Constitution recognises the equality of all citizens. Following the ratification of the Convention on the Rights of the Child (CRC) in 1993, the Libyan Government in 1997 promulgated the Child Protection Act no.5. Previously, Libya had

²² "The State of the World's Children 2007", UNICEF, table 8 pg 131

²³ Ibid, table 6 pg 123

²⁴ Ibid, table 1 pg 103

²⁵ United Nations Development Programme, Programme on Governance in the Arab Region, op. cit.

²⁶ "The State of the World's Children 2007", UNICEF, table 10 pg 139

²⁷ Ibid, table 2 pg 107

²⁸ United Nations Development Programme, Programme on Governance in the Arab Region, op. cit.

²⁹ World Education News& Reviews, citing the Libyan national report for the UNESCO Education For All Program. Available online at <http://www.wes.org/ewenr/04July/Practical.htm> (last accessed 18 December 2006)

³⁰ United Nations Development Programme. "Human Development Report 2005", op. cit.

³¹ EarthTrends Text-Only Web site. <http://earthtrends.wri.org/text/population-health/country-profile-107.html> (last accessed: 18 December 2006)

³² "The State of the World's Children 2007", UNICEF, table 6 pg 123

³³ World Health Organisation- Libya, available on line at <http://www.who.int/countries/lby/en/> (last accessed 18 December 2006)

enacted Act 58 of 1970 on the right to work, Act 20 of 1972 on parental and guardianship responsibilities over children, Act 109 of 1972 on national education and an Act on children's rights in 1984.³⁴ Libya sees all these laws as contributing to its implementation of the CRC.

The National Organization for Information and Documentation was established in May 1990 to coordinate seventeen local and departmental information and documentation centres working on children's rights and connect this national network with similar international networks.³⁵ Article 12 of the 1997 Child Protection Act led to the establishment of the Higher Committee for Children, the national authority in charge of implementing the CRC and monitoring the protection of children's rights. The Secretariat for Legal Affairs and Human Rights, established in March 2002, plays a complementary role in monitoring and investigating violations of children's rights. Libya also indicated in its report to the UN Committee on the Rights of the Child that the People's Advocacy Department is yet another public authority competent in matters covered by the CRC, since it can defend the child on a pro bono basis. The Home Guard monitors child labourers. Finally, the Juvenile Court and the Department of Juvenile Prosecutions deal with children in conflict with the law.³⁶

However, there is no independent national institution to monitor compliance with the CRC or to promote and protect the rights of children under it.³⁷

³⁴ Presentation made by the Libyan Government at the Regional Seminar on the Rights of the Child in the Middle East and North Africa. Tunis, Tunisia. 28-30 November 2006

³⁵ *Second periodic reports of States parties due in 2000: Libya*, 19/09/2002, CRC/C/93/Add.1

³⁶ Ibid

³⁷ *Concluding observations: Libyan Arab Jamahiriya*. 04/07/2003. CRC/C/Add. 209

2.0 International Conventions and Treaties

Date of admission to UN: 14 December 1955

Treaty	Status	Signature date	Ratification/ accession date	Reporting record
Convention on the Rights of the Child	Accession		15.04.1993	Initial report 23.05.1996 Second report 8.08.2000
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	Accession		29.10.2004	
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	Accession		18.06.2004	
African Charter on the Rights and Welfare of the Child	Ratification	09.06.1998	23.09.2000	
Convention on the Elimination of All Forms of Racial Discrimination	Accession		03.07.1968	Initial report 07.08.1995
International Covenant on Economic, Social and Cultural Rights	Accession		15.05.1970	Initial report 15.06.1995
International Covenant on Civil and Political Rights	Accession		15.05.1970	Initial report 04.05.1977
Convention on the Elimination of All Forms of Discrimination against Women	Accession		16.05.1989	Initial report 18.02.1991
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	Accession		18.06.2004	
Convention related to the Status of Refugees	Accession		16.05.1989	
Protocol relating to the Status of Refugees	No Action			

Treaty	Status	Signature date	Ratification/ accession date	Reporting record
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	Accession		18.06.2004	
Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Accession		16.05.1989	Initial report 14.05.1991
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	Accession		03.12.1956	
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	Accession		06.09.2005	
Rome Statute of the International Criminal Court	No Action			
Convention concerning the Minimum Age for Admission to Employment (C-138)	Ratification		19.06.1975	
Convention concerning the Elimination of the Worst Forms of Child Labour (C-182)	Ratification		04.10.2000	

Libya has not made any reservations to the Convention on the Rights of the Child.

3.0 Children's Rights Review

3.1 General Overview

On 15 April 1993, Libya ratified the Convention on the Rights of the Child (CRC). Its initial report was submitted to the Committee on the Rights of the Child on 26 September 1996³⁸ and the Committee

³⁸ *Initial report of States parties due in 1995: Libyan Arab Jamahiriya*. 26/09/1996. CRC/C/28/Add.6

issued its first Concluding Observations on 4 February 1998.³⁹ Libya reported a second time to the Committee on 8 August 2000⁴⁰ and the Committee issued its Concluding Observations on 4 July 2003.⁴¹ Libya is due to submit its combined 3rd and 4th reports to the Committee on 14 November 2008.

Libya also ratified the African Charter on the Rights and Welfare of the Child on 23 September 2000; the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography on 18 June 2004; and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict on 29 October 2004. However, it has yet to submit its initial reports to the Committee on the Rights of the Child on the implementation of either Protocols.

Between 1992 and 2003 Libya was subject to major external trade restrictions that limited the resources available to it. Nevertheless, it managed to improve its education system by increasing enrolment and literacy rates. New curricula were developed for specialised schools and vocational training centres with girls count as the principal beneficiaries.⁴² The Concluding Observations of the Committee on the Rights of the Child in 2003 noted positively increased access to healthcare services and vaccination, Libya's significant humanitarian assistance to surrounding nations, steps to improve living conditions within the country and the establishment of the Higher Committee for Children (1997) and the Secretariat for Legal Affairs and Human Rights (2002).⁴³ In July 2006, the Secretary of the General People's Committee confirmed the continuation of the resource-sharing programme to help deprived families and their children.⁴⁴

In its Concluding Observations in 2003 the Committee expressed its concern about the coordination of the governmental bodies competent in various areas of child protection, and about the lack of

³⁹ *Concluding observations: Libyan Arab Jamahiriya*. 04/02/1998, CRC/C/15/Add.84

⁴⁰ *Second periodic reports of Libyan Arab Jamahiriya due in 2000: Libyan Arab Jamahiriya*. 8/08/ 2000. CRC/C/93/Add.1

⁴¹ *Concluding observations: Libyan Arab Jamahiriya*. 04/07/2003, CRC/C/Add. 209

⁴² United Nations Development Programme, Draft country programme document for the Libyan Arab Jamahiriya, op. cit.

⁴³ *Concluding observations: Libya*, 4/07/2003, CRC/C/15Add.209

⁴⁴ "Libya distributes public wealth to deprived families", ArabicNews.com, 6 July 2006, available on-line at <http://www.arabicnews.com/ansub/Daily/Day/060706/2006070616.html> (last accessed 3 August 2006)

a fully independent monitoring mechanism. The Committee deplored the lack of data and practical information on the implementation of the CRC that would allow a complete assessment of the situation of children.⁴⁵ Libya was advised to establish a data-collection system of indicators relevant to the promotion and protection of children's rights.⁴⁶

The Government expressed its concern about coordination in the response to Committee questions on child protection issues. It reported in December 2006 the establishment of a Childcare Administration within the People's Committee for Social Affairs to monitor and coordinate actions in childcare and child protection. The Childcare Administration is said to be working with the Secretariat of Justice and the Human Right Office to follow up child protection and violations of the 1997 Child Protection Act. Moreover, the General People's Committee for Social Affairs reports Government plans to disseminate information in schools on the child protection legislation and international conventions ratified by Libya. It is also reported that leaflets on children's rights are distributed in motherhood and childhood centres, kindergartens and schools. Libya also states that training courses for child field personnel will soon be developed.⁴⁷

3.2 Application of the CRC's Non-Discrimination Principle

According to the Government, the principle of **non-discrimination** is guaranteed to all citizens by Article 5 of the Libyan Constitution, which stipulates that "all citizens are equal before the law". In addition, the 1969 Constitutional Proclamation granted total equality to women. The Promotion of Freedom Act No. 20 of 1991 also stipulates that "both male and female citizens of Libya are free and have equal rights which may not be prejudiced".⁴⁸ However, implementation of these laws remains a problem. In 2004 and 2005, two international human rights treaty monitoring bodies, those with responsibility for the Convention on the Elimination of all forms of

⁴⁵ *Concluding observations: Libya*, 4/07/2003, CRC/C/15Add.209

⁴⁶ *Ibid*

⁴⁷ Information provided by the Libyan General People's Committee for Social Affairs (Ministry), communication between the Gaddafi Development Foundation and International Bureau for Children's Rights (IBCR), December 2006

⁴⁸ *Second periodic reports of States parties due in 2000: Libya*, 19/09/2002, CRC/C/93/Add.1

Racial Discrimination⁴⁹ and for the International Covenant on Economic, Social and Cultural Rights,⁵⁰ reported that discrimination against migrant workers, black Libyans, ethnic and religious minorities and girls was occurring. The Committee on Economic, Social and Cultural Rights further expressed its concern that Libya did not have comprehensive legislation on non-discrimination and on the protection of minorities.

According to the Libyan Government, equality between men and women is guaranteed by the Freedom Act No. 20 of 1991 and Act No. 7 of 1989 which incorporated the Convention on the Elimination of All Forms of Discrimination against Women into domestic legislation. Article 6 of the Family Law Act No. 10 of 1984 sets the same minimum legal age for marriage at 20 years for both men and women. The Government emphasises several measures taken to eliminate discrimination against **girls**, including mandatory and free education for girls and the growing number of girls' schools.⁵¹ Little information is available on the situation of girls and the discrimination they may face. There are concerns that, although the gender gap in school enrolment has narrowed, a significant number of girls living in rural areas still do not attend school. Gender discrimination is reported to be a common problem, especially in relation to laws governing inheritance, divorce and property ownership.⁵² A recent report from Human Rights Watch indicates that the Libyan Government is arbitrarily detaining women and girls for suspected moral transgressions (such as being a victim of rape) in so-called "social rehabilitation" centres.⁵³ The Committee on the Rights of the Child in its 2003 Concluding Observations noted that children born out of wedlock and their mothers are marginalised by society, limiting greatly their access to adequate services. Libya was

⁴⁹ The United Nations Committee on the Elimination of Racial Discrimination considers report of Libya, 3rd of March 2004, available on line at <http://www2.unog.ch/news2/documents/newsen/crd04009e.htm> (last accessed 19 December 2006)

⁵⁰ The United Nations Committee on Economic, Social and Cultural Rights reviews second periodic report of Libya, 17 November 2005, available on line at http://www.unhchr.ch/hurricane/hurricane.nsf/view01/34E7EDEF2ECA3DBCF_C12570BC0049E1DE?opendocument (last accessed 19 December 2006)

⁵¹ *Second periodic reports of States parties due in 2000: Libya*, 19/09/2002, CRC/C/93/Add.1.

⁵² "Country Reports on Human Rights Practices – 2005: Libya", US Department of State, op. cit.

⁵³ "A Threat to Society? Arbitrary Detention of Women and Girls for Social Rehabilitation", Human Rights Watch, February 2006, Vol. 18, No. 2 (E)

advised to carry out comprehensive public education campaigns to prevent and combat discrimination against girls and children born out of wedlock.⁵⁴ No Government measures in response to these recommendations are known.

The Libyan Government asserts that the country is culturally and socially homogenous, denying the existence of **national, ethnic or religious minorities**. In its 2004 report to the Committee on the Elimination of Racial Discrimination, Libya declared, "All citizens are Arabs who profess Islam and speak the Arabic language. They share the same cultural traditions and are afforded equality of treatment in respect of access to education, health, food, work, and so on."⁵⁵ However, the Committee on the Elimination of Racial Discrimination expressed its concerns about the vulnerability of tribal minorities, indicating that discrimination occurs against Amazigh, Tuareg and black African minorities, on an ad hoc basis.⁵⁶ The Committee on the Rights of the Child also raised concerns about xenophobia, especially against migrant workers and their children. For example, the Committee reported that children from ethnic minorities cannot be registered at birth because the law does not recognise tribal names. Libya was advised to take all appropriate measures, including comprehensive public education campaigns, to prevent and combat negative societal attitudes towards migrant workers and tribal peoples. It was recommended to provide specific information on the measures and programmes taken against racism, racial discrimination, xenophobia and related intolerance.⁵⁷ To date, no information is available on any measures taken in response to these recommendations by either Committee.

Discrimination based on **disability** is illegal in Libya, yet the enforcement of this legislation remains an issue.⁵⁸ The Social Security Fund, the main institution in charge of distributing funding to social services, is responsible to ensure that children with disabilities have access to a shelter, home service and public transport.⁵⁹ Although the

⁵⁴ *Concluding observations: Libya*, 4/07/2003, CRC/C/15Add.209

⁵⁵ *Seventeenth periodic reports of States parties due in 2002: Libya*, 18/06/2003, CERD/C/431/Add.5

⁵⁶ *Concluding observations: Libya*, 12/03/2004, CERD/C/64/CO/4

⁵⁷ *Concluding observations: Libya*, 4/07/2003, CRC/C/15Add.209

⁵⁸ "Country Reports on Human Rights Practices – 2005: Libya", US Department of State, *op. cit.*

⁵⁹ *Second periodic reports of States parties due in 2000: Libya*, 19/09/2002, CRC/C/93/Add.1

Disabled Persons Act No. 5 of 1987 provides benefits to these children, including prosthetic limbs, training and rehabilitation,⁶⁰ the Committee on the Rights of the Child found that the rights of these children have not been respected in accordance with the principle of non-discrimination and they are not included in the regular education system.⁶¹ As a result, Libya was advised to review its existing policies and practice in relation to children with disabilities and to make greater efforts for their inclusive education. Since then, Libya, Italy and the UN Development Programme have been cooperating to improve the services and treatment provided at the Orthopaedic Workshop and the Rehabilitation Centre for the Disabled in Benghazi. The project includes training 36 technicians and the equipping of a 120-bed hospital.⁶²

In its second report to the Committee on the Rights of the Child, Libya states that, since the 1970s, social and economic development programmes had been expanded to reduce gaps between rural and urban areas and, as a result, work to eliminate discriminations between **rural and urban children** and families. These programmes included health care services as well as social and educational protection and benefits.⁶³

3.3 Application of the CRC's Best Interests of the Child Principle

Libya has integrated the principle of the best interest of the child into domestic law under the Child Protection and Welfare Ordinance of 1991. Act No. 17 of 1992 also stipulates that Libya shall implement "the most appropriate principles of Islamic law in the best interests of the child"⁶⁴ and grants protections for minors that were detailed in 1997 in the Child Protection Act No. 5.⁶⁵ However, the Committee on the Rights of the Child found that in practice the best interests of the child is often not prioritised over other considerations. For example, Libya has excluded from custodial arrangements foreign parents who are living outside the State.⁶⁶ Overall, more information

⁶⁰ Ibid

⁶¹ *Concluding observations: Libya*, 4/07/2003, CRC/C/15Add.209

⁶² United Nations Development Programme Libya, Poverty Reduction, available on line at http://www.undp-libya.org/index.php?option=com_content&task=view&id=37&Itemid=42 (last accessed 20 December 2006)

⁶³ *Second periodic reports of States parties due in 2000: Libya*, 19/09/2002, CRC/C/93/Add.1

⁶⁴ Ibid

⁶⁵ Ibid

⁶⁶ *Concluding observations: Libya*, 4/07/2003, CRC/C/15Add.209

is necessary to assess the extent to which the principle of the best interests of the child is not only incorporated in the laws and policies of Libya, but also integrated in the practices of the Government, the courts and the population. Noting the lack of knowledge among the population about children's rights, the Committee on the Rights of the Child recommended in its last Concluding Observations the inclusion of human rights education in the school curriculum, especially regarding tolerance, gender equality and respect for religious and ethnic minorities.⁶⁷ Efforts are still needed to make this principle a reality.

3.4 Application of the CRC's Child Development Principle

Under Act No. 24 of 1994, the Libyan Government adopted a national plan to provide basic **healthcare** to all citizens.⁶⁸ Libya's health sector is considered to be far ahead of that in most Arab and African countries. Its child mortality rate is 19 deaths per 1,000 live births (the second lowest rate in Africa) and life expectancy is 74 years.⁶⁹ Since the early 1970s, the Libyan Government has worked with both UNICEF and the World Health Organization to fight the spread of communicable diseases in the country.⁷⁰ According to the Higher Committee for Children in Libya, the decrease in child mortality rates is due to increased rates of immunisation.⁷¹ A study conducted by the Centre for Administrative Innovation in the Euro-Mediterranean Region found that children immunisation coverage is approximately 92%.⁷² The Government also reports having developed a number of initiatives to improve children's health, including programmes to combat diarrhoea, tuberculosis and child

⁶⁷ Ibid

⁶⁸ *Second periodic reports of States parties due in 2000: Libya*, 19/09/2002, CRC/C/93/Add.1

⁶⁹ "The State of the World's Children 2007", UNICEF, table 1 pg 103 and table 6 pg 123

⁷⁰ "At a Glance: Libyan Arab Jamahiriya: The big picture", UNICEF, available online at <http://www.unicef.org/infobycountry/laj.html> (last accessed 2 August 2006)

⁷¹ "Trying to save Libya's children", BBC Online, 16 September 2005, available online at <http://news.bbc.co.uk/2/hi/africa/4242558.stm> (last accessed 2 August 2006)

⁷² *Welfare in the Mediterranean Countries- Libya*, Centre for Administrative Innovation in the Euro-Mediterranean Region, available online at <http://unpan1.un.org/intradoc/groups/public/documents/CAIMED/UNPAN019179.pdf> (last accessed 19 December 2006)

respiratory infection.⁷³ Access to improved sanitation and water is also considered to be better in Libya than elsewhere in the region. In addition, health services are reported to be almost equally available to rural and urban communities.⁷⁴ The Higher Committee for Children recognised nevertheless that more needs to be done in raising awareness about hygiene and communicable diseases and organising education programmes for mothers on how best to take care of their children.⁷⁵ Sanctions imposed by the United Nations limited the capacity of Libya to maintain and improve its healthcare system. It was difficult to renew and repair medical equipment, while mother-and-child health care centres had to close.⁷⁶ Removal of the sanctions in 2003 should have improved this situation but no information is yet available. Certainly the Libyan Government will be expected to have done better in this since 2003.

A National AIDS Programme was begun in Libya in September 2002 and the Government is collaborating with UNICEF and Government-funded local organisations to combat the virus with substantial funding.⁷⁷ In 2001, 5,930 cases of **HIV/AIDS** were reported to the Government. However, the Programme notes that this figure may be higher in reality because social taboos deter some from seeking assistance and being registered in the statistics.⁷⁸ According to the United Nations Development Programme (UNDP), substance abuse among young people is the primary source of infection. Since 1999, a joint programme between UNAIDS, the Libyan Red Crescent, the World Health Organization, the UNDP and UNICEF has been working to mainstream HIV/AIDS prevention and raise awareness on the linkages between the virus and substance abuse.⁷⁹ Under the programme, assistance is also provided

⁷³ *Second periodic reports of States parties due in 2000: Libya*, 19/09/2002, CRC/C/93/Add.1

⁷⁴ "Population, Health, and Human Well-Being—Libyan Arab Jamahiriya", EarthTrends, available on-line at http://earthtrends.wri.org/pdf_library/country_profiles/pop_cou_434.pdf (last accessed 2 August 2006)

⁷⁵ "Trying to save Libya's children", BBC Online, op. cit.

⁷⁶ Centre for Administrative Innovation in the Euro-Mediterranean Region, op. cit.

⁷⁷ "At a Glance: Libyan Arab Jamahiriya: The big picture", UNICEF, op. cit.

⁷⁸ United Nations Development Programme Libya, Practice area- HIV/AIDS, available on line at http://www.undp-libya.org/index.php?option=com_content&task=view&id=37&Itemid=42 (last accessed 20 December 2006)

⁷⁹ "Libyan Arab Jamahiriya", United Nations Development Program, available on-line at http://www.undp-libya.org/index.php?option=com_content&task=view&id=22&Itemid=34 (last accessed 9 November 2006)

by the People's Committee for Health to those who are using drugs, including children. The capacities and training of drug control, law enforcement and customs authorities in Libya is being reinforced.⁸⁰ In recent years, various public campaigns and seminars have been held with representatives of the education, health and justice sectors to raise awareness about children and young people and HIV/AIDS. As a result, UNICEF indicates that "all aspects of the HIV/AIDS issue are now openly discussed, including the magnitude of the problem, its links to the drug abuse problem and the shortcomings of existing efforts aimed at combating the disease".⁸¹ Also, a "Youth to Youth" public education network was established in 2002 to give lectures in schools and develop community projects with young participants.⁸²

The situation of HIV/AIDS in Libya has recently received international attention following the case of five Bulgarian nurses and one Palestinian doctor who were convicted and sentenced to death after they were accused of intentionally infecting 426 Libyan children with HIV in the Benghazi area.⁸³ However some believe that poor hygiene conditions in Libyan's hospitals may have been one of the causes of the infection of the children.⁸⁴ There is also concern that the apparently unjust treatment of the foreign medical workers will set back local and international efforts to combat the spread of the virus in Libya.

Decree No. 150 of 1996 established a national strategy to monitor and eliminate the use of **narcotics and drugs** among children. Libya reports that a national committee was created in 1999 as a result of

⁸⁰ "Brief on the UN Drug Control Project in Libya", 2006, available on-line at www.undp-libya.org/index.php?option=com_content&task=view&id=23&Itemid=35 (last accessed 1 December 2006)

⁸¹ "At a Glance: Libyan Arab Jamahiriya: The big picture", UNICEF, op. cit.

⁸² United Nations Development Programme Libya, Practice area- HIV/AIDS, op. cit.

⁸³ "Libyan HIV Children Treated in Europe", The Associated Press, 26 October 2006, available on-line at <http://www.washingtonpost.com/wp-dyn/content/article/2006/10/26/AR2006102601246.html> (last accessed 9 November 2006); "Libya 'will not bow to pressure'." BBC News. 19 December 2006 <http://news.bbc.co.uk/2/hi/africa/6194325.stm> (last accessed: 19 December 2006)

⁸⁴ "Editorial: Libya's travesty", Nature International Weekly Journal of Science, No. 443, 21 September 2006, pg 245-246, available on-line at <http://www.nature.com/nature/journal/v443/n7109/full/443245b.html> (last accessed 30 November 2006)

this strategy and the Secretariat for Health and Social Security conducts education and awareness-raising programmes as well as counselling for children who use drugs.⁸⁵

The Constitution of Libya, under article 14, makes **education** compulsory and free for all children, until the child reaches the ninth year of schooling (usually at 15 years old). The Education Act No. 134 of 1970 stipulates that education should be available to everyone, without distinction of race, colour, gender or other factors.⁸⁶ Libya is considered a leader among Arab and African countries in regards to its education system, ranking among the top performers in the region in the length of time students remain in school as well as in the pupil to teacher ratio.⁸⁷ The Libyan Government indicated in its report to the UN Committee on the Rights of the Child in 2000 that the educational and training sectors received 21.4% of the public budget over the period 1990 to 1997. The Libyan Government also reported a primary education enrolment rate of 98%.⁸⁸ The Libyan national report for the UNESCO Education for All Programme states that the enrolment rate for grade 1 is approximately 98%.⁸⁹ During the academic year 1998-1999, more than 130,000 male and female students were trained in one of the 398 basic vocational training centres.⁹⁰ The literacy rate for individuals aged 15 and over has reportedly increased to 82.6% and the gender gap has decreased with 92.4% literacy for males and 72% for females.⁹¹ In September 2004, the Government established the General's People Higher Committee for Education to replace the Ministry for Education.⁹²

⁸⁵ *Second periodic reports of States parties due in 2000: Libya*, 19/09/2002, CRC/C/93/Add.1

⁸⁶ Ibid

⁸⁷ "Education for All: The Quality Imperative", UNESCO, available on-line at http://www.unesco.org/education/gmr_download/chapter3.pdf (last accessed 3 August 2006)

⁸⁸ *Second periodic reports of States parties due in 2000: Libya*, 19/09/2002, CRC/C/93/Add.1

⁸⁹ World Education News & Reviews, citing the Libyan national report for the UNESCO Education For All Program. Available online at <http://www.wes.org/ewenr/04July/Practical.htm> (last accessed 18 December 2006)

⁹⁰ Ibid

⁹¹ "Libya", The World Factbook, 17 October 2006, available on-line at <https://www.cia.gov/cia/publications/factbook/geos/ly.html> (last accessed 9 November 2006)

⁹² "Country Profile: Libya: April 2005", Library of Congress, April 2005, available on-line at <http://lcweb2.loc.gov/frd/cs/profiles/Libya.pdf> (last accessed 3 August 2006),

The Libyan Government proposes to provide a laptop computer to each of its 1.2 million school children by June 2008.⁹³ As part of the 'Development of Specialised Schools,' the National Centre for Training and Education, together with UNICEF, UNDP and UNESCO, has planned to spend US\$6 million for the period 2006-2009 to support vocational and professional training programmes for adolescents and young people in various new sectors such as economics, engineering, general sciences, medical sciences and computer sciences.⁹⁴

Libya ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of **Children in Armed Conflict** on 29 October 2004. At the time of the ratification of the Protocol, the Libyan Government declared that the national legislation required anyone to be at least 18 years old to serve voluntarily in the armed forces.⁹⁵ However, according to the Coalition to Stop the Use of Child Soldiers, the minimum age for voluntary recruitment in the armed forces in Libya was traditionally 17 years and secondary school students between the ages of 16 and 19 can receive military training and weapon instruction.⁹⁶ According to the 2003 Concluding Observations of the Committee on the Rights of the Child, Libya has made progress in its efforts against the use of children in the armed forces. In particular, the Committee welcomed the specific provisions in the 1997 Child Protection Act that provides special protection for children who are forced to join armed groups as well as the prohibition in the Labour Code of all forms of recruitment of children under the age of 18 in armed groups and forces.⁹⁷ Libya was not included on the U.S. State Department 2005 list of 25 countries

⁹³ Presentation made by the Libyan Government at the Regional Seminar on the Rights of the Child in the Middle East and North Africa. Tunis, Tunisia, 28-30 November 2006

⁹⁴ United Nations Development Programme, Draft country programme document for the Libyan Arab Jamahiriya, op. cit.

⁹⁵ "Ratifications and Reservations", UNHCHR, 8 May 2006, available on-line at http://www.ohchr.org/english/countries/ratification/11_b.htm (last accessed 9 November 2006)

⁹⁶ "Libya", Child Soldiers Global Report 2004, available on-line at <http://www.child-soldiers.org/regions/country.html?id=121> (last accessed 9 November 2006)

⁹⁷ *Second periodic reports of States parties due in 2000: Libya*, 19/09/2002, CRC/C/93/Add.1

where children are used as soldiers by armed forces.⁹⁸ No **antipersonnel landmines** casualties were reported in 2005 and 2006 in Libya, but children have been among past victims of these unexploded ordnances.⁹⁹ In May 2005, the Government sponsored a seminar in Tripoli to raise awareness of the impact of landmines on the Libyan population. The Committee on the Right of the Child recommended that Libya make greater efforts to make available the necessary professional and financial resources and to promote and expand community-based rehabilitation programmes, including parent support groups for children with disabilities.¹⁰⁰

In December 2003, the Office of the United Nations High Commissioner for Refugees (UNHCR) in Tripoli reported having registered 12,000 **refugees**, of whom 35% were children. Little information is available on the protection of refugee children's rights. The UNHCR says it cooperates with various Libyan organisations to provide services to them.¹⁰¹ Amnesty International asserts that refugees are often detained and denied access to legal rights. For example, 76 Eritrean nationals, including six children, claimed in August 2004 they had been ill-treated and denied medical attention while they were in custody in Libya.¹⁰²

Article 65 of the Family Law Act No. 10 of 1984 requires that a person must be a rational and reliable adult to be responsible for the **guardianship and education** of a child. Furthermore, the Libyan Penal Code prohibits child abandonment, neglect or abuse. The Basic Allowances Act No. 16 of 1985 guarantees a basic allowance to orphans until the age of 18 and until 28 years old for university students. Adoption is illegal in Libya; instead a system of fostering and hosting enables families to support children living in social welfare institutions.¹⁰³ The fostering or institutionalisation process is

⁹⁸ "State Department Reports on the Use of Child Soldiers", Center for Defense Information, 6 May 2005, available on-line at <http://www.cdi.org/pdfs/2004-state-hrr-child-soldiers.pdf> (last accessed 7 August 2006)

⁹⁹ "Libya", Landmine Monitor Report 2006, available on-line at <http://www.icbl.org/lm/2006/libya.html> (last accessed 9 November 2006)

¹⁰⁰ *Concluding observations: Libya*, 4/07/2003, CRC/C/15Add.209

¹⁰¹ UNHCR, The UN Refugee Agency, Country Operations Plan- Libyan Arab Jamahiriya, Planning Year: 2004

¹⁰² "Report 2005: Libya", Amnesty International, available on-line at <http://web.amnesty.org/report2005/lby-summary-eng> (last accessed 10 November 2006)

¹⁰³ *Second periodic reports of States parties due in 2000: Libya*, 19/09/2002, CRC/C/93/Add.1

largely informal for children deprived of a family environment because of social customs and Islamic law. Once placed in residential institutions, any child who is without a caretaker will be provided with alternative care by the social services.¹⁰⁴ No information is available about the quality of care provided in these institutions or the efforts made to trace the families of children placed there or to re-integrate children in alternative care settings and family structures. Libya is proud of its network of institutions that concentrate services for “vulnerable” children. Government officials often report that Libya does not have a problem of street children, for instance, because children found on the street are automatically sent to an institution.¹⁰⁵ In its second periodic report to the Committee on the Rights of the Child, Libya explained that street children and children living outside their family or without a family provider can be transferred to a charitable foundation or a State-recognised institution upon a request issued by the Department of Public Prosecutions.¹⁰⁶ In this way, children living outside a family are vulnerable to institutionalisation and family tracing does not appear to be prioritised.

Over 90% of children in Libya are registered in the State birth and statistical records.¹⁰⁷ The Civil Status Act No. 36 makes **birth registration** compulsory for all children, including children born out of wedlock and children born from foreigners on Libyan territories. No national legislation in Libya determines the status of refugees, a situation which prevents them from registering their children.¹⁰⁸ However, Libya informed the Committee in its 2000 report that children born from a non-Libyan father and a Libyan mother can now obtain Libyan nationality.¹⁰⁹ In its 2003 Concluding Observations, however, the Committee on the Rights of the Child

¹⁰⁴ “Libya”, Representing Children Worldwide, November 2005, available on-line at <http://www.law.yale.edu/rcw/rcw/jurisdictions/afn/libyanarabjamahiriya/frontpage.htm> (last accessed 3 August 2006)

¹⁰⁵ Presentation made by the Libyan Government at the Regional Seminar on the Rights of the Child in the Middle East and North Africa. Tunis, Tunisia. 28-30 November 2006

¹⁰⁶ *Second periodic reports of States parties due in 2000: Libya*, 19/09/2002, CRC/C/93/Add.1

¹⁰⁷ “Birth registration”, UNICEF, available on-line at <http://www.unicef.org/pon98/civil6.htm> (last accessed 3 August 2006)

¹⁰⁸ *Concluding observations: Libya*, 4/07/2003, CRC/C/15Add.209

¹⁰⁹ *Second periodic reports of States parties due in 2000: Libya*, 19/09/2002, CRC/C/93/Add.1

found that children who are born out of wedlock and children who are born in Libya from refugee parents have problems in being registered.

Article 92 of the Labour Act No. 58 of 1970 prohibits the employment of children aged below 15 years.¹¹⁰ Under article 15 of the Child Protection Act No. 5 of 1997, **child labour** is prohibited in all forms except for purposes of voluntary educational or vocational training.¹¹¹ Despite the limit on working hours and conditions of work for children, the Global March against Child Labour cites various reports to express its concern on the situation of working children in Libya.¹¹² No other information on the issue is available.

Information on **child abuse and ill-treatment** of children within the family and other environments is lacking.¹¹³ Domestic violence and rape are prohibited, under article 36 of Act No. 17 of 1992, but reports indicate that these provisions are not well enforced and that programmes and services for victims are lacking.¹¹⁴ Libyan authorities indicate that family violence and rape of girls are rare in Libya but Human Rights Watch has expressed concern about many women and girls living in social rehabilitation centres only because they were victims of sexual violence for which their family ostracised them.¹¹⁵ According to Global Initiative, corporal punishment is still lawful in the home but not in school. It is unclear if it is permitted in institutions.¹¹⁶

Sexual abuse within the home is very rarely discussed in Libya and cultural and political resistance is reported to impede the documentation of the extent and manifestations of sexual exploitation in the country.¹¹⁷ Libya ratified the Optional Protocol to

¹¹⁰ Ibid

¹¹¹ Ibid

¹¹² "Libya", Global March Against Child Labour, available on-line at <http://www.globalmarch.org/resourcecentre/world/libya.pdf> (last accessed 7 August 2006)

¹¹³ *Concluding observations: Libya*, 4/07/2003, CRC/C/15Add.209

¹¹⁴ "A Threat to Society? Arbitrary detention of women and girls for social rehabilitation", Human Rights Watch, op. cit.

¹¹⁵ Ibid

¹¹⁶ "Libyan Arab Jamahiriya", Global Initiative, February 2006, available on-line at <http://www.endcorporalpunishment.org/pages/progress/reports/libya.html> (last accessed 3 August 2006)

¹¹⁷ "2nd World Congress against commercial sexual exploitation of children", UNICEF, available on-line at <http://www.unicef.org/events/yokohama/background8.html> (last accessed 10 November 2006)

the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography on 18 June 2004. The Libyan Penal Code sets the minimum legal age for sexual consent at 18 years, while Act No. 10 of 1984 stipulates that sexual relations may only take place within marriage.¹¹⁸ The Penal Code imposes harsh penalties on a person who sexually exploits, abuses or corrupts a child or incites and influences a child to prostitution. A report from Human Rights Watch on social rehabilitation of girls reveals that both the Government and the population in general believe that sexual exploitation of children does not exist in Libya.¹¹⁹ Child victims of sexual abuse often prefer to go directly and voluntarily to the police to report the incident out of fear of their families who would believe otherwise that they have consented to sex before marriage. Once the child is transferred to a social rehabilitation programme, as a type of preventive custody, there is no possibility of appeal. Children in rehabilitation centres are said to be treated like delinquents. During their stay in the centres, girls can be taken as brides by qualified men.¹²⁰ No other information is available on the practice.

The Committee on the Rights of the Child expressed its concerns in 2003 about **trafficking of children** in Libya for the purposes of sexual exploitation or slavery, especially Sudanese children.¹²¹ The Protection Project considers Libya as a transit and destination country for trafficked children from sub-Saharan Africa and Asia.¹²² Libya's location on the Mediterranean coast, along with its unguarded borders, makes it a key transit area for those being trafficked into Europe.¹²³ Many of the trafficked children work as labourers and beggars to pay off their smuggling debt. Law enforcement is reported as weak and there is reportedly no strategy to address the issue.¹²⁴ However, in August 2005, Libya created a counter-smuggling plan of

¹¹⁸ *Second periodic reports of States parties due in 2000: Libya*, 19/09/2002, CRC/C/93/Add.1

¹¹⁹ "A Threat to Society? Arbitrary detention of women and girls for social rehabilitation", Human Rights Watch, op. cit.

¹²⁰ Ibid

¹²¹ *Concluding observations: Libya*, 4/07/2003, CRC/C/15Add.209

¹²² "Libya", The Protection Project, available on-line at <http://www.protectionproject.org/libya.doc> (last accessed 7 August 2006)

¹²³ Meeting of IBCR, Tunis, Tunisia. November 2006

¹²⁴ "Trafficking in Persons Report: 2006 Report", US Department of State, 5 June 2006, available on-line at <http://www.state.gov/g/tip/rls/tiprpt/2006/65989.htm> (last accessed 7 August 2006)

action with the International Organization for Migration to provide anti-trafficking training to Government officials and police officers.¹²⁵

According to the last report submitted by Libya to the Committee on the Rights of the Child, the Government has established a **juvenile court** in the jurisdiction of every criminal court. Under article 80, a juvenile aged between 14 and 18 years is criminally liable once his or her culpability is proven. However, under the Code of Criminal Procedure for the prosecution of minors, capital punishment cannot be imposed on a juvenile convicted a felony which carries the death penalty or life imprisonment; the sentence will be commuted to less than five years of imprisonment. The General People's Committee for Social Affairs explains that children below 14 are not criminalised when they commit an offence, but parents are asked to exercise their responsibility towards their children to prevent a similar offence in the future. The juvenile court must call for the advice of a social worker in judging a case.¹²⁶ Libya has adopted measures to rehabilitate children in conflict with the law. Social services, residential rehabilitation centres and treatment clinics have been built and specialist doctors work with children who have social, mental and physical problems.¹²⁷ Libya reports that juvenile offenders are held separately from adults in juvenile education and guidance centres.¹²⁸ However, no information is available on the quality of infrastructure and services provided in these detention centres or on the nature of the treatment accorded the young residents.

3.5 Application of the CRC's Child Participation Principles

Libya explained in its 2000 report to the Committee on the Rights of the Child that “under Libyan law, the child’s opinions, testimony and statements may be heard concerning any matter in connection with legal proceedings in which he is a party” and that “the child’s opinion is sought concerning all matters in connection with his life and lifestyle in the residential institutions where he lives”.¹²⁹ The Act of

¹²⁵ Ibid

¹²⁶ Information provided by the Libyan General People's Committee for Social Affairs (Ministry), communication between the Gaddafi Development Foundation and IBCR, December 2006

¹²⁷ *Second periodic reports of States parties due in 2000: Libya*, 19/09/2002, CRC/C/93/Add.1

¹²⁸ Ibid

¹²⁹ Ibid

12 June 1988 guarantees respect for the views of the child and the Government reports that it promotes child participation in school committees and other institutions through educational activities, school radio and other media.¹³⁰ However, the Committee voiced its concern that traditional attitudes towards children in Libyan society may limit child participation.¹³¹ In particular, it noted that courts give insufficient importance to the child's opinion during proceedings.¹³² More information is needed to measure how the right of children to participate in society is respected.

4.0 Overall Assessment

Lack of information is a core problem in assessing the situation of children in Libya. Reports on Libya published by international human rights organisations rarely focus on the situation of children. United Nations agencies compile some statistics on various social and economic indicators; however, a comprehensive overview of the situation of children and of the programmatic response to their rights is still lacking. The State reports to the Committee on the Right of the Child do not provide enough detail to measure concrete progress and remaining challenges on children's rights on a regular basis. The Committee, as a result, has expressed concerns about this lack of information. This report, therefore, can only develop a little the knowledge already available on children in Libya.

The recent establishment of the Childcare Administration appears to be a step in the direction of improving coordination, monitoring and follow-up of the implementation of the rights of the child. Health and education are key areas where Libya seems to have made progress in the past decade, although there are concerns about the maintenance and enhancement of the quality of the services provided to children. The fight against HIV/AIDS is another area where collaboration and long-term planning have resulted in interesting preventive strategies; yet, these efforts may be hampered by sanitation issues, persistent social taboos and miscarriages of justice in relation to foreign medical workers. The improvement of services to children with disabilities, the establishment of juvenile courts and the elaboration of a strategy to address substance abuse among adolescents are other positive developments worth mentioning.

¹³⁰ Ibid

¹³¹ *Concluding observations: Libya*, 4/07/2003, CRC/C/15Add.209.

¹³² Representing Children Worldwide, op. cit.

Libyan legislation does not appear to prioritise the best interests of the child and the right of children to participate in all decisions affecting them. The non-discrimination principle, especially in regards to the rights of children from ethnic and religious minorities, is included in the local legislation and in international conventions ratified by Libya, but enforcement and implementation appear to be lacking. Children of refugees are also reported to be discriminated against, as their rights to protection, education and health are often compromised. Concerns have been raised as well about the extensive network of institutions for children, where the respect for the rights of the child to privacy, participation and protection is unclear and where family reintegration and alternatives to institutionalisation need to be promoted. More research and attention are also required to document the experiences of vulnerable children including street children, child victims of sexual exploitation and child labourers.



Children's Rights Profile on the Kingdom of Morocco

1.0 Introduction

1.1 Country Overview

Morocco is located in North Africa, with two sea fronts, on the Atlantic Ocean and the Mediterranean Sea, and borders with Algeria and Mauritania. Rabat is its capital. Of its 31.5 million inhabitants, 37% are under 18 years.¹ The population growth was 1.6% between 1990 and 2004.² 59% of the population lives in cities.³ Islam is the official religion and 98.7% of the population are Sunni Muslims, 1.1% Christian and 0.2% Jewish.

The Kingdom of Morocco has been ruled by the *Alouite* Dynasty, considered as the descendents of Prophet Mohammed, since 1649 but subject to French and Spanish domination for the first half of the 20th century. Under a 1912 treaty between France and Spain, Morocco was divided into two protectorates, with France controlling the north of the country and Spain the south. After the Second World War an independence struggle began and later France forced Sultan Mohammed V into exile. The Kingdom regained full independence in 1956 following his return. The Royal Governments of the next 40 years were authoritarian and allowed few civil rights and no opposition.⁴

The accession of King Mohammed VI in 1999 led to the continuation of legislative, social and democratic reforms. These developments have been threatened, however, by Islamist terrorism, the most serious attacks occurring in May 2003 in Casablanca. Nevertheless, these attacks have not led to a reversal of policy. A key part of the reform process has been increased commitment to human rights. In January 2004, the King established a Justice and Reconciliation Commission to investigate serious human rights violations since 1956 and compensate victims. The Commission became a model in the region, described by human rights activists as “a bold step” towards addressing past forced disappearances and arbitrary detentions.⁵ Other reforms have contributed to national

¹ “State of the World’s Children 2007”, UNICEF, table 1 pg 103 and table 6 pg 124

² Ibid table 6 pg 124

³ Ibid table 6 pg 124

⁴ *Maroc: chronologie historique, Le Monde Diplomatique*, available on-line at <http://www.monde-diplomatique.fr/mav/86/PIRONET/14101> (last accessed 20 December 2006)

⁵ “Hearings of HR abuses victims: Morocco starts unique experience in Arab-Islamic world”, ArabicNews.com, 23 December 2004, available on-line at

reconciliation and integration of international human rights standards into Moroccan law and society. They include revision of the Family Code to enhance women's rights, the return of political exiles and the strengthening of the Consultative Council on Human Rights that monitors and reports annually on human rights violations.

Morocco's economy is principally a mix of natural resources and village agriculture. Unemployment is a significant problem, although the rate has decreased from 22% in 2001⁶ to 10% in 2006.⁷ 19% of the population is considered poor, most of whom live in rural areas.⁸ To accelerate sustainable economic growth and reduce poverty and marginalisation, the Government launched in May 2005 the National Initiative of Human Development, an integrated, global strategy for development, with special emphasis on rural and semi-urban areas.⁹ Morocco ranks 123 of 177 States in the United Nations Development Programme's human development index.¹⁰

In the past two decades, Moroccan civil society has expanded its areas of activity far more than elsewhere in North Africa. The emergence of solid community based organisations has played a critical role in complementing public programmes and services. Many of these organisations have become important contributors to the protection and promotion of children's rights.

1.2 *The children of Morocco*¹¹

Since the ratification of the Convention on the Rights of the Child in 1993, Morocco has demonstrated keen interest in addressing problems related to the promotion and the protection of children's

<http://www.arabicnews.com/ansub/Daily/Day/041223/2004122324.html> (last accessed 11 July 2006)

⁶ "Current unemployment rates in Arab economies", World Bank, available on-line <http://siteresources.worldbank.org/INTMENA/Resources/2003Arabreformpressent.pdf> (last accessed 15 December 2006)

⁷ "Le taux de chômage au Maroc au 3^{ème} trimestre", L'observateur, available on-line at http://www.lobservateur.ma/info_derniere.asp (last accessed 15 December 2006)

⁸ "Human Development Report 2006", United Nations Development Programme, table 3 pg 293

⁹ "National Initiative of Human Development: Its importance and challenges", Jason Ben-Meir, 11 December 2005, Morocco Times, available on-line at <http://www.moroccotimes.com/paper/article.asp?idr=22&id=10923> (last accessed 27 November 2006)

¹⁰ United Nations Development Programme, op. cit., table 1 pg 285

¹¹ This section has been updated in August 2007

rights. The Codes of Penal Procedure, the Family Code, the Fair Labour Standards Codes, the Labour Code, the law on *kafalah* (fostering arrangements under Shari'a law) and the Registry Office have been amended to conform to obligations under the Convention. Policy and programme initiatives have included the Obligatory Medical Insurance scheme, the Charter of Education, the Fight against Unhealthy Housing and the decentralisation programme.

Morocco has faced many challenges. Since the 2003 bombings national security and religious fundamentalism have been major concerns. Rural marginalisation and high unemployment have required attention. Nonetheless, the Government has shown the will to start addressing violations of children's rights. In spite of competing priorities, 55% of the national budget is invested in the social sector. The national poverty rate was 19% between 1990 and 2003,¹² but is estimated to have been reduced to 13% in 2006.¹³ NGOs initiated many programmes and projects for children in especially difficult situations. Challenges remains, particularly in ensuring service quality, sustained funding, law enforcement and personnel training.

Little information is available about children's rights in Western Sahara. Data are included in the national statistics and few non-governmental organisations are active there. There appears to be no situation analysis of the particular challenges faced by children in the territory, although it is reported that street children and abandoned children are the most common problems.¹⁴ Development programmes supported by Morocco have led to improved infrastructure and enhanced access to social services in Western Sahara. According to the Moroccan State report to the Committee on the Rights of the Child in 2000, "The Saharan provinces (the regions of Ouad Dahab-Lagouira and Laâyoune-Boujdour) registered a growth in pupil enrolment at all levels of education, including pre-school education".¹⁵

¹² United Nations Development Programme, op. cit., table 3 pg 293

¹³ Meeting between IBCR and UNICEF, Rabat, Morocco, November 2006

¹⁴ Meeting between the International Bureau for Children's Rights (IBCR) and the Secretary of State for the Family, Children and People with Disabilities, Rabat, Morocco, November 2006

¹⁵ *Comments and replies of the Government of Morocco to the concluding observations of the Committee on the Rights of the Child: Morocco*, 01/12/2004, CRC/C/15/RESP/Add.211 (Part II)

1.3 *Facts at a Glance*

- Of the population of 31.5 million, 37% is below 15 years.¹⁶
- The average number of children per woman is 2.7.¹⁷
- The annual population growth rate is 1.61%.¹⁸
- The urbanisation rate is 59%.¹⁹
- Less than 2% of the population lives on less than a dollar a day.²⁰
- The GDP per capita is estimated at USD 4,309.²¹
- The poverty rate is about 19% for the population in general.²²
- 40% of children live in difficult situations.²³
- The infant (under 1) mortality rate is 36 per 1,000 live births and the child (under 5) mortality rate is 40 per 1,000 live births. The child mortality rate has declined from 184 in 1970 and 89 in 1990.²⁴
- The maternal mortality rate is 230 per 100,000 live births.²⁵
- Life expectancy at birth is 70 years.²⁶
- The primary school net enrolment rate is 89% for boys and 83% for girls and the secondary school net enrolment rate 38% and 32% respectively.²⁷
- The illiteracy rate of individuals aged 15 years and over is 66% for females and 40% for males.²⁸
- The percentage of HIV positive persons aged over 15 years is about 0.1%.²⁹
- 5.12% of the population lives with disabilities.³⁰

¹⁶ "State of the World's Children 2007", UNICEF, table 1 pg 103 and table 6 pg 124

¹⁷ Ibid table 6 pg 124

¹⁸ Ibid table 6 pg 124

¹⁹ Ibid table 6 pg 124

²⁰ Ibid table 7 pg 127

²¹ United Nations Development Programme, op. cit., table 14 pg 333

²² Ibid table 3 p 293

²³ "Contribution of the National Mutual Aid in the fight against precariousness: Statistics December 2005" National Mutual Aid

²⁴ "State of the World's Children 2007", UNICEF table 1 pg 103 and table 10 pg 139

²⁵ Ibid table 8 pg 131

²⁶ Ibid table 6 pg 124

²⁷ Ibid table 5 pg 119

²⁸ Ibid table 5 pg 119

²⁹ Ibid table 4 pg 115

³⁰ "Preliminary Results of the National Survey on People with Disabilities", Secretary of State in charge of Family, Children and the Disabled, Kingdom of Morocco, August 2003

- Nearly 4 million people live in 700,000 housing units in shantytowns.³¹
- Between 1994 and 2004 18% of government expenditure was allocated to education, 3% to health and 13% to defence.³²

2.0 International Conventions and Treaties

Date of admission to UN: 12 November 1956

Treaty	Status	Signature date	Ratification/ accession date	Reporting record
Convention on the Rights of the Child	Ratification	26.01.1990	21.06.1993	Initial report 27.07.1995; Second Periodic Report: 04.09.2000
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	Ratification	08.09.2000	22.05.2002	
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	Ratification	08.09.2000	02.10.2001	Initial report 28.06.2004
African Charter on the Rights and Welfare of the Child	No Action			
Convention on the Elimination of All Forms of Racial Discrimination	Ratification	18.09.1967	18.12.1970	Initial report 10.01.1972
International Covenant on Economic, Social and Cultural Rights	Ratification	19.01.1977	03.05.1979	Initial report 16.03.1993
International Covenant on Civil and Political Rights	Ratification	19.01.1977	03.05.1979	Initial report 09.02.1981
Convention on the Elimination of All Forms of Discrimination against Women	Accession		21.06.1993	Initial report 14.09.1994

³¹ National Mutual Aid, op. cit.

³² "State of the World's Children 2007", UNICEF table 7 pg 127

Treaty	Status	Signature date	Ratification/ accession date	Reporting record
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	No Action			
Convention related to the Status of Refugees	Succession		07.11.1956	
Protocol relating to the Status of Refugees	Accession		20.04.1971	
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	Ratification	15.08.1991	21.06.1993	
Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Ratification	08.01.1986	21.06.1993	Initial report 29.07.1994
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	Accession		17.08.1973	
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	No Action			
Rome Statute of the International Criminal Court	Signature	08.09.2000		
Convention concerning the Minimum Age for Admission to Employment (C-138)	Ratification		06.01.2000	
Convention concerning the Elimination of the Worst Forms of Child Labour (C-182)	Ratification		26.01.2001	

Morocco's reservations on the Convention on the Rights of the Child

When it ratified the Convention on the Rights of the Child in 1993, Morocco made a single reservation, in relation to Article 14, the right of the child to freedom of thought, conscience and religion: "The

Kingdom of Morocco, whose Constitution guarantees to all the freedom to pursue his religious affairs, makes a reservation to the provisions of article 14, which accords children freedom of religion, in view of the fact that Islam is the State religion". According to the Government of Morocco, the reservation was removed in August 2005. However, it remains on the record of the Office of the High Commissioner for Human Rights.³³

3.0 Children's Rights Review

3.1 General Overview

Following the ratification of the Convention on the Rights of the Child in June 1993, the Kingdom of Morocco submitted its initial report to the Committee on the Rights of the Child on 27 July 1995 and the Committee issued its first Concluding Observations on 30 October 1996. Morocco reported a second time on 4 September 2000; the Concluding Observations were issued on 10 July 2003. Morocco is required to submit its combined third and fourth periodic reports by 20 January 2009. The Kingdom ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography on 2 October 2001 and submitted its initial report on 28 June 2004. The Committee issued its Concluding Observations on the initial report on 17 March 2006. Morocco ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict on 22 May 2002 but it has not yet submitted its initial report.

Morocco has undertaken law reform to implement the Convention domestically. On 3 October 2003, it included a special chapter on juveniles in conflict with the law in the Code of Penal Procedure. It amended the Penal Code to criminalise child pornography, sex tourism, sexual abuse and trafficking in persons. The Labour Code and the Family Code were amended in October 2003 to incorporate provisions on the equality of girls and boys and the best interests of the child principle.³⁴ In recent years, the Government and NGOs have organised a series of awareness raising activities on children's rights, including regular training sessions with care providers and

³³ See <http://www.ohchr.org/english/countries/ratification/11.htm#reservations> (last accessed 3 January 2007)

³⁴ *Concluding Observations: Morocco*, 10/07/2003, CRC/C/15/Add.211

professionals working with children. The Convention is now integrated into the school curriculum.³⁵

These measures have certainly had a positive effect on children's rights but concerns in relation to the implementation of the Convention remain. In its Concluding Observations of 2003, the Committee on the Rights of the Child noted discrepancies between domestic legislation and the Convention and the lack of an "independent monitoring structure with a mandate which would include the power to receive and address individual complaints of violations of the rights of the child".³⁶ Three years later, the Committee was concerned that data on the sale of children, child prostitution and child pornography is not collected in a systematic way.³⁷

Responsibility for children's rights is dispersed through many official bodies. The Ministry of State in charge of Social Care and Family and Child Affairs has a coordinating role with different ministries and works itself on prevention, promotion and protection projects. The State Office for Youth principally elaborates social and educational programmes. The Ministry of Justice plays a significant role in child protection. Broader responsibility for promoting children's rights lies with the Superior Commission and the Permanent Council on abandoned children and supervised education, both established in 1985. The Consultative Council on Human Rights includes children's rights within its general human rights mandate.³⁸

A National Congress on Children's Rights was first held on 25 May 1994. A year later, it became a permanent organisation, the National Observatory for Children's Rights. It monitors implementation of the Convention and studies legislative reforms which comply with it. Since 2004, the Observatory has provided a hotline and has conducted awareness raising activities against various forms of child abuse and neglect.³⁹ A programme called "*Net du Quartier*" (Internet

³⁵ Meeting between IBCR and the National Observatory for Children's Rights, Rabat, Morocco, November 2006

³⁶ *Concluding Observations: Morocco*, 10/07/2003, CRC/C/15/Add.211

³⁷ *Concluding Observations: Morocco*, 17/03/2006, CRC/C/OPSC/MAR/CO/1

³⁸ "La protection de l'enfant contre la violence", Najat M'jid and Michèle Zinari, in *Etudes et recherche, Bilan législatif et institutionnel*, UNICEF and the Secretary of State to the Minister of Social Development, Family, and Solidarity, 2005, pg 33

³⁹ "Observatoire National des Droits de l'Enfant", National Observatory for Children's Rights, Kingdom of Morocco, pg 9

in the neighbourhood) introduces children to new information and communication technology.⁴⁰

Child Protection Units are being set up at regional levels, bringing together local governments, NGOs and representatives of relevant ministries to identify children in vulnerable situations, refer them to relevant services and ensure follow-up. These Units will also compile statistics and work with the National Observatory for Children's Rights to develop a regional picture of child protection issues. In addition, in 2006 the National Observatory concluded a Memorandum of Understanding with the High Commission for Planning to share statistics on all issues related to children.⁴¹

Further legislative reform to enhance the rights of children is being considered, including a bill to set a minimum age for domestic workers and penalise the use of children for this purpose, a bill to provide Moroccan nationality to children born of a Moroccan mother and a foreign father and a bill to improve and harmonise infrastructure and services in institutions for abandoned children.⁴² In 2003, the Ministry of State in charge of Social Care and Family and Child Affairs, with the cooperation with UNICEF, began drafting a Code for Children. In 2005, the Secretariat of State in charge of Family, Children and the Disabled, in partnership with UNICEF, undertook a study of legislation concerning children which led to recommendations for further legal and institutional reforms for the protection of children. A guide for establishing norms concerning the quality of care is being prepared.⁴³

Morocco adopted its first National Plan of Action for Children in 1992 and its second in 1999 to take into account new priorities in the implementation of the Convention. The third Plan, for the years 2006-2015, was adopted in 2005. It lists all the actions deemed necessary to address the deficiencies pointed out by the Committee on the Rights of the Child in its Concluding Observations, including the development of an integrated protection system, the protection and integration of children from underprivileged environments, the

⁴⁰ Ibid, pg 14

⁴¹ Meeting between IBCR and the National Observatory for Children's Rights, Rabat, Morocco, November 2006

⁴² Meeting between IBCR and the Secretary of State for the Family, Children and People with Disabilities, Rabat, Morocco, November 2006

⁴³ "Textes Législatifs et Réglementaires relatifs à l'Enfance", Michèle Zirari, in Etudes et Recherche, Kingdom of Morocco, UNICEF and the Secretary of State to the Minister of Social Development, Family, and Solidarity, January 2004

development of more systematic statistical collection and of a database and the establishment of a monitoring authority for children's rights.⁴⁴ The Plan has been welcomed by civil society as a solid cross-sectoral strategy for a holistic response to children's rights. Effective implementation of the Plan is now the challenge.

Some NGOs note that the first Plan was not evaluated and there are still no specific indicators to measure the success of this latest Plan.⁴⁵ The Secretariat of State in charge of Family, Children and the Disabled has responded that there are benchmark statistics in nearly all sectors to allow monitoring of changes and an annual report to assess implementation of the Plan will be published. The lack of resources for implementation and the lack of coordination responsibilities for each objective in the Plan are also seen as problematic.⁴⁶ An operational budget for implementation is being prepared and UNICEF is already financing many of the objectives. Several situation analyses and studies have been completed but they have not been integrated into a detailed overview of the situation of children, the data have not been incorporated into activities and programmes, and the distinct problems of particular groups of children have not been cross-referenced. There has been no detailed national study on many important issues such as the situation of street children or child labour.⁴⁷

3.2 Application of the CRC's Non-Discrimination Principle

Respect for the rights of **girls** has improved in Morocco in the past decade but efforts are still needed to eliminate gender-based discrimination. Discrimination based on sex is now prohibited by the Penal Code.⁴⁸ Principles of gender equality have been incorporated into the Labour Code and Code of Personal Status. A new Family Law of 2004, which applies solely to Muslims, has introduced significant changes in relation to family, divorce, inheritance and custody to reflect international standards and the rights of women

⁴⁴ "Maroc digne de ses enfants: plan d'action national pour l'enfance 2006-2015", Kingdom of Morocco, 2005

⁴⁵ Meeting between IBCR and Entraide nationale, Rabat, Morocco, November 2006

⁴⁶ Meeting between IBCR and the Secretary of State for the Family, Children and People with Disabilities, Rabat, Morocco, November 2006

⁴⁷ Meeting between IBCR and UNICEF, Rabat, Morocco, November 2006

⁴⁸ Dahir n.1-03-207 of 11 November 2003; "Natlex" ILO, available on-line at http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=fr&p_country=MAR&p_classification=01.04&p_origin=SUBJECT (last accessed on 24 November 2006)

and children. It provides for shared parental responsibility and raised the legal age for marriage for girls from 15 years to 18 years, making it the same as for boys.⁴⁹ Although the Citizenship Code now allows women to pass their nationality to their children, the Nationality Code of 1958, inconsistently, denies Moroccan nationality to children of a Moroccan mother and a foreign father. A law is pending to resolve the inconsistency.⁵⁰ Better respect for the rights of girls to health and privacy, particularly in the area of reproductive health, is also required.

Despite the new provisions of the Family Code, discrimination remains a serious concern for **children born out of wedlock**, abandoned children and children of unknown parentage. Unmarried pregnant women are often excluded from their family and from society generally. Their children are often considered the results of “mistakes” or “sins”. The Family Code offers some protection to children born out of wedlock by allowing DNA testing to establish the identity of the father, although the natural affiliation to the father is still not officially recognised on birth registries.⁵¹ Children have the right to an identity and a nationality according to the *kafalah* law, which obliges the parents to declare the birth of a child and choose a name for the child.⁵² Local NGOs and governmental organisations have set up programmes to help single mothers.

The Moroccan Constitution protects the rights of children of a **minority or indigenous group** but some groups of children face discrimination. The Committee on the Rights of the Child expressed concern that “children belonging to the Amazigh community cannot always exercise their rights to their own culture, the use of their own language and the preservation and development of their own identity”.⁵³ An Amazigh Institute was established in 2003 to promote the rights and culture of this community. The Amazigh language is now used in textbooks and taught in some schools, as part of progressive generalisation of Amazigh education. Regrettably, the

⁴⁹ “Morocco”, FreedomHouse, available on-line at <http://www.freedomhouse.org/template.cfm?page=178> (last accessed 20 October 2006)

⁵⁰ Meeting between IBCR and AMESIP, Rabat, Morocco, November 2006

⁵¹ Article 148; “Judicial context of the single mother and her child”, Institut national de Solidarité avec les Femmes en Détresse, 1 June 2006

⁵² “Maroc digne de ses enfants: plan d'action national pour l'enfance 2006-2015”, Kingdom of Morocco, 2005, pg 19

⁵³ *Concluding Observations: Morocco*, 10/07/2003, CRC/C/15/Add.211

Convention on the Rights of the Child has not yet been translated into Amazigh.⁵⁴

Children living with disabilities constitute 5.12% of all children in Morocco. Of all people in Morocco with disabilities, 15.5% are aged below 16.⁵⁵ Nearly 68% of children with disabilities are not attending school.⁵⁶ Children living with disabilities have rights to protection, access to public building and parental care under Moroccan law.⁵⁷ However, in its 2003 Concluding Observations, the Committee on the Rights of the Child noted the lack of information and limited specialised healthcare, education, employment opportunities and other services for them.⁵⁸ Since then, King Mohammed VI has been personally involved in driving attitude change and significant improvement in the programmatic response to their rights.⁵⁹ In 2005, 1,238 children with disabilities were registered in one of the nine specialised centres and another 4,102 received services through 147 NGOs.⁶⁰ In 2005, the Ministry of National Education and the Secretariat of State in charge of Family, Children and the Disabled established 153 integrated classes to ensure education for children with disabilities. There should be 250 classes before 2010. The Inter-Ministerial Department in charge of Handicapped People, which was established in 1994, is responsible for several initiatives for children with disabilities, including community-based rehabilitation programmes and support for NGOs working in this field.⁶¹ The Secretariat of State and the Ministry of Health have developed a project for 11 re-education centres⁶² and a new Training Centre for

⁵⁴ Meeting between IBCR and the Secretary of State for the Family, Children and People with Disabilities, Rabat, Morocco, November 2006

⁵⁵ "Preliminary Results of the National Survey on People with Disabilities", Secretary of State in charge of Family, Children and the Disabled, op. cit.

⁵⁶ Ibid

⁵⁷ Act 07-92 for legal protection, Act 07-82 for social protection, Act 5-81 for social protection of blind persons and persons with other types of visual problems, Act 10-03 relating to accessibility and Act 15-01 relating to parental responsibilities (*kaġalab*), Michèle Zirari, op. cit., pg 78

⁵⁸ *Concluding Observations: Morocco*, 10/07/2003, CRC/C/15/Add.211

⁵⁹ Meeting between IBCR and the Ministry of Education, Rabat, Morocco, November 2006

⁶⁰ National Mutual Aid, op. cit.

⁶¹ "Maroc digne de ses enfants", Plan d'Action National pour l'Enfance 2006-2015, Kingdom of Morocco, 2005, pg 43

⁶² Ibid, pg 43

personnel working with children with disabilities was opened on 8 November 2006.⁶³

Moroccan law contains a number of general provisions against discrimination. The Press Code, for example, prohibits the incitement to “discrimination, hatred or violence against any other person or persons on the basis of their origin, sex, colour, or ethnic or religious affiliations”.⁶⁴

3.3 Application of the CRC's Best Interests of the Child Principle

The new Family Code contains important provisions that take into account children's rights and general principles of the Convention on the Rights of the Child, including the best interests of the child. It places corresponding responsibilities on parents in relation to protecting the child's life, health, identity, name and nationality, affiliation, guardianship, financial support and education. Parents must ensure that the child is registered at birth. Decisions on guardianship following divorce are now made according to the principle of the best interests of the child and take into account the views of the child if she or he has reached the age of 15.⁶⁵

The new Code of Personal Status refers to child custody as a way to protect the child “from harmful effects, to give the child proper education and to maintain his or her interests”.⁶⁶ The prescribed conditions for custody, or *hadama*, give express priority to the interests of the child. However, as the Committee on the Rights of the Child noted in its Concluding Observations of 2003, the best interests of the child is not always a primary consideration, especially in matters relating to family law where legal custody is determined according to the child's age. For children to be protected, the Committee recommended that Morocco review its legislation to reflect this principle more completely.⁶⁷ The Government has not yet adopted measures in response to this recommendation. Efforts are

⁶³ Meeting between IBCR and the Ministry of Education, Rabat, Morocco, November 2006

⁶⁴ *Second periodic reports of States parties due in 2000: Morocco*, 12/02/2003, CRC/C/93/Add.3

⁶⁵ Meeting between IBCR and the Secretary of State for the Family, Children and People with Disabilities, Rabat, Morocco, November 2006

⁶⁶ *Second periodic reports of States parties due in 2000: Morocco*, 12/02/2003, CRC/C/93/Add.3

⁶⁷ *Concluding Observations: Morocco*, 10/07/2003, CRC/C/15/Add.211

still needed to integrate the best interests principle into social and family attitudes and practices.

3.4 Application of the CRC's Child Development Principle

The Moroccan Government says that it provides **healthcare** to all its citizens and registered residents.⁶⁸ However, access to healthcare is uneven across the country and is particularly limited for poor families.⁶⁹ Health conditions are reported to have improved over the last three decades, especially in relation to infant and under-five **child mortality** rates. Since 1970, the child mortality rate has been cut by almost 80%.⁷⁰ Nevertheless the under-five mortality rate remains high with 40 deaths per 1,000 live births,⁷¹ due primarily to infectious diseases (50%) and prenatal diseases (37%).⁷² More than 35% of births (61% in rural areas) occur without assistance from a medical professional.⁷³ Access to prenatal care and consultation is reasonably good in urban areas (85% of children) but very poor in rural areas (48%).⁷⁴ The Moroccan Government and UNICEF have adopted a strategy to improve the access of women in rural areas to obstetric care. They have also cooperated since 1987 in a National Immunisation Programme against most common communicable diseases.⁷⁵ The vaccination coverage of children under 1 year is above 95% and for those between 1 and 2 years it is 89.1%.⁷⁶ A *Régime d'assurance maladie pour les économiquement démunis* (Medical Insurance Programme for the Impoverished) is currently being

⁶⁸ "Morocco 'a migrant bottleneck'", News 24, 7 July 2006, available on-line http://www.news24.com/News24/Africa/News/0,6119,2-11-1447_1964183,00.html (last accessed 12 July 2006)

⁶⁹ Meeting between IBCR and the local NGO AMESIP, Rabat, Morocco, November 2006

⁷⁰ "State of the World's Children 2007", UNICEF, table 10 pg 139

⁷¹ *Ibid*, table 1 pg 103

⁷² "Maroc digne de ses enfants: plan d'action national pour l'enfance 2006-2015", Kingdom of Morocco, 2005, pg 20

⁷³ "Enquête sur la Population et la Santé Familiale EPSF », Rapport Préliminaire, Ministry of Health, Kingdom of Morocco, 2003-2004

⁷⁴ "Maroc digne de ses enfants", Plan d'Action National pour l'Enfance 2006-2015, Kingdom of Morocco, 2005, pg 21

⁷⁵ "At a Glance: Morocco: Statistics", UNICEF, available on-line at http://www.unicef.org/infobycountry/morocco_statistics.html (last accessed 11 July 2006)

⁷⁶ "State of the World's Children 2007", UNICEF, table 3 pg 111 and information provided by expert from Bayti, Casablanca, Morocco. November 2006

extended to give access to health care services to poorer individuals.⁷⁷ In 2004, the Ministry of Health and the Ministry of Education and Youth Affairs implemented a programme to improve the physical, mental and social health of young people.

Malnutrition affects 9% of children in Morocco and is one of the main causes of child mortality. In 2005, 30% of children under five years suffered from anaemia,⁷⁸ 22% of children under 12 years suffered from iodine deficiency and 41% of children aged less than six had a vitamin A deficiency. In 1997, the Department of Health adopted an Integrated Strategy for the Assumption of Responsibility for the Diseases of the Child. In 2000, the Government introduced a programme to fight malnutrition by enriching common goods like flour and salt with vitamins A and D, iron and folic acid.⁷⁹ Awareness raising activities are organised in school where families are encouraged to use iodised salt.⁸⁰

HIV/AIDS is increasingly prevalent among children in Morocco. According to figures released by the Moroccan Ministry of Health in September 2004, there have been 1,507 reported cases of AIDS in Morocco since 1986, an increase from approximately 1,300 cases in 2003.⁸¹ However, there are estimated to be 19,000 people living with HIV/AIDS in Morocco.⁸² Children constituted 25% of the reported cases in 2004.⁸³ Both the Government and civil society have made prevention of HIV/AIDS a priority.⁸⁴ In 2005, the National Observatory for Children's Rights initiated an awareness raising

⁷⁷ Exchange of information between IBCR and UNICEF Morocco, 18 December 2006

⁷⁸ "Anaemia afflicts almost 30 per cent of Moroccan children under age five", Magharebia, 16 December 2005, available on-line at http://www.magharebia.com/cocoon/awi/xhtml1/en_GB/news/awi/newsbriefs/general/2005/12/16/newsbrief-05, (last accessed 14 August 2006)

⁷⁹ "Maroc digne de ses enfants: plan d'action national pour l'enfance 2006-2015", Kingdom of Morocco, 2005, pg 22

⁸⁰ Meeting between IBCR and the Ministry of Education, Rabat, Morocco, November 2006

⁸¹ "AIDS: 1,507 cases in Morocco", ArabicNews.com, 1 December 2004, available on-line at <http://www.arabicnews.com/ansub/Daily/Day/041201/2004120119.html> (last accessed 12 July 2006)

⁸² "State of the World's Children 2007", UNICEF, table 4 pg 115

⁸³ "Maroc digne de ses enfants: plan d'action national pour l'enfance 2006-2015", Kingdom of Morocco, 2005, pg 23

⁸⁴ "Morocco to launch anti-AIDS media campaign", ArabicNews.com, 7 May 2004, available on-line <http://www.arabicnews.com/ansub/Daily/Day/040507/2004050721.html> (last accessed 12 July 2006)

campaign on HIV/AIDS, calling for a united response from all segments of society.⁸⁵ In addition, the “Unite for Children, Unite against AIDS” programme led by UNICEF is helping to educate young people on HIV/AIDS through interactive workshops and information sessions.⁸⁶ Morocco adopted a National Strategic Plan to Fight HIV/AIDS for 2002-2005 to reduce the prevalence of HIV/AIDS and to provide free access to tri-therapy.⁸⁷ As of November 2006, the medical care provided to HIV positive pregnant mothers has helped reduce mother to child transmission during birth by 1%. The Action Plan has also led to the creation of 24 anonymous screening centres in the country.⁸⁸ Contraceptives are available to young people through pharmacies and NGOs.⁸⁹ Reproductive health is taught at school by NGOs but it is not yet included in the school curriculum.⁹⁰ Since 1999, health clubs have been established in colleges and high schools to train peer educators to disseminate information on reproductive health among young people.⁹¹

The Government of Morocco recognises that improving **education** is a matter of “national priority”. It increased the share of the national budget for education from 25% to 28% between 1990 and 2005.⁹² However, local commentators argue that reform in the education system of Morocco in the early nineties was followed by a steady decline in the quality of education.⁹³ Further reforms to emphasise quality training and the elimination of illiteracy are at the centre of the 2005 National Charter on Education. The Charter seeks

⁸⁵ “Activités principales: 2002-2006”, in l’Observatoire National des Droits de l’Enfant, Kingdom of Morocco, pg 6

⁸⁶ “At a Glance: Morocco: Morocco launches UNITE FOR CHILDREN UNITE AGAINST AIDS”, UNICEF, 25 October 2005, available on-line at http://www.unicef.org/infobycountry/morocco_29642.html (last accessed 12 July 2006)

⁸⁷ *Concluding Observations: Morocco*, 10/07/2003, CRC/C/15/Add.211

⁸⁸ “Maroc digne de ses enfants: plan d’action national pour l’enfance 2006-2015”, Kingdom of Morocco, 2005, pg 23

⁸⁹ Meeting between IBCR and the Ministry of Education, Rabat, Morocco, November 2006

⁹⁰ Meeting between IBCR and the Institut national de Solidarité avec les Femmes en Détresse, Casablanca, Morocco, November 2006

⁹¹ Meeting between IBCR and the Ministry of Education, Rabat, Morocco, November 2006

⁹² “Maroc digne de ses enfants: plan d’action national pour l’enfance 2006-2015”, Kingdom of Morocco, 2005, pg 25

⁹³ Meeting between IBCR and the local NGO AMESIP, Rabat, Morocco, November 2006

to generalise and improve the quality of education, decentralise the system and improve its administration by 2020.⁹⁴

Education is compulsory and free for children between the ages of six and 15.⁹⁵ Enrolment rates are increasing in all levels of schooling, with a primary school net enrolment rate of 89% for boys and 83% for girls.⁹⁶ However, as many as 1.5 million children between 9 and 15 are not attending school. There are gender and geographical disparities at all education levels.⁹⁷ The Committee on the Rights of the Child expressed its concerns in 2003 about the high drop-out and repetition rates and the cost of school supplies and textbooks.⁹⁸ Dropping out of school remains an important challenge, with rates as high as 40% in many regions of the country.⁹⁹

Morocco has sought to respond to these deficiencies with measures to promote school attendance through cultural change, better access to schools and higher levels of support for students. It has been working with the World Bank to improve spending on education.¹⁰⁰ More than 2,400 classrooms were built in 2003-2004, bringing the total number of schools in the country to 130,110. New boarding schools in smaller towns and rural areas are helping to keep children in school by allowing them to stay after class and be assured of accommodation and meals. The Government has been awarding new scholarships, organising national campaigns to combat illiteracy and

⁹⁴ "At a Glance : Morocco : The big picture", UNICEF, op. cit.

⁹⁵ Based on the dahir or the Royal Decree of November 1963 and the Education Reform Decrees of 1985. Other legal texts were modified and finalised by Act 04-00 to set in motion the dahir Act n° 1-00-200 of 19 May 2000 and by the Act 1036-00 of 24 April 2003 concerning the requirements to register and the methods of assessment of compulsory fundamental education

⁹⁶ "State of the World's Children 2007", UNICEF, table 5 pg 119; the Ministry of Education provides higher figures, reporting that the enrolment rate for children between 6 and 11 is 92.2% and that in 2003-2004 the rate of schooling of six year old students was 89.6; however, the Ministry only compiles statistics about the enrolment of pupils at the beginning of the year, not their continued presence in the class throughout the academic year. See "Maroc digne de ses enfants: plan d'action national pour l'enfance 2006-2015", Kingdom of Morocco, 2005, pg 25

⁹⁷ "Morocco: World Bank to Support Government of Morocco in Reform of Basic Education", The World Bank, 8 February 2005, available on-line at <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/MENAEXT/MOROCCOEXTN/0,,contentMDK:20347398~menuPK:50003484~pagePK:141137~piPK:141127~theSitePK:294540,00.html> (last accessed 11 July 2006)

⁹⁸ *Concluding Observations: Morocco*, 10/07/2003, CRC/C/15/Add.211

⁹⁹ Meeting between IBCR and the Ministry of Education, Rabat, Morocco, November 2006

¹⁰⁰ The World Bank, op. cit.

promoting social mobilisation to encourage schooling at the community level.¹⁰¹ The continued training of teachers has also been prioritised in recent years.¹⁰² The Ministry of Education has been collaborating since 2003 with USAID to improve the enrolment of girls by constructing boarding schools for girls and conducting awareness raising activities with families.¹⁰³

Preschool education is not mandatory and is not widely available. An NGO, *Entraide nationale*, supports 300 kindergartens for children aged between 3 and 6, registering 36,251 children in 2005.¹⁰⁴ Day-nursery services are only available through NGOs. Non formal education, including vocational training and life-skill classes, is offered through 40 NGOs and 55 centres run by *Entraide nationale*.¹⁰⁵ During the school year 2003-2004, 23,822 children were involved in these programmes. Of those trainees 65% were girls, most of them working as domestics, carpet weavers and craftspersons or otherwise in precarious situations.¹⁰⁶

Morocco ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of **Children in Armed Conflict** in 2002 but has not yet submitted to the Committee its initial report due in June 2004. The minimum age of voluntary recruitment in the armed forces is 18 years and the minimum age for conscription is 20 years. According to the Coalition to Stop the Use of Child Soldiers, no children under 18 years are involved directly in the armed forces in Morocco but minors are still trained in military schools.¹⁰⁷ Military personnel receive training on children's rights on an *ad hoc* basis through social work services.¹⁰⁸

Many children in Morocco are victims of armed conflict. The Committee on the Rights of the Child expressed concern about the

¹⁰¹ "Maroc digne de ses enfants: plan d'action national pour l'enfance 2006-2015", Kingdom of Morocco, 2005, pg 25

¹⁰² Meeting between IBCR and the Ministry of Education, Rabat, Morocco, November 2006

¹⁰³ Ibid

¹⁰⁴ National Mutual Aid, op. cit.

¹⁰⁵ Meeting between IBCR and *Entraide nationale*, Rabat, Morocco, November 2006

¹⁰⁶ "Maroc digne de ses enfants: plan d'action national pour l'enfance 2006-2015", Kingdom of Morocco, 2005, pg 25

¹⁰⁷ "Morocco and Western Sahara", Child Soldiers Global Report 2004, available online at http://www.child-soldiers.org/document_get.php?id=948 (last accessed 17 October 2006)

¹⁰⁸ Meeting between IBCR and the National Observatory for Children's Rights, Rabat, Morocco, November 2006

lack of protection and care for children affected by the armed conflict in Western Sahara.¹⁰⁹ As of 25 May 2006, 38 survivors of antipersonnel landmines were reported in Morocco, including 28 children injured while playing or herding cattle.¹¹⁰ The Moroccan Association of Mine Victims launched a mine risk education programme in March 2006 and several local organisations run physical and psychological reintegration and rehabilitation centres that provide services to child survivors. International and local NGOs cooperate with the Moroccan Government to organise workshops and training and to reintegrate child survivors.¹¹¹

Abandoned children and children of single mothers suffer significant violations of human rights. According to some estimates, there are close to 5,000 mothers living alone with their children in Morocco, most of them in Casablanca.¹¹² Many single mothers are forced to abandon their children because of social pressure, lack of support and isolation.¹¹³ According to a 1999 study, 368 babies were found dead that year in the city of Casablanca, probably as a result of infanticide.¹¹⁴ The judicial system seems to reinforce the exclusion of the mother from society despite the Family Code.¹¹⁵ Adoption is not permitted in Morocco but abandoned children can be provided with a new family environment with long-term guardians in accordance with the rules of *kafalah*.¹¹⁶ These rules, however, do not create legal inheritance rights for the child,¹¹⁷ even though the appointed

¹⁰⁹ *Concluding Observations: Morocco*, 10/07/2003, CRC/C/15/Add.211

¹¹⁰ "Morocco", Landmine Monitor, 2006, available on-line at <http://www.icbl.org/lm/country/morocco/> (last accessed 24 October 2006)

¹¹¹ *Ibid*

¹¹² "State Violence in Morocco: Alternative report to the United Nations Committee Against Torture", World Organization Against Torture, Geneva, April 2004, available on-line at www.undp-pogar.org/governance/publications.asp?tid=10&type=4-204k – (last accessed 20 December 2006)

¹¹³ "شكارا" المغرب يسكنون الجحور!"; Al Zabir Mahdad, 1 August 2001, available on-line <http://www.islamonline.net/arabic/economics/2001/07/article11c.shtml> (last accessed 14 August 2006); "الأمهات العازيات... حرب أعصاب" بثث المغرب"; 2005, available on-line at <http://www.islamonline.net/arabic/adam/2005/02/Article02.shtml> (last accessed 14 August 2006)

¹¹⁴ Meeting between IBCR and the Institut national de Solidarité avec les Femmes en Détresse, Casablanca, Morocco, November 2006

¹¹⁵ National Institute of Solidarity with Women in Distress, op. cit.

¹¹⁶ "The Moroccan Family Code (Moudawana) of February 5, 2004", Human Rights Education Associates, available on-line <http://www.hrea.org/Moudawana.doc> (last accessed 12 July 2006)

¹¹⁷ Najat M'jid and Michèle Zinari, op. cit., pg 16

guardians are entitled to the social security benefits usually allocated to parents for their children.¹¹⁸

Many children do not benefit from the *kafalah*. As noted by the Committee on the Rights of the Child in 2003, both the large number of **children placed in institutions** and the living conditions in these institutions are cause for concern.¹¹⁹ In 2004, 46,500 orphans or abandoned children were housed in the 590 institutions managed by the *Entraide nationale* and 5,731 children were in welfare protection centres managed by the Ministry of the Youth.¹²⁰ In 2005, 2,321 abandoned children were placed in other accommodation centres managed by NGOs. Both the number of abandoned children and the number of children placed in institutions are reportedly increasing,¹²¹ especially because of the demand for boarding schools in urban centres from rural families.¹²² The Committee on the Rights of the Child called on Morocco to “take all necessary measures to allow children placed in institutions to return to their families whenever possible, to consider the placement of children in institutions as a measure of last resort” and to “ensure a judicial decision is at the origin of the placement of the child”.¹²³ The Secretariat of State in charge of Family, Children and the Disabled and *Entraide nationale* are implementing a programme to ensure compliance in the operations of their institutions with the requirements of the Convention on the Rights of the Child.¹²⁴

Birth registration is compulsory and free of charge in Morocco. However, the rate of registration remains relatively low, especially in rural areas where the rate is 80% compared with 92% in urban area.¹²⁵ One of the main obstacles to birth registration is the limited access to information in remote rural areas. Another contributing factor may well be the legal obligation to report births from single mothers to the police. Fear of being arrested for sexual relations outside marriage leads some mothers either to give birth secretly or

¹¹⁸ Loi 15/01 portant sur la prise en charge des enfants abandonnés (kafalah), Bulletin officiel, 5 September 2002

¹¹⁹ *Concluding Observations: Morocco*, 10/07/2003, CRC/C/15/Add.211

¹²⁰ Meeting between IBCR and Entraide nationale, Rabat, Morocco, November 2006

¹²¹ Meeting between IBCR and the Institut Lalla Hassna, Casablanca, Morocco, November 2006

¹²² Meeting between IBCR and Entraide nationale, Rabat, Morocco, November 2006

¹²³ *Concluding Observations: Morocco*, 10/07/2003, CRC/C/15/Add.211

¹²⁴ Meeting between IBCR and the Secretary of State for the Family, Children and People with Disabilities, Rabat, Morocco, November 2006

¹²⁵ “State of the World’s Children 2007”, UNICEF, table 9 pg 134

even to abandon the child.¹²⁶ To address this the Family Code now allows a child born of an unknown father or born out of wedlock to be registered under a first name, chosen by the mother or the person replacing the mother, and a fictitious father's first name, including the epithet "Abd" (son of Allah), as well as a last name chosen by the person registering.¹²⁷ The King's public prosecutor registers the births of children who are totally abandoned. The measures are intended to ensure that every child has a name but they do not apply when the father's identity is established.¹²⁸ Since 2005, the Ministry of the Interior has conducted education and outreach programmes to encourage the registration of children. This seems to have been very successful.¹²⁹

The total number of **children living on the streets** is unknown, although the problem is obvious. A mapping exercise in nine cities in 1999 identified 5,430 street children in Casablanca alone. A local NGO Bayti reached more than 70,000 children in the streets of Casablanca, Meknès and Essaouira between 1995 and 2005. The great majority of street children are thought to be boys.¹³⁰ Risk factors include having illegal migrant parents, abusive family environments, family break up, poverty, economic exploitation, lack of quality social services and school drop-out.¹³¹ A local NGO found that approximately 98% of street children are addicted to glue sniffing.¹³² The law recognises street children as children in danger and requires the courts to take appropriate protection measures, including handing over the child to the parents or tutors, placing the child in a specialised institution or referring the child to psychological care.¹³³

In 2003, the Committee on the Rights of the Child recommended that Morocco establish a comprehensive prevention and protection strategy in response to this need and ensure that street children are

¹²⁶ National Institute of Solidarity with Women in Distress, op. cit.

¹²⁷ Article 148

¹²⁸ The Family Code Article 36 and *kafalah* law apply to these children. See National Institute of Solidarity with Women in Distress, op. cit.

¹²⁹ Meeting between IBCR and AMESIP, Rabat, Morocco, November 2006

¹³⁰ Ibid

¹³¹ Information provided by expert from Bayti, Casablanca, Morocco, November 2006

¹³² "Child glue sniffing rises in Morocco", Pascale Harter, BBC News, 21 December, 2004, available on-line <http://news.bbc.co.uk/2/hi/africa/4113441.stm>, (last accessed 14 August 2006)

¹³³ See Articles 512-517 of the Penal Code

provided with recovery and reintegration services.¹³⁴ The National Action Plan 2006–2015 incorporates “a political strategy that includes a national survey on children living and working in the streets, greater access to formal and non-formal education opportunities, awareness campaigns on the street children phenomenon, improved electricity and water services in rural areas, and increased financial support for NGOs working with children and towards sustainable development”.¹³⁵ NGOs provide many programmes in the largest cities of Morocco to rehabilitate and reintegrate street children and government collaboration with NGOs has increased, particularly from the Secretariat of State in charge of Family, Children and the Disabled.¹³⁶ The Secretary of State to the Minister of Social Development, Family, and Solidarity launched the “*Idmaj*” programme in 2005 to encourage the reintegration of street children with their families and the school environment and in 2006 established the first mobile emergency social service for street children.¹³⁷ There are two government detoxification centres where children can access therapy and support and one specialised detoxification centre for children run by an NGO in Temara.¹³⁸ In 2002, the National Observatory on Children's Rights launched an awareness raising project on drug use by adolescents.¹³⁹ Despite these efforts, children living and working on the streets are at risk of abuse and exploitation and are easy prey for traffickers.

Because of its geographical position, Morocco is a country both of transit and of destination for **irregular migration and child trafficking** from sub-Saharan African countries.¹⁴⁰ A bill currently under consideration would ensure that children are not turned back

¹³⁴ *Concluding Observations: Morocco*, 10/07/2003, CRC/C/15/Add.211

¹³⁵ “Maroc digne de ses enfants: plan d'action national pour l'enfance 2006-2015”, Kingdom of Morocco, 2005 (IBCR translation)

¹³⁶ *Ibid*

¹³⁷ “Rabat: Creation of social service mobile unit for street children”, *Morad Aziz*, Morocco Times, 7 July 2006, available on-line at <http://www.moroccotimes.com/paper/article.asp?idr=11&id=16067> (last accessed 24 November 2006)

¹³⁸ Meeting between IBCR and AMESIP, Rabat, Morocco, November 2006

¹³⁹ Meeting between IBCR and the National Observatory for Children's Rights, Rabat, Morocco, November 2006

¹⁴⁰ “أطفال الشوارع في المغرب لقمة سائغة لتجار الجسد”, Abdul Wahed Astitu, 9 January 2002, available on-line at http://www.bab.com/news/full_news.cfm?id=9063 (last accessed 13 August 2006); “المغرب: أطفال الشوارع وظاهرة التسول في ارتفاع مقلق”, 28 October 2003, available on-line <http://tarbya.net/Articles/ArticleDetails.aspx?ArtId=3028&Reset=1> (last accessed 13 August 2006)

at borders.¹⁴¹ Internal trafficking for domestic servitude of girls from rural or semi-urban parts of Morocco towards city centres is very evident and appears to have increased in the past decade.¹⁴² Some children attempt to enter Spain illegally from Morocco. At least 2,929 unaccompanied minors migrated to Spain in 2001 and nearly 6,000 minors live in Spanish shelters.¹⁴³ According to the US State Department, the Moroccan authorities have shown a strong commitment to address the problem and “fully comply with the minimum standards for the elimination of trafficking.”¹⁴⁴ However, in 2003 the Committee on the Rights of the Child reported allegations that Moroccan children born from migrant parents suffer violence at the hands of the police and are deported to the Spanish cities of Ceuta and Melilla. In December 2003, Morocco and Spain agreed to cooperate to “facilitate the repatriation of unaccompanied minors present in the territory of the other side, according to the best interests of the children concerned”.¹⁴⁵ As a result, two centres are being built in Marrakesh and Tangier to house repatriated minors under the age of 14. It has been suggested that children aged between 14 and 18 will not be accepted in these centres and will instead be considered as adults. A centre has also been opened in Tangier for young people considered to be potential migrants. Vocational training and family reintegration is offered through mobile street teams.¹⁴⁶

Morocco is among the first Arab and Muslim States to break the taboo on the **sexual exploitation** of children by allowing the country to become the regional focal point on the issue. The

¹⁴¹ Meeting between IBCR and the Ministry of Justice, Rabat, Morocco, November 2006

¹⁴² “Morocco: Report on the Worst Forms of Child Labour (2003)”, Global March Against Child Labour, available on-line at <http://www.globalmarch.org/resourcecentre/world/morocco.pdf> (last accessed 16 October 2006)

¹⁴³ “مقاربة حقوقي ” من الإيواء إلى الترحيل “، Muhammad El Hanafy, 27 July 2006, available on-line at http://www.elhanafi.com/article.php3?id_article=3134 (last accessed 13 August 2006); “الهجرة في قوارب الموت”، Al Jazeera, 3 June 2004, available on-line at <http://www.aljazeera.net/NR/exces/01968E03-6E06-46DA-98BA-308B73C1CE14.htm>

¹⁴⁴ “Trafficking in Persons Report: Morocco”, US Department of State, 5 June 2006, available on-line at <http://www.state.gov/g/tip/rls/tiprpt/2006/65989.htm> (last accessed 12 July 2006)

¹⁴⁵ Comments and replies of the Government of Morocco to the Concluding Observations of the Committee on the Rights of the Child: Morocco. 01/12/2004. CRC/C/15/RESP/Add.211 (Part II)

¹⁴⁶ Meeting between IBCR and Entraide nationale, Rabat, Morocco, November 2006

Government ratified of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography in 2001 and submitted its initial report on 28 June 2004.¹⁴⁷ The full extent and nature of sexual exploitation of children in Morocco are still unknown.¹⁴⁸ However, the number of children involved in prostitution in the urban centres alone has been estimated at 10,000.¹⁴⁹ Girls working as household maids are particularly vulnerable. The Ministry of Planning and UNICEF estimate that 13,000 girls under 15 years are employed as maids in Casablanca alone.¹⁵⁰ Boys living on the streets are also at risk of being involved in prostitution. One study found that 46% of children living on the streets have been victims of sexual violence.¹⁵¹ In 2003 and 2004, the Government organised awareness raising campaigns to combat sexual exploitation of children. Assistance to child victims of sexual exploitation is increasing due to the work of NGOs but many centres are still “ill-equipped to provide the necessary care”.¹⁵² As part of the National Plan of Action for Children 2006-2015, Morocco has established specialised police units to deal with child pornography.¹⁵³

Children involved in prostitution are still considered as criminals and punished by law enforcement authorities. The Penal Code was amended in November 2003 to define and criminalise the sale and purchase of a child, forced child labour and child pornography, and to raise the age of consent from 12 to 15 years.¹⁵⁴ Aggravated

¹⁴⁷ *Initial reports of States parties due in 2004: Morocco*, 15/07/2005, CRC/C/OPSA/MAR/1

¹⁴⁸ Meeting between IBCR and Entraide nationale, Rabat, Morocco, November 2006

¹⁴⁹ “Facts and Figure: Morocco”, ECPAT international, available on-line http://www.ecpat.com/eng/Ecpat_inter/projects/monitoring/online_database/index.asp (last accessed 25 October 2006)

¹⁵⁰ Ibid

¹⁵¹ “شمكارا المغرب يسكنون الجحور”, Al Zabir Mahdad, 1 August 2001, available on-line <http://www.islamonline.net/arabic/economics/2001/07/article11c.shtml> (last accessed 14 August 2006)

¹⁵² ECPAT International, op. cit.

¹⁵³ *Concluding observations: Morocco*, 17/03/2006, CRC/C/OPSC/MAR/CO/1

¹⁵⁴ The sale of a child, according to Article 467-1, consists of “any act or any transaction utilising the transfer of a child from one or more people to one or more people as a counterpart for whatever nature or purpose”. Forced child labour with the purpose of sexually exploiting a child (by prostitution, pornography, etc.), is defined under Article 467-2, as “any act tending to force a child to exercise a working position prohibited by the law or to commit an act that is prejudicial to his health, his safety or his manners or his formation”. Child pornography is defined under Article 503-2 as “whoever causes, encourages or

circumstances are now considered in cases of sexual violence involving anyone under 18 and penalties for procurement for prostitution have been increased. In 2006 in its Concluding Observations on the examination of Morocco's initial report under the Optional Protocol, the Committee on the Rights of the Child recommended that Morocco "ensure that child victims of exploitation and abuse are neither criminalized nor penalized and that all possible measures be taken to avoid the stigmatization and social marginalisation of these children."¹⁵⁵

The development of the tourism industry in Morocco has been accompanied by an increase in **child sex tourism**, especially in Marrakesh and Agadir.¹⁵⁶ Moroccan and foreign boys living on the streets are increasingly victims of child sex tourism.¹⁵⁷ From 1999 to 2003, 43% of calls to a national hotline involved foreigners reportedly abusing children.¹⁵⁸ Although law enforcement is reported to be insufficient, there have been convictions of foreigners and Moroccans. The Moroccan National Office of Tourism has developed a training programme for tour guides and guidelines on responsible tourism for national and international tourists.¹⁵⁹

Violence against children remains of concern in Morocco. In 2000 the National Observatory for Children's Rights launched a hotline to counsel and assist children and women victims of violence. Between 2000 and 2005, the hotline received 1,059 calls, with sexual abuse and exploitation the dominant form of reported violence (59.86% of all calls received); 63.88% of the victims of sexual violence were girls and 55.68% of the victims of physical violence were boys.¹⁶⁰ A study

facilitates the exploitation of children who are less than eighteen years old in pornography by any representation, by any means it might be, real, simulated or perceived sex act or any representation of the sexual organs of a child for sexual purposes". Michèle Zirari, op. cit., pg 72

¹⁵⁵ *Concluding observations: Morocco*, 17/03/2006, CRC/C/OPSC/MAR/CO/1

¹⁵⁶ Meeting between IBCR and AMESIP, Rabat, Morocco, November 2006

¹⁵⁷ *Concluding observations: Morocco*, 17/03/2006, CRC/C/OPSC/MAR/CO/1

¹⁵⁸ "Child Sex Tourism in Morocco", The Travel Foundation, available on-line http://www.thetravelfoundation.org.uk/assets/tools_training_guidelines/ecpat/morocco%20briefing%20final.doc, (last accessed 14 August 2006)

¹⁵⁹ "Comité Stratégique du Tourisme", Lettre trimestrielle de l'Observatoire du Tourisme, *Info OT*, No. 2, April 2006, pg 2, available on-line at <http://www.tourisme.gov.ma/docspdf/OT-BulletinN°2.pdf> (last accessed 26 November 2006)

¹⁶⁰ "Activités nationales 2000", National Observatory for Children's Rights, 28 May 2006, available on-line at <http://www.ondemaroc.org/francais/activitefr1.php?filename=20060530164033536> (last accessed 24 November 2006)

conducted in 2005 by UNICEF and the Ministry of Education found continuing regular use of corporal punishment in schools and ill-treatment and abuse of children at home.¹⁶¹ Children are often exposed to police brutality, especially children involved in prostitution and begging.¹⁶² Since 2000, the law has explicitly criminalised violence against children and outlawed corporal punishment in schools.¹⁶³ However, enforcement of this legislation is inadequate.¹⁶⁴

The National Observatory for Children's Rights has established two centres for awareness raising campaigns and direct assistance: the centre for children victims of violence, established in 1999, and the medical-psychological centre for children and women victims of violence, established in 2005.¹⁶⁵ In December 2005, the Government reported that the Ministry of Justice would work with the National Observatory to monitor and prevent child abuse.¹⁶⁶ Recently, the Government published a brochure against corporal punishment to educate families and personnel working with children. In 2006, the University of Fes launched a Master programme on children for professionals working with minors, including judges, social workers, law enforcement authorities and administrators.¹⁶⁷

A significant number of **children are involved in the workforce in Morocco**, a third of whom are girls.¹⁶⁸ At least 600,000 children aged

¹⁶¹ "Violence against children in the Middle East and North Africa: The problem, actions taken and challenges outstanding", United Nations Secretary-General's Study on Violence Against Children, available on-line at http://www.violencestudy.org/IMG/doc/MiddleEastNorthAfrica_report_JK_FI_NAL_31_May.doc (last accessed 12 July 2006)

¹⁶² "State Violence in Morocco: Alternative report to the United Nations Committee Against Torture", World Organization Against Torture, Geneva, April 2004, available on-line at www.undp-pogar.org/governance/publications.asp?tid=10&type=4-204k – (last accessed 20 December 2006)

¹⁶³ "Morocco", End all Corporal Punishment, May 2005, available on-line at <http://www.endcorporalpunishment.org/pages/frame.html> (last accessed 25 October 2006)

¹⁶⁴ United Nations Secretary-General's Study on Violence Against Children, op. cit.

¹⁶⁵ "Centre d'écoute et de protection des enfants maltraités", National Observatory for Children's Rights, 28 May 2006, available on-line at <http://www.ondemaroc.org/francais/cefr1.php?filename=20060511194552160> (last accessed 24 November 2006)

¹⁶⁶ "Replies to list of issues: Morocco", United Nations Committee on the Rights of the Child, CRC/C/OPSC/MAR/Q/Add.1, 8 December 2005.

¹⁶⁷ Meeting between IBCR and the National Observatory for Children's Rights, Rabat, Morocco, November 2006

¹⁶⁸ Meeting between IBCR and AMESIP, Rabat, Morocco, November 2006

between 7 and 14 are engaged in economic activity, half of whom are under the age of 12.¹⁶⁹ According to Human Rights Watch, child labour in Morocco affects 19% of rural children and 3% of urban children aged between 7 and 14.¹⁷⁰ In rural areas, children work mainly on farms while in cities children are used in the textile and handicrafts industries or as domestic servants. Human Rights Watch estimates that 72% of domestic servants are children.¹⁷¹ The practice of adoptive servitude, by which families take young girls (commonly referred to as "*petites bonnes*") into their households and use them as domestic servants, has long been socially accepted in Morocco and is not regulated. According to Global March against Child Labour, there are approximately 13,000 girls under the age of 15 employed as domestic servants in Casablanca, of whom 80% are illiterate.¹⁷² These children work long hours and are often victims of abuse and maltreatment.¹⁷³ As a result of urbanisation, hundreds of thousands of families have moved to urban and semi-urban areas where unemployment and poverty are particularly high, an environment that encourages child labour and school drop-out. The Committee on the Rights of the Child expressed its concern in 2003 over the wide use and economic exploitation of children in the agricultural and handicraft sectors, including metal working and jewellery, carpet and mosaic making.¹⁷⁴

In June 2004, new labour standards were introduced, increasing the legal age for employment from 12 to 15 years and making it illegal to employ a minor at night or in a dangerous environment.¹⁷⁵ A new bill expected soon would lower working hours, ensure a minimum wage and further increase age requirements.¹⁷⁶ Domestic servants and

¹⁶⁹ "Understanding Children's Work in Morocco", ILO-UNICEF-World Bank, March 2003, available on-line at http://www.ucw-project.org/pdf/publications/report_morocco_draft.pdf (last accessed 16 October 2006)

¹⁷⁰ "Inside the Home, Outside the Law: Abuse of Child Domestic Workers in Morocco", Human Rights Watch, December 2005, Vol. 17, No. 12(E), available on-line at <http://hrw.org/reports/2005/morocco1205/11.htm> (last accessed 16 October 2006)

¹⁷¹ Ibid

¹⁷² Global March Against Child Labour, op. cit.

¹⁷³ *Enquête Statistique sur les filles-domestiques âgées de moins de 18 ans dans la Wilaya de Casablanca*, UNICEF, 2002

¹⁷⁴ *Concluding Observations: Morocco*, 10/07/2003, CRC/C/15/Add.211

¹⁷⁵ "Maroc digne de ses enfants: plan d'action national pour l'enfance 2006-2015", Kingdom of Morocco, 2005, pg 38

¹⁷⁶ "Domestic work: A soon-to-come law to regulate child labour in Morocco", Kaoutar Tbatou, Morocco Times, 21 July 2006, available on-line

handicrafts workers are not covered by the new Moroccan Labour Code but another new bill under consideration would prohibit the employment of girls under the age of 15 as domestic servants and facilitate monitoring of work in private homes. In addition, it is hoped that provisions against forced labour could be applied to protect domestic servants, especially the “*petites bonnes*”.¹⁷⁷ Monitoring is an issue of serious concern as labour inspectors are said to be too few to monitor effectively, especially in the informal sector.¹⁷⁸

In 2001, a joint programme to eliminate child labour was launched by the Moroccan Government and the ILO. The program seeks the cooperation of parents, employers, local communities, governmental authorities, journalists and teachers. It includes assistance to families to enable them to manage their finances better and awareness campaigns on the negatives impacts of child labour. Teachers are invited to encourage children to participate in extra-curricular activities.¹⁷⁹ A national programme to combat the exploitation of *petites bonnes* was also launched in mid-2006.¹⁸⁰

In Morocco, the age of criminal responsibility is 12 years old but children aged between 12 and 18 are considered to be only partially accountable under the **juvenile justice** system.¹⁸¹ In 2004, 905 children were in prison, constituting 1.67 % of the total prison population, and most prisons had a special section for minors.¹⁸² As noted by the Committee on the Rights of the Child in 2003, the criminal law in principle protects children but the full implementation of these provisions in domestic law and of the Convention and other relevant international standards is hampered by insufficient resources.¹⁸³ The Committee recommended ensuring

<http://www.moroccoimes.com/paper/article.asp?idr=11&cid=16094> (last accessed 14 August 2006)

¹⁷⁷ Najat M'jid and Michèle Zinari, op. cit., pg 25

¹⁷⁸ Bill No. 34/06; meeting between IBCR and AMESIP. Rabat, Morocco, November 2006

¹⁷⁹ “IPEC/Maroc: Programme de lutte contre le travail des enfants”, 26 March 2005, available on-line <http://ipec-maroc.over-blog.com/> (last accessed 27 October 2006)

¹⁸⁰ “Activités principales:2002-2006”, in L'Observatoire National des Droits de l'Enfant, Kingdom of Morocco, pg 7

¹⁸¹ Najat M'jid and Michèle Zinari, op. cit., pg 18

¹⁸² Report from the Conseil Consultatif des Droits de l'Homme (CCDH), April 2004, cited by expert from Bayti, Casablanca, Morocco, November 2006

¹⁸³ *Concluding Observations: Morocco*, 10/07/2003, CRC/C/15/Add.211

a sufficient number of juvenile courts and the strengthening and implementation of legal standards.

The Code of Criminal Procedure was reviewed shortly after the age of full criminal responsibility was increased to 18, creating an obligation to report crimes against children and adding a definition of “children in difficult circumstances” in line with the Convention on the Rights of the Child.¹⁸⁴ The amendments established specialised juvenile courts and collegial judicial bodies for sentencing in juvenile cases and a new category of judicial police officers to deal with minors. Since the reform of the Penal Code, the Ministry of Justice, in cooperation with UNICEF and the French Ministry of Justice, has provided continuous training for judges and magistrates on international standards and domestic legislation on children's rights and juvenile justice.¹⁸⁵ The Royal Gendarmerie has established a specialised unit to intervene in cases of vulnerable children and minors in conflict with the law. A range of sentencing options is now provided, including observation, re-education, social work clubs and action in the field as well as detention. Detention centres are being subjected to greater control and more attention generally is being paid to the rights of juvenile detainees, significantly improving detention conditions.¹⁸⁶ A law passed in 2005 set standards for supervision, infrastructure and management in reception centres and conditions are said to have improved.¹⁸⁷ Since 2002, the Mohammed VI Foundation has been providing rehabilitation and special education programmes and training for juvenile justice personnel.

3.5 Application of the CRC's Child Participation Principles

There have been considerable developments in Morocco for children's freedom of expression and right to be heard. One significant law reform is to give children the right to be heard and to have their views taken into account in decisions on guardianship following divorce but this right is restricted to children who have

¹⁸⁴ Meeting between IBCR and the Ministry of Justice, Rabat, Morocco, November 2006

¹⁸⁵ Ibid

¹⁸⁶ “Human Rights in Morocco – role of civil society”, News and Civil Society Perspectives from the Commission on Human Rights, 5 April 2005, available online at http://www.ngochr.org/view/index.php?basic_entity=DOCUMENT&list_ids=420 (last accessed 12 July 2006)

¹⁸⁷ “Maroc digne de ses enfants: plan d'action national pour l'enfance 2006-2015”, Kingdom of Morocco, 2005

reached the age of 15.¹⁸⁸ Other initiatives in children's participation have related more to children's forums than to substantive legal change.

A First Youth Conference was held in July 1999, followed by workshops on the rights of girls. Other initiatives include a national drawing competition on the Convention on the Rights of the Child and the publication of the Convention in Braille. The Children's Parliament was initiated in May 2000 and held its fifth session in 2006. Its 357 young members include children living with disabilities and children from vocational schools. They are selected on the basis of grades, which has been the subject of some criticism.¹⁸⁹ They contribute to local decision-making processes.¹⁹⁰

Local Child Councils were introduced in 2001 by the Secretariat of State in charge of Family, Children and the Disabled in cooperation with the Ministry of Interior, the Ministry of Education and the National Observatory for Children's Rights. Children are elected as members by their schools and consulted in decision-making processes that affect children.¹⁹¹

Despite these encouraging initiatives, child participation appears to be tokenistic and not well integrated into the core sectors of society that affect children. Further progress is needed in many areas. For example, there is no radio, television or print media to provide information to children.

4.0 Overall Assessment

Morocco has made significant progress in recent years in protecting and promoting the rights of the child. The past seven years, since the accession of King Mohammed VI, have been characterised by wide ranging social, political and legal reform, including opening debate on social issues, a stronger commitment to human rights and the emergence of a vibrant civil society. Morocco is one of the first Arab and Muslim States to discuss openly issues relating to street children,

¹⁸⁸ Meeting between IBCR and the Secretary of State for the Family, Children and People with Disabilities, Rabat, Morocco, November 2006

¹⁸⁹ Meeting of IBCR, Rabat, Morocco, November 2006

¹⁹⁰ "La Charte du Parlement de l'Enfant", in L'Observatoire National des Droits de l'Enfant, Kingdom of Morocco, pg 8

¹⁹¹ Meeting between IBCR and the Secretary of State for the Family, Children and People with Disabilities, Rabat, Morocco, November 2006

sexual exploitation of children, child trafficking and the worst forms of child labour. At the same time, unfortunately, violations of children's rights have continued and in some instances they have become worse. Structural constraints, including high unemployment, rural marginalisation, religious fundamentalism and limited public revenues, limit Morocco's capacity to make the necessary investments to ensure proper protection and promotion of its children's rights.

Morocco's significant progress must be acknowledged and applauded, nonetheless. The marginalisation of children with disabilities has been reduced and their social integration improved. Partnerships have been set up to provide services and protection to children in difficult situations. Awareness raising activities and programmes have been organised to educate young people on reproductive health, to advocate against the use of girls as domestic workers and to close the gender gap in the education sector. A hotline was opened to report child abuse and Child Protection Units were established throughout the country to coordinate reporting and follow up on violations of children's rights. In spite of problems in the quality of teaching, access to schools in rural areas and high drop-out rates, the number of boys and girls enrolled in the education system is increasing in all levels of schooling. Similarly, the sanitary and health status of children has improved, although the country still faces high child and infant mortality rates, a very high malnutrition rate and inequalities in access to health care between rural and urban areas. Morocco's programme of law reform has made its law more consistent with the requirements of the Convention on the Rights of the Child and its two Protocols. However, the application of these reforms remains limited because of the lack of resources and trained personnel. While several measures have been taken to prevent the trafficking of children, more efforts for prevention are needed and more respect for the rights of child victims. Coordination, monitoring and follow up require more attention.

The adoption of the 2005 National Initiative of Human Development, the 2006-2015 National Plan for Action on Children and the 2005 National Charter on Education are positive developments undertaken by the Government in collaboration with NGOs and international organisations to recognise the many challenges children face in the country and develop effective long-term strategies and mechanisms to address them. The

implementation of these initiatives will be the test of Morocco's commitment to children's rights.



Children's Rights Profile on the Republic of Tunisia

1.0 Introduction

1.1 Country Overview

Tunisia is situated in North Africa between Algeria and Libya, and borders the Mediterranean Sea; Tunis is the capital. The total population is about 10 million, of whom about 64% live in urban settings. Although more than 32% of the population is aged under 18,¹ Tunisia is likely to face an inverted age pyramid in the next decade, with an aging population and one of the lowest fertility rates in Africa (1.9 children per woman).² The majority of Tunisians are Muslim (98%) and the State's official religion is Islam.³ Jewish and Christian minority communities are generally free to practise their religions.⁴ The official language is Arabic.

Tunisia became a French protectorate in 1881. It achieved full independence on 20 March 1956. Thereafter, President Bourguiba led a strict one-party State for 31 years. His regime was strongly criticised for violations of civil and political rights but it was also marked by the enactment of a variety of women's rights well ahead of other Arab and Muslim States. In 1987, President Ben Ali succeeded Bourguiba. He has been re-elected for a fourth consecutive five-year term, after amendment of the Constitution in 2002 that removed term limits.

Politically stable, the country has made positive progress in the socio-economic sphere. The policy of limited economic liberalisation has stimulated private enterprise and foreign investment, contributing to positive economic growth.⁵ Based on important agricultural exports, modern infrastructure, tourism and the manufacturing sector, the economy has been growing steadily in recent years. Tunisia is a

¹ "State of the World's Children 2007", UNICEF, table 1 pg 104 and table 6 pg 125

² Ibid. table 6 pg 125

³ "الدين في دستور الجمهورية التونسية", Supporting the Rights of Women and Children in Tunisia Through Information Technology, available on-line at <http://wrcati.cawtar.org/index.php?a=d&law=270> (last accessed 30 November 2006)

⁴ "Tunisia: Country Reports on Human Rights Practices – 2005", US Department of State, 8 March 2006, available on-line at <http://www.state.gov/g/drl/rls/hrrpt/2005/61700.htm> (last accessed 30 November 2006)

⁵ Economic growth has averaged 3.3% a year between 1990 and 2005: "State of the World's Children 2007", UNICEF, table 7 pg 128

medium developed State, ranked 87th out of 177 States in the United Nations Development Programme human development index.⁶

The Tunisian Government has a very mixed record of human rights where compliance and problems remain in many areas. Significant efforts have been made regarding the protection and promotion of children's and women's rights.⁷ However, civil liberties are still constrained in Tunisia.⁸ In October 2005, a United Nations Special Rapporteur called on the Government to take action to increase freedom of expression and press freedom and to release the many journalists imprisoned because of their beliefs.⁹ In its Concluding Observations to the Tunisian State report in 2002, the Committee on the Rights of the Child expressed concern "over the wide gap that exists between law and practice with regard to the protection of human rights in Tunisia".¹⁰

1.2 *The Children of Tunisia*

The position of children in Tunisia has changed as fertility rates have fallen and the population has aged. Cases of "overprotection" are reported to be more common, as children become precious "belongings" for families who want to ensure that the child has the best childhood possible. For adolescents, however, the right to participation remains weak both in family matters and social decision-making processes. While institutions are increasingly aware of the need to integrate child participation in their actions, changes in attitudes and practices lag far behind.¹¹ Children may be precious but they continue to be subordinate to adults.

The first priority of the Government is job creation. However, Tunisia has been able to continue investing in the social sector

⁶ "Human Development Report 2006" United Nations Development Programme, table 1 pg 284

⁷ "Tunisia, Country Reports on Human Rights Practices-2000", U.S. Department of State, 23 February 2001, available on-line at <http://www.state.gov/g/drl/rls/hrrpt/2000/nea/index.cfm?docid=821> (last accessed 30 November 2006)

⁸ "Human Rights in Tunisia", Derechos Human Rights, available on-line at <http://www.derechos.org/human-rights/mena/tunisia.html> (last accessed 30 November 2006)

⁹ "Report 2006: Middle East and North Africa: Tunisia", Amnesty International, available on-line at <http://web.amnesty.org/report2006/tun-summary-eng> (last accessed 30 November 2006)

¹⁰ *Concluding Observations: Tunisia*. 13/06/2002. CRC/C/15/Add.181

¹¹ Meeting of the International Bureau for Children's in Tunis, Tunisia, November 2006

including the promotion and protection of children's rights.¹² Between 1994 and 2004, 20% of the national budget was allocated to education expenditure and 5% to health, compared with 5% to defence.¹³ In 2006, a large portion of the budget was devoted to institutional and physical infrastructure in the various reforms affecting children. Service quality has been reviewed in the hope of improving efficiency in resource spending, while improved coordination is hoped to eliminate duplication. The results of these changes are yet to be assessed.

Since 1995, all citizens and organisations in Tunisia have been obliged to report situations where a child is subject to abuse and neglect.¹⁴ The protection and promotion of children's rights have become a concern for all Tunisians. More than 6,500 cases of violations of children's rights were reported to the authorities in 2004. Despite the fact that no information is available on follow-up actions taken on these reports, laws and programmes to address risks to children have been consolidated in recent years.

1.3 *Facts at a Glance*

- In a population of over 10 million, 8% are under the age of 5 years and 32% are under the age of 18.¹⁵
- The average number of children per woman has declined from 6.6 in 1970 and 3.6 in 1990 to 1.9 in 2005 and is attributed to the increase in people delaying the age of marriage, government supported family planning and birth control and the improvement of the overall health and educational status of the population.¹⁶
- At 1.14%, the population growth rate is one of the lowest in the African continent.¹⁷
- 65% of the population lives in cities.¹⁸

¹² Meeting between the International Bureau for Children's Rights (IBCR) and the Ministry for Women, Family, Children and Elders, Tunisia, November 2006

¹³ "State of the World's Children 2007" UNICEF, table 7 pg 128

¹⁴ "The Rights of the Child", Tunisia Info, available on-line at <http://www.tunisieinfo.com/documents/options/chapter4.html> (last accessed 30 November 2006)

¹⁵ "State of the World's Children 2007", UNICEF, table 6 pg 125

¹⁶ Ibid, table 10 pg 141 ; "Rapport d'analyse de situation de la protection de l'enfance en Tunisie", Fethi Touzri and Abderraouf Haddad, UNICEF, December 2005, pg 16

¹⁷ *Second periodic reports of Tunisia* 16/03/1999. CRC/C/83/Add.1

- Less than 2% of the population lives on less than a dollar a day.¹⁹
- The Gross Domestic Product was US \$7768 per person in 2004.²⁰
- 24 per 1,000 children die before the age of five years (down from 201 in 1970 and 52 in 1990),²¹ 20 before the age of 1 year.²²
- The reported maternal mortality rate is 69 per 100.000 births.²³
- Life expectancy at birth is 70 years.²⁴
- 3% of children under five are moderately underweight and 1% are severely underweight; however, 12% are moderately or severely stunted.²⁵
- The primary school net enrolment rate is 97% for boys and 98% for girls.²⁶
- The adult literacy rate is 83% for males and 65% for females.²⁷
- The percentage of individuals aged 15 and over who are HIV positive is 0.1%.²⁸
- About 20% of the Government's operating budget is devoted to education.²⁹
- In 2001, about 8.7% of the State's budget was spent on health³⁰ and about 45% on the social sector generally.³¹

The Tunisian Constitution recognises some human rights, including freedom of opinion and expression and the right of all persons to equality. Tunisia is signatory of a large number of international human rights treaties, including the Convention on the Rights of the Child. These treaties have precedence over national legislation in Tunisia. National legislation has been amended or enacted to incorporate provisions of the CRC, including the Child Protection

¹⁸ "State of the World's Children", UNICEF, table 6 pg 125

¹⁹ Ibid, table 7 pg 128

²⁰ United Nations Development Programme, op. cit., Table 1 pg 284

²¹ "State of the World's Children", UNICEF, table 10 pg 141

²² Ibid, table 1 pg 104

²³ Ibid, table 8 pg 132

²⁴ Ibid, table 6 pg 125

²⁵ Ibid, table 2 pg 108

²⁶ Ibid, table 5 pg 120

²⁷ Ibid, table 5 pg 120

²⁸ Ibid, table 4 pg 116

²⁹ Ibid, table 7 pg 128

³⁰ "La situation des enfants en Tunisie", Analyse et Recommandations, UNICEF, 2004, pg 11, available on-line at www.unicef.org/tn/medias/analyse_de_la_situation.pdf (last accessed 20 December 2006)

³¹ Ibid, pg 23

Code of November 1995 (amended in 2002), the Penal Code, the Personal Status Code and the Labour Code. In its Concluding Observations to Tunisia’s second periodic report, the Committee on the Rights of the Child noted the positive commitment of the State party to children’s rights.³²

A national system of Delegates for the Protection of Children was established by Decree in 1996 and a Delegate has been appointed in each of the 24 governorates in the country. These Delegates work under the Ministry for Women, Family, Children and Elders to coordinate both specific and strategic actions for the protection of children and the prevention of harm, exploitation, abuse and neglect. The Delegate is the first person responsible for the support and follow-up of vulnerable children. However, with only one Delegate in each governorate their number is considered insufficient.³³ Further these Delegates are not sufficiently independent, a matter that received comment and recommendations from the Committee on the Rights of the Child in 2002.³⁴ Tunisia does not have an independent institution to monitor compliance with the Convention or to promote and protect children’s rights under it.

2.0 International Conventions and Treaties

Date of admission to UN: 12 November 1956

Treaty	Status	Signature date	Ratification/ accession date	Reporting record
Convention on the Rights of the Child	Ratification	26.02.1990	30.01.1992	Initial periodic report: 16.05.1994; Second periodic report: 16.03.1999
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	Ratification	22.04.2002	02.01.2003	

³² *Concluding Observations: Tunisia*. 13/06/2002. CRC/C/15/Add.181

³³ Meeting of IBCR in Tunisia, November 2006

³⁴ *Concluding Observations: Tunisia*. 13/07/2002. CRC/C/15/Add.181

Treaty	Status	Signature date	Ratification/ accession date	Reporting record
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	Ratification	22.04.2002	13.09.2002	
African Charter on the Rights and Welfare of the Child	Signature only	16.06.1995		
Convention on the Elimination of All Forms of Racial Discrimination	Ratification	12.04.1966	13.01.1967	Seventeenth periodic report: 01.10.2002
International Covenant on Economic, Social and Cultural Rights	Ratification	30.04.1968	18.03.1969	
International Covenant on Civil and Political Rights	Ratification	30.04.1968	18.03.1969	
Convention on the Elimination of All Forms of Discrimination against Women	Ratification	24.07.1980	20.09.1985	Combined third and fourth periodic reports: 02.08.2002
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	No action			
Convention related to the Status of Refugees	Succession		24/10/1957	
Protocol relating to the Status of Refugees	Accession		16/10/1968	
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	No Action			
Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Ratification	26.08.1987	23.09.1988	Second periodic report: 22.12.97

Treaty	Status	Signature date	Ratification/ accession date	Reporting record
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	No Action			
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	Ratification		24.01.1968	
Rome Statute of the International Criminal Court	No Action			
Convention concerning the Minimum Age for Admission to Employment (C-138)	Ratification		19.10.1995	
Convention concerning the Elimination of the Worst Forms of Child Labour (C-182)	Ratification		28.02.2000	

Tunisia's reservations on the Convention on the Rights of the Child

When it ratified the Convention on the Rights of the Child, Tunisia made two declarations and four reservations. It withdrew one declaration and one reservation in 2002: the declaration to the effect that the country's undertaking to implement the provisions of this Convention "shall be limited by the means at its disposal" and the reservation with regard to the right to appeal in criminal cases (Article 40, paragraph 2(b)(v)). Nevertheless, the other declarations and reservations remain. One reservation limits the application of the non-discrimination provision in relation to marriage and inheritance laws (Article 2), making Tunisia the only State party to limit the scope of this provision.³⁵ The other relates to forfeiture of nationality (Article 7). The declarations provide that Tunisia will not take measures to implement the Convention contrary to its Constitution and that the Preamble and other provisions of the Convention (in particular Article 6) cannot be interpreted as an impediment to Tunisian legislation in relation to the termination of pregnancy.

³⁵ "Rapport d'analyse de situation de la protection de l'enfance en Tunisie", Fethi Touzri and Abderraouf Haddad, UNICEF, December 2005, pg 145

These reservations and declarations are no longer relevant considering the current emphasis on children in the legislation and policies of Tunisia and the stated determination of the Government to implement the Convention gradually but fully.³⁶ The Committee on the Rights of the Child has recommended their removal.³⁷

3.0 Children's Rights Review

3.1 *General Overview*

Tunisia ratified the Convention on the Rights of the Child on 30 January 1992. It submitted its initial report on 16 May 1994 and its second periodic report on 16 March 1999. The first Concluding Observations of the Committee on the Rights of the Child were issued on 21 June 1995. In its latest Concluding Observations issued on 13 June 2002, the Committee welcomed the numerous legal measures undertaken by Tunisia to align domestic legislation with the CRC.³⁸ Tunisia is currently preparing its next report to the Committee which is due in 2007. It has also ratified the two Optional Protocols to the Convention on the Rights of the Child. It has not yet submitted its initial reports to the Committee under the two Optional Protocols.

In its 2002 Concluding Observations the Committee congratulated Tunisia for references to the CRC guiding principles in the Child Protection Code, improved data collection and the enhanced status in the change of the National Council for Children into the Higher Council for Children, under leadership of the Prime Minister, in 2002. These measures were adopted in conformity with earlier Committee recommendations. Also in line with previous recommendations, Tunisia removed one reservation and one declaration. However, the Committee also noted that some areas remained insufficiently addressed, such as the guarantees of non-discrimination, freedom of expression and civil rights and freedoms. It also again recommended the withdrawal of the remaining declarations and reservations to the Convention.³⁹

In 2001, the National Council for Children organised five thematic commissions (family, health, education, law and protection) and

³⁶ "La situation des enfants en Tunisie", UNICEF, op. cit., pg 31,

³⁷ *Concluding Observations: Tunisia*. 13/07/2002. CRC/C/15/Add.181

³⁸ Ibid

³⁹ Ibid

regional consultations to review the National Plan of Action for Children 1992-2001. This process culminated in a national consultation and presentation at the Parliament for Children and the production of a Second National Plan of Action for Children 2002-2011. The new Plan reorients the national vision for children to consider them as persons in their own right, reinforces their rights and develops the quality of care provided to them for their well-being. It assesses the accomplishments made, the remaining challenges and the strategy for the next decade. The Plan has been integrated into broader national planning documents. However, it has not yet been translated into an operational format and has no detailed budget for each of its elements.⁴⁰

In 2002, responsibility for children's affairs was transferred from the Ministry of Youth and Sport to the Ministry for Women, Family, Children and Elders to facilitate integration, inter-ministerial collaboration and follow-up actions. This Ministry is in charge of monitoring, evaluating and coordinating the implementation of both the National Plan of Action and the Convention on the Rights of the Child. The Ministry has an Observatory for Information, Training, Documentation and Study for the Protection of Children's Rights with a key role in coordinating, monitoring and reporting on the situation of children in Tunisia. In fact, Tunisia's next periodic report to the Committee on the Rights of the Child is currently being prepared under the direction of the Observatory.⁴¹ The Observatory is also implementing an initiative called "Childinfo", initially developed by UNICEF to centralise data provided by various ministries, NGOs and others in order to monitor the situation of children in Tunisia. Indicators defined in the national strategy will be further developed by the Observatory to identify trends and progresses. "Childinfo" is expected to be operational in 2007.⁴²

In 2004, with the support of UNICEF, the Government organised a workshop on regional mapping and implementation of priorities for children. Strategies are still being refined to target support to the

⁴⁰ Meeting between IBCR and UNICEF, Tunis, Tunisia. November 2006

⁴¹ Meeting between IBCR and the Ministry for Women, Family, Children and Elders, Tunis, Tunisia, November 2006

⁴² Meeting between IBCR and the Observatory for Information, Training, Documentation and Study for the Protection of Children's Rights, Tunis, Tunisia, November 2006

specific needs of children in localities other than the larger governorates.⁴³

3.2 Application of the CRC's Non-Discrimination Principle

The Constitution of 1 June 1959 provides explicitly that "all citizens have the same rights and the same duties. They are equal before the law." However, in its 2002 Concluding Observations, the Committee on the Rights of the Child expressed its concern that the right to non-discrimination was not being fully implemented into practice for certain groups. The Committee criticised the new Child Protection Code for not placing enough emphasis on the right to non-discrimination.⁴⁴

Despite significant efforts, the Government recognises that **discrimination** against women continues to deserve more attention.⁴⁵ Discrimination against and marginalisation of girls makes them more vulnerable to all forms of abuse. One of the greatest challenges for children born out of wedlock arises from the social discrimination and stigmatisation faced by their single mothers. These children do not have the right to inherit from their fathers even when paternity has been legally established.⁴⁶

In recent years children born out of wedlock, those who have been abandoned and those of unknown parentage have been granted greater legal protection, including the right to take paternity suits and to require DNA testing.⁴⁷ Once paternity has been established, a child will have the right to have a patronymic name and to a living allowance. The child also has the right to take the name of his or her mother, if preferred.⁴⁸ This ensures the **right to a name and an identity**. However, because of negative social attitudes and family pressure, the majority of single women give their children away for

⁴³ Ibid

⁴⁴ *Concluding Observations: Tunisia*. 13/06/2002. CRC/C/15/Add.181

⁴⁵ "Violence against women in Tunisia", Report prepared for the Committee on the Elimination of Discrimination against Woman, available on-line at <http://www.omct.org/pdf/vaw/tunisiaeng2002.pdf> (last accessed 30 November 2006)

⁴⁶ Meeting between IBCR and the Association Amal pour la famille et l'enfant, Tunis, Tunisia, November 2006

⁴⁷ Law 98-75 of 28 October 1998, as amended in 2003

⁴⁸ Meeting of IBCR in Tunisia, November 2006

adoption and thus, only few single women raise children on their own. No governmental support is available to these women.⁴⁹

The right to **nationality** is more difficult and is the subject of a continuing reservation by Tunisia under the Convention on the Rights of the Child. The law now recognises Tunisian nationality rights, under specific conditions, for children born abroad to Tunisian mothers and foreign fathers.⁵⁰

The Personal Status Code abolished polygamy and informal marriages in 1956. However, the **minimum age for marriage** remains different for boys (20 years) and girls (17 years, formerly 15 years). The Government justifies this difference on cultural grounds but says that marriage legislation is “proceeding by stages”. It is currently considering setting the minimum age for marriage for both boys and girls at 18.⁵¹ Discrimination against girls is also seen in the application of a principle from Shari’a law entitling a daughter to only half the share of her brother in inheritance matters.⁵²

Tunisia enacted specific legislation in 1981 to protect children with physical and intellectual **disabilities**. The law was amended in 1989 and revised in 2005 to strengthen the principle of equality of opportunity and the protection of rights.⁵³ Children with moderate disabilities are now integrated into the regular education system with necessary support.⁵⁴ In 2005, more funding was announced for the 220 existing special education and training centres. Approximately 6,000 children with disabilities are registered in centres run by NGOs and the government where they can access psychological assistance, prostheses, social integration support and medical care.⁵⁵ UNICEF’s Country Programme for 2007 to 2011 also aims to help Tunisia

⁴⁹ Meeting between IBCR and the Association Amal pour la famille et l’enfant, Tunis, Tunisia, November 2006

⁵⁰ Law 93-62 of 23 June 1993 and Law 2002-4 of 21 January 2002 amending Tunisian nationality law

⁵¹ In reality, the average for marriage is around 29 for women and 32 for men. Meeting of IBCR with the Ministry for Women, Family, Children and Elders, Tunis, Tunisia. November 2006

⁵² Meeting of IBCR in Tunisia, November 2006

⁵³ Meeting between IBCR and the Secretariat of State in charge of Children’s Affairs., Tunis, Tunisia, November 2006

⁵⁴ Article 4, Education Act 2002. Meeting between IBCR and the Centre national d’Innovation pédagogique et de recherches en Éducation in the Ministry of Education, Tunis, Tunisia, November 2006

⁵⁵ Meeting between IBCR and Voix de l’Enfant Tunisie, Tunis, Tunisia, November 2006

increase access to schools for children with disabilities.⁵⁶ In addition, 3% of all professional training places are reserved for young people with disabilities. So far, institutions and special education centres for children with disabilities have been set up in only half of the national territory, an impediment in their access to formal education and vocational training that limits their social integration.⁵⁷

Urbanisation in Tunisia has left rural areas with reduced youth populations and slower rates of social and economic development, raising concern for the rights of **children in rural areas**. Since the 1990s, the Government has sought to address the specific challenges encountered by rural women through a National Solidarity Fund. According to a local NGO, the infrastructures and access to services in rural areas have been significantly improved in the past decade.⁵⁸ The rights of girls have also been targeted in these programmes, especially through the policy of equal opportunity in education and access to social and educational activities. There are still regions with acute poverty but their extent has been significantly reduced in past years.⁵⁹

3.3 Application of the CRC's Best Interests of the Child Principle

In 2002, Tunisia informed the Committee on the Rights of the Child that it had undertaken “a series of measures directed at safeguarding and strengthening the rights of the child and the best interests of the child”, making the respect for this right “a priority for the different authorities and intervention structures which have been established”.⁶⁰ The best interests of the child are also a core component of the Code of Child Protection. Article 4 of the Code refers to it as a general principle that should be taken into account in

⁵⁶ “Draft Country Programme Document: Tunisia”, United Nations Economic and Social Council, 28 March 2006, available on-line at http://www.unicef.org/about/execboard/files/06-PI.25_Tunisia_ODS.pdf (last accessed 30 November 2006)

⁵⁷ Meeting between IBCR and the Secretariat of State in charge of Children's Affairs, Tunis, Tunisia, November 2006

⁵⁸ Meeting between IBCR and Voix de l'Enfant Tunisie, Tunis, Tunisia, November 2006

⁵⁹ Meeting between IBCR and the Secretariat of State in charge of Children's Affairs, Tunis, Tunisia, November 2006

⁶⁰ *Second periodic reports of States parties due in 1999: Tunisia*, 20/10/2001. CRC/C/83/Add.1

all decisions and actions undertaken by different persons or institutions working with and for children.⁶¹

The application of the principle is seen in the introduction of mechanisms in family law to encourage joint parental authority and to adjust parental divorce procedures to the best interests of the child.⁶² In recent years, a number of national laws have also been adopted, to the benefit of children born out of wedlock and to increase measures for the protection of children underprivileged or deprived of family care.⁶³ In practice, when a couple has children, family law judges are required to organise at least three reconciliation sessions before pronouncing a divorce. These sessions are intended to allow for the consideration of the child's perspective in the matter, a procedure relevant both to the best interests of the child and also to the child's participation. The principle of the best interests of the child is now a core component in the training programme for justice auditors and law enforcement authorities at the Higher Magistrates' Institute.⁶⁴

Field research is currently being conducted under the supervision of the Observatory for Information, Training, Documentation and Study for the Protection of Children's Rights to assess the level of knowledge and understanding of the population in general of children's rights. Preliminary findings indicate that much remains to be done.⁶⁵

3.4 Application of the CRC's Child Development Principle

In March 2006, UNICEF reported that demographic changes are underway in Tunisia due mainly to improvements in **healthcare** and **education**. It is anticipated that Tunisia will meet all of its Millennium Development Goals except the one relating to maternal mortality.⁶⁶ Efforts made in relation to healthcare have no doubt contributed to improvements in the life expectancy at birth, the

⁶¹ "République Tunisienne", Le Code de la Protection de l'Enfant, Ministry for Women, Family, Children and Elders, UNICEF, 9 November 1995, pg 13

⁶² "La situation des enfants en Tunisie", UNICEF, 2004, op. cit., pg 24,

⁶³ *Concluding Observations: Tunisia*, 13/06/2002, CRC/C/15/Add.181

⁶⁴ *Second periodic reports of States parties due in 1999: Tunisia*.20/10/2001. CRC/C/83/Add.1

⁶⁵ Meeting between IBCR and the Observatory for Information, Training, Documentation and Study for the Protection of Children's Rights, Tunis, Tunisia, November 2006

⁶⁶ United Nations Economic and Social Council, 28 March 2006, op. cit.

number of doctors and healthcare centres and vaccination coverage.⁶⁷ In general, Tunisia has a large hospital and health infrastructure, with both public and private services. Every individual is entitled to health under the best possible conditions⁶⁸ and medical care has been available either free or at reduced prices. As a result under 5 mortality has declined from 201 in 1970 to 24 in 2005 and fertility rates from 6.6 in 1970 to 1.9 in 2005.⁶⁹

In recent years, there have been several changes in the health sector. Access to free services has been redefined so that only the neediest families can benefit from it⁷⁰ and patient's contributions towards the cost of medical treatment have been increased. Officially, this is not reported to limit access to health care for families and children. While further assessment is required to measure the impact of these changes, there has clearly been a reduction in the State provision of medical services as well as an increase in costs. It should be noted however that preventive care, such as vaccination, continues to be provided free of charge to all.⁷¹

In 2002, the UN Committee on the Rights of the Child expressed concerns regarding healthcare inequality between different regions of Tunisia and the lack of specialised adolescent healthcare.⁷² Regional disparities persist both in relation to access and quality of health services. For example, the infant mortality rate in rural areas is twice the national rate. Health care centres are sometimes far from villages and access is not always affordable for those in the poorest parts of the country.⁷³

Ensuring access to health care requires specific services that correspond to the specific needs of adolescents. However, supply of specialist services is so restricted that it may take several months for an adolescent to get an appointment in a school medical centre.⁷⁴

⁶⁷ "La Santé Publique", Tunisie.com, available on-line at <http://www.tunisie.com/societe/sante.html> (last accessed 30 November 2006)

⁶⁸ Article 1 of Law No. 91-63 of 29 July 1991

⁶⁹ "The State of the World's Children 2007", UNICEF, table 10 pg 141

⁷⁰ "La Santé Publique", Tunisie.com, op. cit.

⁷¹ Several meetings of IBCR in Tunisia, November 2006

⁷² *Concluding Observations: Tunisia*. 13/06/2002. CRC/C/15/Add.181

⁷³ Meeting of IBCR in Tunisia, November 2006

⁷⁴ Ibid

HIV/AIDS is not yet considered to be a public health problem by the authorities and as such, data are scarce.⁷⁵ However HIV/AIDS is of particular concern to child and adolescent health. UNAIDS estimates that 8,700 people lived with HIV in Tunisia in 2006,⁷⁶ but the Ministry of Health reports that only 1,400 cases have been identified since 1985, of whom 800 are still living with HIV/AIDS today. Only a few cases of children living with HIV/AIDS have been identified in Tunisia. The National AIDS Programme, established in 1987, provides free care and antiretroviral medication to all qualifying HIV-positive patients.⁷⁷

As part of the 2006-2010 Strategic National Plan to fight HIV/AIDS, campaigns for the prevention of sexually transmitted infections (STI) are now receiving public recognition.⁷⁸ Recent studies by the United Nations Population Fund (UNFPA) reveal that nearly half the children and young people in Tunisia are unaware of sexually transmitted diseases other than HIV/AIDS. A detailed study of at-risk behaviours is required to target approaches and groups in awareness-raising activities.⁷⁹ Concerns have been expressed about breach of confidentiality outside the medical spheres from adolescents who seek STI testing.⁸⁰ A bill is reportedly being examined to allow anonymous testing for HIV/AIDS.⁸¹

Since 1977 adolescents have had access to information about **reproductive health** and to relevant services, including in one third of the country, peer education. In 1994, the Tunisian Government introduced AIDS and reproductive health education into the ninth year of basic education.⁸² Extracurricular awareness-raising activities are organised in universities and through health clubs in high

⁷⁵ As of November 2006, United Nations agencies in Tunisia were completing an analysis on the situation of adolescents in Tunisia, which has been made the priority of UNICEF for the next five years. Hence, more data should soon be available

⁷⁶ "Rapport sur l'épidémie mondiale de sida 2006", UNAIDS, Annexe 1, pg 510

⁷⁷ Meeting between IBCR and the Secretariat of State in charge of Children's Affairs, Tunis, Tunisia, November 2006

⁷⁸ Fethi Touzri and Abderraouf Haddad, *op. cit.*, pg 16

⁷⁹ Meeting between IBCR and the United Nations Population Fund, Tunis, Tunisia, November 2006

⁸⁰ Meeting of IBCR in Tunisia, November 2006

⁸¹ Meeting between IBCR and UNICEF, Tunis, Tunisia. November 2006

⁸² "Historique de la lutte contre le Sida en Tunisie", Jeunes et santé sexuelle et de la reproduction, available on-line at <http://www.jssr.promed.com.tn/fr/infos.htm> (last accessed 30 November 2006)

schools.⁸³ While contraceptives are available through pharmacies, their use is reported to be low among adolescents. The Ministry of Health, together with the UN Population Fund, have opened ten Service Centres for Reproductive Health, which offer consultations, counselling and psychological support. In rural areas, mobile teams of social workers, called "rural animators", and mid-wives disseminate information to young people. However, their number is insufficient to cover the whole country on a regular basis. The rate of early pregnancies (15 and 19 years) is 7 per 1,000 births in Tunisia, a very low rate that can be partially attributable to easy availability of free abortions since 1958.⁸⁴

The Tunisian Government has made **education** a priority. A reform of the education sector was initiated between 2000 and 2004, and the rights of children as students were introduced for the first time in the law.⁸⁵ As a result school education is free for everyone and compulsory from 6 to 16 years of age.⁸⁶ The cost of school materials is subsidised for 400,000 poor children each year.⁸⁷ Primary and secondary education alone make for approximately 25% of the government's operating budget. When combined with professional training and university education, expenditure reaches 32%.⁸⁸ The primary school net enrolment rate for girls has reached 98% and for boys 97% and secondary school net enrolment rates are 66% for girls and 69% for boys.⁸⁹ Net attendance rates, however, are much lower.

The State has introduced various measures to ensure equally accessible education for girls and boys.⁹⁰ These measures seem to have been effective, since girls make up more than half the

⁸³ Meeting between IBCR and the Secretariat of State in charge of Children's Affairs, Tunis, Tunisia, November 2006

⁸⁴ Meeting between IBCR and the United Nations Population Fund, Tunis, Tunisia, November 2006

⁸⁵ Meeting of IBCR in Tunisia, November 2006

⁸⁶ "الدين في دستور الجمهورية التونسية", Supporting the Rights of Women and Children in Tunisia Through Information Technology, available on-line at <http://wrcati.cawtar.org/index.php?a=d&law=270> (last accessed 30 November 2006)

⁸⁷ Communication sent by Dr. Ayed Néjid from the Centre national d'Innovation pédagogique et de recherches en Éducation (Tunis, Tunisia) to IBCR, 27 November 2006

⁸⁸ Meeting between IBCR and the Centre national d'Innovation pédagogique et de recherches en Éducation (Ministry of Education) Tunis, Tunisia, November 2006

⁸⁹ "The State of the World's Children 2007", UNICEF table 5 pg 120

⁹⁰ "Education", Tunisia Online, available on-line at <http://www.tunisiaonline.com/society/society3.html> (last accessed 16 October 2006)

enrolments for both primary and secondary schools but their attendance rates are significantly lower than boys' rates. The government has also introduced measures to ensure equal access to education for children living in rural and urban areas, again with some success: of the 4486 schools in Tunisia, 2721 are located in rural areas.

With school enrolment high, the main concerns now are attendance and quality of education. The 2000 Basic Competencies Approach in primary education is one of the key reforms to improve quality. Programmes have been developed by the government in collaboration with UNICEF to support priority education zones, which consist mainly of rural areas.⁹¹ Thanks to a collaborative effort by UNESCO, the Microsoft Corporation and the Observatory for Children's Rights, the InfoYouth centre opened at the end 2005 to provide 50,000 young people with access to information technology.⁹² Recent figures also seem to indicate significant improvements in the primary school success rate (from 76.6% in 1995 to 88.5% in 2001), especially for girls (from 61.4% in 1995 to 94.9% in 2002). Children are also doing better in secondary schools (from 70.27% in 1999 to 94.9% in 2002 for girls, and from 66.65% to 80.1% for boys). Students in primary education having to repeat their academic year have decreased from 16% to 5.9% from 1995 to 2005.⁹³ A study on the causes and impacts of rural girls' early school leaving is currently being conducted under the auspices of the Observatory for Children's Rights and results are expected to be available by early 2007.⁹⁴

Tunisia is currently supporting the development of kindergartens with an annual budget of approximately 5 millions dinards (US\$3.8

⁹¹ Again with a view to ensure equal access to education, Tunisia has adopted a programme whereby 696 primary schools and 104 colleges have been identified as "education priority schools" and thus provided with additional materials and resources (both human and financial) to help students catch up to the national average

⁹² "New regional centre in Tunisia to help youth participate in the knowledge economy", UNESCO, 17 November 2005, available on-line at http://portal.unesco.org/ci/en/ev.php-URL_ID=20667&URL_DO=DO_TOPIC&URL_SECTION=201.html (last accessed 16 October 2006)

⁹³ Communication sent by Dr. Ayed Néjid from the Centre national d'Innovation pédagogique et de recherches en Éducation (Tunis, Tunisia) to IBCR. 27 November 2006

⁹⁴ Meeting between IBCR and the Observatory for Information, Training, Documentation and Study for the Protection of Children's Rights, Tunis, Tunisia, November 2006

million). The Government aims to generalise access to day-nursery by 2009 and to make attendance compulsory for children aged 5 and 6. Despite a 135% increase in 2005 in pre-schooling (child care centres and kindergartens), figures for early childhood education remain low, particularly in rural areas and outlying suburbs.⁹⁵

Children deprived of a family environment are placed under the care of the National Institute for the Protection of Children, for adoption, foster placement or direct care.⁹⁶ Tunisia is one of the few Arab nations to permit adoption. As a result of various reforms of the Tunisian Personal Status Code, parental responsibilities and guardianship are shared between mother and father.⁹⁷ The Ministry for Women, Family, Children and Elders operates 24 Integrated Centres of Young People and Children to provide services and facilitate access to school for orphans and children from broken families until they reach the age of 18.⁹⁸ Several NGOs also assist these children. As part of the National Programme of Social Work in Schools (under the Ministry of Social Affairs), ten Centres of Social Integration and Defence operate in various cities “to research the behaviour of children and devise preventive interventions to reduce the number taking to the streets”.⁹⁹ These centres offer specialised and generalist services to children in need and recreational, artistic and educative activities for children generally. The Government, in collaboration with UNICEF, is developing a national strategy to mainstream alternatives to institutionalisation and reduce the time children spend in institutions. It is expected that centres will be developed through existing children's clubs to provide food, scholarships, school material, counselling and family support.¹⁰⁰

⁹⁵ Meeting between IBCR and the Ministry for Women, Family, Children and Elders, Tunis, Tunisia, November 2006

⁹⁶ *Second periodic reports of States parties due in 1999: Tunisia*, 20/10/2001. CRC/C/83/Add.1

⁹⁷ “Investing in Children of the Islamic World: Achievements”, UNICEF, available on-line at <http://www.unicef.org/policyanalysis/files/Achievements.pdf> (last accessed 16 October 2006)

⁹⁸ Meeting between IBCR and the Ministry for Women, Family, Children and Elders, Tunis, Tunisia, November 2006

⁹⁹ “Information about Street Children – Tunisia”, Consortium for Street Children, available on-line at <http://www.streetchildren.org.uk/reports/Tunisia%20Child.doc> (last accessed 01 December 2006)

¹⁰⁰ Meeting between IBCR and the Ministry for Women, Family, Children and Elders, Tunis, Tunisia, November 2006

Birth registration was made compulsory for Tunisian Muslims and Jews in 1908 and extended to all births, regardless of faith, nationality or race, in 1957.¹⁰¹ Registration must occur within 10 days of birth and those present at birth have an obligation to report it. Registration is free and a birth certificate (essential for access to state services) can be obtained for a modest fee. There has been no report of discrimination against minorities or of regional discrepancies that would impede the registration process.¹⁰²

In its Concluding Observations in 2002, the Committee on the Rights of the Child noted with great concern the absence of data on **child neglect and abuse**. It also expressed concern over “the failure of the State party to guarantee full implementation of all provisions in light of reports of detention and ill-treatment of children”.¹⁰³ As further noted by the Committee, although corporal punishment was banned in 1997, physical discipline is only considered as corporal punishment when it is prejudicial to the health of a child.¹⁰⁴ As a result violence is still used to discipline children at home and at school. The ban on corporal punishment does not apply to children in conflict with the law.¹⁰⁵ According to one survey 64% of parents believe that beating children is good for their education.¹⁰⁶ Education and awareness-raising are needed to help change public attitudes towards non-violent educational methods. In its last session in March 2006, the Parliament for Children requested a legal amendment to ban corporal punishment in all circumstances.¹⁰⁷ Government officials, however, assert that the practice disappeared in the past decade and that is no longer a concern in Tunisian society.¹⁰⁸

¹⁰¹ “Tunisia”, State Government, last updated 22 July 2002, available on-line at <http://travel.state.gov/visa/reciprocity/Country%20Folder/T/Tunisia.htm> (last accessed 01 December 2006)

¹⁰² Meeting between IBCR and the Ministry for Women, Family, Children and Elders, Tunis, Tunisia, November 2006

¹⁰³ *Concluding Observations: Tunisia*. 13/06/2002. CRC/C/15/Add.181

¹⁰⁴ Ibid

¹⁰⁵ “All Africa Special Report: Ending legalised violence against children”, Global Initiative to End All Corporal Punishment of Children and Save the Children Sweden, 2006, available on-line at http://www.nospank.net/all_af_ethiopia.pdf (last accessed 01 December 2006)

¹⁰⁶ “Rights of the Child in Tunisia”, World Organisation Against Torture, available on-line at http://www.omct.org/pdf/cc/Tunisia_Gb_WEB.pdf (last accessed 01 December 2006)

¹⁰⁷ Meeting between IBCR and the Ministry for Women, Family, Children and Elders, Tunis, Tunisia, November 2006

¹⁰⁸ Several meetings of IBCR in Tunisia, November 2006

Tunisia has strict laws regarding the **sexual exploitation** of children. Any sexual intercourse with a minor regardless of consent is a crime punishable by law. In 2002, the Committee on the Rights of the Child expressed its concern about the lack of information on this topic and its fear that sexual exploitation and abuse continued in public settings and in the family environment.¹⁰⁹ The subject of sexual violence against children remains taboo in Tunisian society.¹¹⁰ In law, a child found in the street is considered an offender and can be charged with the crime of prostitution.¹¹¹ Some studies have found that children exploited in prostitution often come from broken families and over half of them had previously experienced some physical or psychological abuse. Tunisia has no specialised structures or rehabilitation programmes for child victims of sexual exploitation or training programmes for professionals working with them.¹¹² About 200 cases of sexual violence against children were reported to the authorities in 2004.¹¹³

Although Tunisia has a sizeable tourism industry, **child sex tourism** is not perceived by the Government as a problem. However, there has been no situation analysis conducted on child sex tourism and no specific data is available. "Brigades de protection des mineurs" are supposed to report such cases but no report has been made in recent years. Laws against child sex tourism are rigorous and the Penal Code provides for harsh penalties. No specific awareness-raising activities have been conducted on this issue.¹¹⁴

Although Tunisia has been described as a transit country for victims of human trafficking, the Government does not consider **trafficking and illegal migration** a significant problem. As a result, information and statistics about the trafficking of children in Tunisia are scarce. Cases of trafficking, especially those involving minors, are described as marginal.¹¹⁵ Since the 1960s, Tunisia has been a country of immigration, mainly from sub-Saharan Africa. Children are part of

¹⁰⁹ *Concluding Observations: Tunisia*. 13/06/2002. CRC/C/15/Add.181

¹¹⁰ Meeting of IBCR in Tunisia, November 2006

¹¹¹ Meeting between IBCR and the Observatory for Information, Training, Documentation and Study for the Protection of Children's Rights, Tunis, Tunisia, November 2006

¹¹² Fethi Touzri and Abderraouf Haddad, op. cit., pg 82-83

¹¹³ Meeting between IBCR and UNICEF, Tunis, Tunisia. November 2006

¹¹⁴ Meeting between IBCR and the Ministry for Women, Family, Children and Elders, Tunis, Tunisia, November 2006

¹¹⁵ Meeting between IBCR and the Secretariat of State in charge of Children's Affairs, Tunis, Tunisia, November 2006

this movement, most of them accompanying their families. Trafficking is illegal in Tunisia but the enforcement of these provisions is said to be limited, perhaps because the Government does not systematically differentiate between victims of trafficking and illegal migrants. The Ministry of Interior is charged with the compilation of data about such cases, but this information is not made public.¹¹⁶ In 2005, the Government took steps to prevent trafficking by working with the Italian Government to reduce illegal migration.¹¹⁷ It has also developed law prohibiting all forms of trafficking. Although a formal system to protect trafficking victims has yet to be established, victims “have access to social services available for the abused and vulnerable”.¹¹⁸ Thirteen reception centres are said to operate throughout the country for individuals found to be in breach of immigration laws, although it is unknown if children are hosted there.¹¹⁹

Tunisia is party to the 1951 Convention relating to the Status of Refugees and Article 17 of the Tunisian Constitution prohibits the extradition of political refugees. However, there is no domestic legislation specifically mandating care for **refugees or asylum seekers**. The office of the UN High Commissioner for Refugees in Tunis provides assistance to some 100 refugees, including about 12 minors.¹²⁰ The right of child refugees to education is guaranteed in public schools as long as they are able to provide relevant previous school documents issued in the country of origin. In cases where documentation is not available, some difficulties arise, leading in a few instances in the past to UNHCR resorting to private schools to ensure respect of this right.¹²¹

The Code of Child Protection does not make any specific reference to **children living on the streets** but rather refers to “children who are exposed to neglect and homelessness”. Data is scarce, as no situational analysis has been conducted on this phenomenon or on

¹¹⁶ Meeting of IBCR in Tunisia, November 2006

¹¹⁷ US Department of State, op.cit.

¹¹⁸ Ibid

¹¹⁹ Meeting of IBCR in Tunisia, November 2006

¹²⁰ “Country Operations Plan: Executive Committee Summary: Country: Tunisia: Planning Year: 2006”, United Nations Refugee Agency, available on-line at <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=RSDCOI&id=433bf3882&page=home> (last accessed 01 December 2006)

¹²¹ Meeting between IBCR and the United Nations High-Commissioner for Refugees, Tunis, Tunisia, November 2006

the specific problems children living on the streets face.¹²² Children from rural areas are often represented among children living on the streets during their transition from the country to larger cities.¹²³ During the first nine months of 2002, there were 1,201 registered cases of families with missing children. Information on why children left was not available. Children living on the streets are seen to constitute only a marginal problem because they are not especially visible. Nevertheless, the Consortium for Street Children notes that increased modernisation, drop out rates in higher education, economic hardship and family disintegration all contribute to the number of children living on the streets in Tunisia.¹²⁴ In the 1990s the Tunisian Government introduced a National Program for Combating Homelessness and Restless Wandering that allowed police to collect homeless children and either reunite them with their families or admit them to rehabilitation centres. The “Brigades de protection des mineurs” play an important role, particularly in identifying children living on the streets who may be vulnerable to abuse and neglect, so as to refer them to relevant services providers. Under the responsibility of the Ministry of Interior, the Brigades work directly on the streets to prevent abuse and exploitation.¹²⁵

Data on **child labour** in Tunisia also are very limited as few studies have focused on this issue.¹²⁶ By law, children under 16 must attend school and are not allowed to work. Children between the age of 16 and 18 may work, subject to certain conditions. Approximately 200 cases of child labour were reported to the authorities in 2004.¹²⁷ Labour inspections have been deemed ineffective because they are limited to the formal sector which seldom employs children.¹²⁸ Child workers are found more often in the informal sector such as handicrafts and agriculture.¹²⁹ In most cases, children combine work and school. In the harvest season, children from rural areas,

¹²² Meeting of IBCR in Tunisia, November 2006

¹²³ Meeting between IBCR and the Secretariat of State in charge of Children's Affairs, Tunis, Tunisia, November 2006

¹²⁴ Consortium for Street Children, *op. cit.*

¹²⁵ Meeting between IBCR and the Ministry for Women, Family, Children and Elders, Tunis, Tunisia, November 2006

¹²⁶ “Tunisia”, Save the Childhood Foundation, available on-line at <http://www.scf.org.in/resources/image/TUNISIA.pdf> (last accessed 16 October 2006)

¹²⁷ Meeting between IBCR and UNICEF, Tunis, Tunisia, November 2006

¹²⁸ Fethi Touzri and Abderraouf Haddad, *op. cit.*, pg 90

¹²⁹ “Tunisia: Country Reports on Human Rights Practices – 2005”, US Department of State, *op. cit.*

especially boys, frequently miss school to work in the fields.¹³⁰ However, child labour appears to be much less common than elsewhere in the North African region and it seems rarely to take an exploitative form. According to the Government, the practice of sending young girls to work as domestic servants in cities has been substantially reduced in the past decade, thanks to efforts in education, the development of rural areas and the sensitisation of families about the rights of girls.¹³¹ However, the practice is said to continue on a lower scale with the help of intermediaries who offer to find adolescent girls from poor rural areas to work as “petites bonnes”.¹³²

Substance abuse is a growing concern in Tunisia. Intravenous drugs are reported to be more accessible and adolescents to be among the users. There has been no situational analysis or data collection on availability or usage. The legal approach reflects a commitment to children's protection against drug use rather than punishment. In cases of drug consumption or drug possession, a court may require psycho-medical treatment or any other social or educational approach leading to detoxification and reinsertion.¹³³ However, there is only one detoxification centre in Tunisia and it caters for both adolescents and adults.¹³⁴

In recent years, the Government has integrated the international standards of the Riyadh Rules and the Beijing Guidelines into Tunisia's **juvenile justice** system.¹³⁵ Offences committed by children under 13 are not punishable. Offenders aged below 15 years cannot be kept in detention. Children in conflict with the law have the right to “special treatment regarding both the administration of justice and penalties imposed” and “benefit from special guarantees for their defence and the protection of their physical and psychological integrity”.¹³⁶ Penalties for criminal offences committed by children have been reduced and the maximum sentence of imprisonment for children has been limited to 5 years.¹³⁷ Despite encouraging

¹³⁰ Meeting of IBCR in Tunisia, November 2006

¹³¹ Meeting between IBCR and the Ministry for Women, Family, Children and Elders, Tunis, Tunisia, November 2006

¹³² Meeting of IBCR in Tunisia, November 2006

¹³³ Law 95-94 9 November 2005 complementing and modifying law 92-52 18 May 1992 related to drugs

¹³⁴ Meeting of IBCR in Tunisia, November 2006

¹³⁵ Meeting between IBCR and UNICEF, Tunis, Tunisia. November 2006

¹³⁶ World Organisation Against Torture, *op. cit.*

¹³⁷ Law 95-93 9 November 1995

measures, serious challenges remain, particularly, in resource allocation, training, follow-up and implementation. In its Concluding Observations in 2002, the Committee on the Rights of the Child was concerned that juvenile justice courts were not being used and separate detention of juveniles from adults was not occurring in practice.¹³⁸ There were reports in 2005 that many of the rights for juveniles recognised in the law were not being respected in practice. These include the right to be present at trial, the right to legal representation and the presumption of innocence.

In Manouba in Tunis, a Pilot Observation Centre for Minors was established in 1993 as a measure to prevent juvenile delinquency.¹³⁹ The Centre houses up to 120 boys for a maximum period of two months. The residents did not commit crimes or have only committed a minor offence and have been referred by a family law judge. Girls in need of protection and shelter are housed at a Social Orientation and Protection Centre. In addition, there are five Centres for Juvenile Re-Education and Educational Action (one for girls and four for boys) under the responsibility of the Ministry of Justice, offering social and professional training.¹⁴⁰ Juvenile judges can refer boys and girls aged between 13 and 18 who have been convicted of penal infractions to these centres. Theoretically, children are never sent to prison in Tunisia. Boys are said to be mostly convicted for petty crimes and theft, while girls are mainly arrested for prostitution. A project to improve social and family reintegration of girls in conflict with the law is currently being examined.¹⁴¹

3.5 Application of the CRC's Child Participation Principles

Implementation of the children's rights to participation has been improving in Tunisia. In 2002 in its Concluding Observations the Committee on the Rights of the Child expressed its concern that "the right of the child to freedom of expression, including to receive information, and to freedom of association and peaceful assembly are not fully guaranteed in practice".¹⁴² Since then a Children's Parliament has been established to improve children's right to be

¹³⁸ *Concluding Observations: Tunisia*. 13/06/2002. CRC/C/15/Add.181

¹³⁹ Fethi Touzri and Abderraouf Haddad, *op. cit.*

¹⁴⁰ Meeting between IBCR and the Ministry for Women, Family, Children and Elders, Tunis, Tunisia, November 2006

¹⁴¹ Meeting of IBCR in Tunisia, November 2006

¹⁴² *Concluding Observations: Tunisia*. 13/06/2002. CRC/C/15/Add.181

heard and to teach children civic responsibility.¹⁴³ Participants are selected to include children with disabilities and vulnerable children, on the basis of gender balance. They are trained to become peer educators in their communities.¹⁴⁴ Some concerns have been expressed about the nomination process, which is done through Municipal Councils for Children, an institution established to allow for greater contribution by young people in community life. Members of these councils are nominated, not elected.¹⁴⁵ In 2005, a Club of Parliamentarian Children was formed to ensure that children who reached the age of 18 and thus terminated their participation in the Children's Parliament remain associated with the institution and act as peer educators for newcomers.¹⁴⁶

Following a 2004 Decree, public and private primary school children across Tunisia participate in student council elections to familiarise themselves with the idea of democracy.¹⁴⁷ Elected delegates sit in their school councils to represent the views of students. Staff supporting these structures remains insufficiently trained.

UNICEF, in cooperation with the Ministry for Youth, Childhood and Sports, has been working with educators and youth associates to improve access to information concerning children's rights.¹⁴⁸ As a result, there are more than 300 children's clubs for young children and a few hundred youth houses for adolescents, providing recreational and cultural activities.¹⁴⁹ In rural areas, buses equipped with Internet and library facilities are circulating to facilitate young people's access to information.¹⁵⁰

¹⁴³ Ibid

¹⁴⁴ Meeting between IBCR and the Observatory for Information, Training, Documentation and Study for the Protection of Children's Rights, Tunis, Tunisia, November 2006

¹⁴⁵ Meeting of IBCR in Tunisia, November 2006

¹⁴⁶ Meeting between IBCR and the Ministry for Women, Family, Children and Elders, Tunis, Tunisia, November 2006

¹⁴⁷ "Children's State News Archive 2005", Universal Childrensstate, available on-line at http://www.childrensstate.net/parliament.php?page=news_2005 (last accessed 16 October 2006)

¹⁴⁸ "Say Yes for Children: Middle East and Asia", UNICEF, available on-line at http://www.unicef.org/say_yes/asia.htm (last accessed 16 October 2006)

¹⁴⁹ Meeting between IBCR and the Ministry for Women, Family, Children and Elders, Tunis, Tunisia, November 2006

¹⁵⁰ Meeting between IBCR and Voix de l'Enfant Tunisie, Tunis, Tunisia, November 2006

4.0 Overall Assessment

Tunisia has solid experience in developing laws, programmes and strategies for the rights of children but its practice and implementation remain weak. It is proud of its commitment to promoting and protecting children's rights and has manifested the political will to make the CRC a reality. Certainly the rights of children with disabilities, children in conflict with the law and abandoned children are recognised better than previously. Education has benefited from sustained investment and long-term strategies with important achievements. Longer life expectancy, reduced child mortality rates and nearly universal vaccination coverage testify to the quality of the health system – although there are concerns about the impact on children of increased costs and limitations on access to health services. A variety of programmes supports easy access to birth registration, reduce discrepancies between rural and urban children, protect and promote the rights of girls and raise awareness on reproductive health. Tunisia sees itself as a leader in the region and world on how to respect children's rights in a holistic manner. However, there is still a gap between words and action.

Tunisia faces many challenges where the response is still to be defined. Many issues, like sexual exploitation, corporal punishment, child sex tourism, children living on the street and trafficking of children, are not well researched or discussed publicly. For instance, child labour may not be as alarming as in other countries of the region but documenting its extent is important to developing adequate preventive strategies. Awareness-raising and education are particularly needed to overcome existing taboos. Many efforts have been made to develop mechanisms for child participation but the knowledge of children's rights is reported to be low in the population in general and among children in particular. Since the enactment of the Children's Code in 1995, law reforms have extended the legal framework to protect children but challenges remain in ensuring their effective implementation.

Over the past decades, several institutions and coordinating bodies have been established or strengthened to address issues relating to children, including the Higher Council for Childhood, the Children's Parliament, the Delegates for the Protection of Children and the Observatory for Information, Training, Documentation and Study for the Protection of Children's Rights. While their actions have certainly enhanced the profile of children's issues in the Government

and society generally, independent monitoring and systematic follow-up are still required to ensure full implementation of the CRC. The elaboration of the 2002-2011 National Plan of Action is also a demonstration of commitment to children. However, its implementation requires a detailed operational plan. Adequate resource allocation to sustain government and non-government programmes is also a concern. The role and profile of national and international NGOs remain low in Tunisia. Although local NGOs are asked to contribute to the work of the various committees and programmes, their activities are constrained by the State within quite rigid parameters.

Overall, Tunisia has much to share in terms of good laws, policies and programmes. Its success in implementing children's rights, however, will depend on its commitment to directing its resources and energies to address issues related to children effectively.



Regional Analysis of the Children's Rights Profiles for North Africa

1.0 Analytical Overview of the Country Profiles

Algeria, Egypt, Libya, Morocco and Tunisia ratified or acceded to the Convention on the Rights of the Child (the CRC) at least 13 years ago. After so long, reviewing the experiences of each of these five North African States enables an assessment both of their performance of their obligations under the CRC and of the state of their continuing commitment to it. Have these States kept the promises their political leaders made to their children?

This analysis begins with a review of the general implementation measures defined by the Committee on the Rights of the Child (the Committee). The Committee considers them to be very important for the effective implementation of the CRC. The analysis also addresses the general principles of the CRC and the extent of their implementation, including special protection areas and dissemination of information about the CRC.

There have been many positive developments in each of the five States but progress varies from country to country. In some countries the political agenda gives high priority to children. For example in Egypt the survival and development of the child are at the centre of a 10 year strategy for children, a key component of the national political agenda. In Tunisia each year, on national children's day, the Council of Ministers chaired by the Prime Minister receives a report on the situation of children.

The five States under review all ratified or acceded to the CRC in the few years immediately after its adoption. At the time four of them made reservations or interpretative declarations that subsequently were the subject of critical comment by the Committee on the Rights of the Child. Egypt has withdrawn all its reservations and Tunisia has withdrawn two of its five reservations. Morocco claims to have withdrawn its reservation but this is not noted on the database of the Office of the High Commissioner for Human Rights. Algeria still retains its declarations. Libya did not make any reservations or declarations when it became a party to the Convention.

2.0 General Measures of Implementation

2.1 *Legislative Reform*

All five States have taken a series of legislative measures to ensure the effective implementation of the CRC and children's enjoyment of

their rights, including law reforms to make domestic laws more consistent with the Convention's provisions. None, however, has made amendments to its Constitution to incorporate the provisions of the CRC. Some of the Constitutions include articles that refer to key principles of the CRC. For instance, the Constitution of Algeria states that all children are equal before the law and guarantees the right to education to all children without distinction of race, colour, or gender. The Constitution of Egypt recognises the principle of equality between all citizens and that of Tunisia equality and the same rights for all and specifically liberty of opinion and expression. The Moroccan Constitution provides protection for minority children and guarantees to all the freedom to pursue their religious beliefs. Similarly the Libyan Constitution makes reference to several principles and provisions of the CRC, including the best interests of the child principle. However enforcement of all these provisions is still inadequate.

All five States have enacted or propose to enact specific laws dealing with children and their rights. Tunisia has adopted a Child Protection Code that provides a comprehensive approach to the rights of the child covering most, if not all, of the rights of children. This Code was amended in 2002 to include reference to the general principles of the CRC. Egypt's Child Law adopted in 1996 brings together all legal provisions for the protection of the child and Libya's Child Protection Act harmonises domestic legislation with the CRC provisions. In both Algeria and Morocco a children's code is being drafted. The amendment to Morocco's Family Code includes the principles of equality between boys and girls and the best interests of the child, and other changes to comply with international standards.

Many other legislative reforms have been undertaken by these States, in relation for instance to laws concerning juvenile justice institutions and reintegration of offenders and concerning child participation in care decisions, in Algeria; the Labour Code, the law on *kafalah* (Islamic fostering of children), a law criminalising violence against children and the Penal Code in Morocco; and the status of children born out of wedlock and children living with disabilities, the criminalisation of sexual exploitation of children, the Penal Code and the Labour Code in Tunisia. In Egypt reforms to many areas of law have been proposed and are under consideration: minimum age for criminal responsibility, minimum age for girl's marriage, protection of girls including prohibition of female genital mutilation, children in conflict with the law, separation of children from their families, child

labour and commercial exploitation of children, criminalisation of sexual exploitation of children, sale of children, child prostitution and pornography.

These legal reform initiatives show an interest and commitment on the part of the political leadership of these States to implement the CRC effectively. However, more research is required to evaluate the extent to which the new or amended laws are enforced and programmes are implemented. The Committee on the Rights of the Child has expressed its concern about gaps between law and practice at the national level. Bridging this gap is a serious challenge for these States. This was made clear on the occasion of the seminar on the implementation of the CRC in the Middle East and North Africa region (MENA) held in Tunis in November 2006, which recommended further actions on the part of the countries to align their legislation with the CRC including the enactment of new legislations and the amendment of existing ones.

None of the five States has legislation or regulations requiring a report to Parliament on the status of implementation of the CRC.

2.2 Independent National Children's Rights Institutions

The Committee considers the establishment of an independent national institution for children's rights crucial for the implementation of the CRC. Such an institution would be responsible for the promotion and protection of children's rights. None of the five States has established an independent institution solely for children's rights that complies with the relevant international standards, the Paris Principles. Morocco has a Consultative Council on Human Rights with a broad mandate including children's rights but not children's rights alone. It also has a National Observatory on Children's Rights to monitor the effective implementation of the CRC, provide a hotline for reporting violations of children's rights and conduct awareness raising activities on the CRC. The National Observatory has a general children's rights mandate but it does not have the necessary legislative base and power to ensure its independence, authority and legitimacy. Egypt has established a National Council on Human Rights but it has not been accredited as an independent national human rights institution that complies with relevant international standards.

2.3 National Coordinating Mechanism

Governments in all five States have taken the necessary steps to ensure that child-related activities of various Ministries are properly coordinated through the establishment of coordinating mechanisms. These coordinating structures take many forms. In Tunisia the Higher Council for Childhood is chaired by the Prime Minister and includes all ministries and several non-government organisations (NGOs) working with children. It meets every three months to review progress in the situation of children in the country. Its actions have led to initiatives for children's participation, including the Children's Parliament and national consultation on the development of the 2002-2011 National Plan of Action with a child rights focus. Tunisia also has a National Observatory of Information, Training, Documentation and Studies on Children's Rights, attached to the Ministry for Women, Family, Children and Elders. In Morocco coordination is provided by the Ministry of State in charge of Social Care, Family and Children's Affairs. In Algeria a National Committee for Children's Rights was recently established within the Ministry of National Solidarity and Family Affairs. Its effectiveness in ensuring coordination of the child-related activities of all government ministries is still to be assessed. Libya has established a Higher Committee for Children. In response to the concern of the Committee on the Rights of the Child regarding the coordination of several monitoring bodies in the area of child protection, the Government of Libya has also set up the Child Care Administration. In Egypt the National Council for Childhood and Motherhood has a mandate for policy formulation, planning, monitoring and coordination of children's rights related activities. It is playing an important role working with other ministries and departments and civil society in the implementation of the CRC. Each of these coordinating bodies has its own achievements and challenges. However, further research is required to assess their effectiveness in coordination.

Egypt, Morocco and Tunisia have each defined strategies and policies for the protection and promotion of children's rights that have led to the development of National Plans of Action endorsed by the highest political authorities. However, the linkage of the National Plans of Action to the coordinating bodies is not clear. Furthermore, no annual operational plan to implement the National Plans seems to have been developed in any of these countries. In all cases there are problems in ensuring adequate resources for

implementation. Morocco's 2006-2015 Action Plan is considered to be a solid cross-sectoral document providing a comprehensive response to the problems facing children identified by the Committee. However, the lack of coordination within the various priority areas of the Plan and the lack of adequate resources are hindering its effective implementation.

2.4 Monitoring CRC Implementation

Some of the coordinating bodies are required to monitor implementation of the CRC. However, monitoring mechanisms appear to be lacking in all countries. In relation to all five States the Committee expressed serious concern about the lack of reliable data collection on children disaggregated in such a way as to allow identification of disparities in the delivery of services between urban and rural areas and in the enjoyment of rights by boys and girls. The problem is being addressed in Egypt and Morocco. In Tunisia, the Observatory is implementing the "Child Info" methodology, a centralised database for monitoring the situation of children.

Two initiatives are worth mentioning. In Tunisia, a 1996 Government decree established Delegates for the Protection of Children, assigned to each of the 24 governorates. Working under the Ministry of Women, Family, Children and Elders in charge of the implementation of the CRC, these Delegates are responsible for coordinating actions in relation to the promotion and protection of children's rights and the prevention of violence against children, including exploitation, abuse and neglect. No evaluation of the effectiveness of this structure has yet been carried out but there is indication that the work of the Delegates is very valuable. Similarly, in Morocco Child Protection Units are being established at regional level bringing together representatives of local government, concerned ministries and NGOs to identify vulnerable children, refer them to appropriate services and ensure follow up. In collaboration with the High Commission for Planning, these Units also collect data on child protection issues that are shared with the National Observatory on Children's Rights.

3.0 General Principles of the Convention

All five States have taken important steps in implementing the CRC's general principles. Here again the results have varied, not only from country to another but also from one right or collection of rights to

another. Critical challenges still lie ahead in all the States as recognised by the MENA regional seminar of November 2006.

3.1 Best Interests Principle

Some newly adopted or amended laws make reference to the best interests of the child principle. Algeria and Libya have incorporated this principle into their Constitutions. According to the Committee, however, adequate attention to this principle is still required in national legislation and policies, particularly regarding custody decisions. Tunisia reported that the best interests of the child principle is a core component of the Child Protection Code and must be taken into consideration in all decisions and actions concerning children, including in divorce cases. In Egypt the Child Law provides that the best interests of the child shall be given primary consideration in all decisions and procedures regarding children but this is not always applied in practice. An amendment to the Child Law is being presented to Parliament to address this concern. The Constitutional Court of Egypt recently recognised the best interests of the child as a primary consideration in custodial cases. Under Morocco's new Family Code, custodial decisions following dissolution of marriage are made on the basis of the child's best interests and in addition a child over the age of 15 years is entitled to have her or his views heard and taken into account.

In general much remains to be done for the best interests of the child to be given priority over other considerations in all decisions concerning the child. The lack of information on the application of this principle in the State reports to the Committee indicates that the principle may not be well understood. This was recently recognised during the MENA regional seminar of November 2006. Clearly, this issue will need to be addressed in order to enhance the effective implementation of this general principle of the CRC.

3.2 Non Discrimination Principle

The Constitutions of all five States prohibit discrimination on various grounds. In Algeria the Constitution stipulates that all children are equal before the law and no discrimination shall prevail by reason of birth, race, gender, opinion or any other personal or social conditions or circumstances. The Libyan Constitution provides that all citizens are equal before the law and the Freedom Act of 1991 recognises the equality of rights of men and women. The Constitution of Morocco

provides protection of the rights of children born into a minority group. In Egypt the Constitution guarantees the principle of equality between all citizens and the Child Law prohibits discrimination between Egyptian children. The Tunisian Constitution stipulates that all citizens have the same rights and the same duties and are equal before the law. In addition to these constitutional provisions, legal reforms in the five countries have addressed discrimination against children, particularly vulnerable children.

Tunisia has adopted measures to enhance equality of opportunity for **children with disabilities** and further protect their rights, namely the integration of children with minor disabilities in regular schools. In Egypt the creation of a National Committee for Disability has led to the development of a twenty year national strategy on disability (1997-2017) and the National Council for Childhood and Motherhood has initiated a consultation process to amend the Child Law with regard to disability. In Libya discrimination against children living with disabilities is unlawful but existing policies and programmes must be reviewed especially for the inclusion of children with disabilities in the education system. In Algeria social stigma, misconceptions and fears surrounding disabilities lead to the marginalisation of children with disabilities, although efforts are being made to integrate children with minor disability in regular school. In Morocco significant steps have been taken under the leadership of the King to address the concern of the Committee on the Rights of the Child in relation to limited services available for children with disabilities, and a shift in social attitudes has been noted.

Gender equality, particularly in relation to discrimination against and marginalisation of girls, has been addressed to some extent in some of the States. In Morocco and Algeria legal reforms have established the same legal age for marriage for boys and girls (18 in Morocco and 19 in Algeria). In both Algeria and Egypt women now have the legal right to pass nationality to their children. Education is free and compulsory for both boys and girls in all five States. However the gender gap remains a serious challenge, particularly in rural areas of some countries and especially in access to health and education. Discrimination against girls remains an issue in most States. Disparity continues in the minimum age for marriage for boys and girls in Egypt and Tunisia. This has led the 2006 MENA regional seminar on children rights to recommend that “all necessary measures should be taken to eliminate discrimination against girls

particularly with regard to their rights to education and participation in the social and family life”.

Respect for the rights of **minority children** also remains problematic. While recognising positive steps, such as the incorporation of the Berber and Amazigh languages into the educational system of Algeria and the creation in Morocco of an Amazigh Institute and the introduction of the Amazigh language in textbooks, the Committee has expressed concern regarding the continuing discrimination faced by children of minority groups in these countries and in Libya. A similar concern was expressed in relation to discrimination against migrant and refugee children in Algeria, Egypt and Libya. The right of these children to health, education and other services is often denied. In relation to Algeria and Egypt the Committee also raised the issue of respect for children's rights to freedom of religion, an issue which has yet to be addressed.

Law enforcement is often an issue in relation to protection against discrimination. In addition negative social attitudes, stigma, cultural traditions and practices regarding children born out of wedlock, children living with disabilities, ethnic and religious minority children and migrant children are all serious obstacles that need to be addressed if children are to be protected effectively from discrimination. In the case of Tunisia, the decision to maintain its reservation to the right of non discrimination further prevents the full implementation of this principle.

3.3 Child Participation Principle

Children's participation rights include their rights to express their opinions and to have their views heard and taken into account, to obtain information and to enjoy freedom of thought, conscience and religion. Unlike some other children's rights, these rights do not seem to have been the subject of recent specific legislative reform in any of the five States under review. The Constitutions of both Algeria and Tunisia recognise freedom of opinion generally and Libyan law guarantees children's right to express their opinion in legal proceedings affecting them.

Some advances and interesting initiatives have been reported. There are Children's Parliaments in Egypt, Morocco and Tunisia, giving children and young people the opportunity to express their views on the protection of and respect for their rights. In Algeria the

Parliament held a special session for children, allowing them to raise questions about their rights. In addition, the right of children to participate has been included in school curriculum. Furthermore, a hotline "I am listening" developed by the Nada Network will play an important role in making children aware of their right to self expression and participation. In Egypt since 1999 an annual forum organised by the NGO Coalition on the Rights of the Child has provided an opportunity for children and young people to express their views and convey them to government authorities. Children and young people participated actively in UN consultation in the Middle East and North Africa on violence against children and their contributions have informed the recommendations of the report. Other interesting initiatives include the Local Child Councils introduced in Morocco to give children the opportunity to voice their opinion in decision making affecting their rights, the Student School Council in Tunisia and the Internet facilities in the rural areas to provide access to information on children's rights.

Despite these encouraging developments, further actions, including legislative reforms, are required to ensure respect for the rights of children to express their views and to be heard in matters concerning them. Much remains to be done in all countries to ensure the full enjoyment of the right of children to participate. This challenge also requires changes in attitudes and values in families and in society.

3.4 Child Survival and Development Principle

In spite of serious constraints, including budgetary limitations, social taboos, cultural traditions and practices and even international sanctions in the case of Libya, all five States have made significant progress in recent years in health and education, providing hope for the future. There have been important improvements in child survival rates and in the primary school enrolment ratios. This progress reflects the vision and commitment of political leaders to ensure the rights of children to a healthy life and a basic education to enable them to develop to their full potential and become productive citizens. In all five States the proportion of the national budgets allocated to health and education has increased. According to UNICEF, in the area of education, in 2004 it reached 24% in Algeria, 20% in Tunisia, 18% in Morocco and 15% in Egypt.

There have been notable accomplishments in the five States in implementing the **right to health**, reflected in a significant decrease

in infant and under-five mortality rates during the past fifteen years (1990-2005), with Libya and Tunisia having the lowest rates. These achievements are mainly due to success of immunisation programmes and awareness campaigns.

However, problems continue. Access to and quality of health services vary greatly between urban and rural areas in Algeria, Egypt, Morocco and Tunisia. Malnutrition is persistent in rural areas of Algeria, Egypt and Morocco. Water and sanitation services in Egypt are poor. Adolescent health services are compromised by requirements of parental consent, lack of privacy, taboos and inadequate services specific to adolescents. Some of these issues, however, are being addressed. Reproductive health has been introduced in the school curriculum in Egypt and Tunisia and there is an awareness campaign in Algeria on risks during pregnancy. An adolescent reproductive health project is being developed through schools in some villages in Egypt, supported by information campaigns. In all the countries the maternal mortality rate is still high, reaching 230 per 100,000 live births in Morocco and 120 in Tunisia.

Achievements in the health sector are being threatened by the HIV/AIDS epidemic that is prevalent in all countries and affects the 15 to 24 age group most of all. Reported prevalence seems low but the actual rate is significantly higher because of stigma, discrimination, denial, taboos and cultural traditions that deter reporting and hinder effective prevention programmes. Increasing infection rates are reported in Algeria, Libya and Morocco. All five States have taken steps to combat the epidemic through the development of National Plans of Action in Algeria, Morocco and Tunisia and through National AIDS Programmes in Egypt and Libya. While the main efforts are directed to treatment, prevention activities are carried out in connection with the UNICEF campaign "Unite for Children, Unite against AIDS" involving young people in Algeria, Morocco and Libya. Algeria has anonymous self referral screening centres for HIV/AIDS and in Egypt there is an anonymous HIV/AIDS hotline and testing centre. In Libya the youth to youth education network provides lectures on the disease and its prevention.

The **right to education** is a high priority in all five States, a fact reflected in the level of resources allocated in national budgets and in the inclusion of the right to education in the Constitutions of Algeria and Libya and in legislation in all five countries. In Morocco a National Charter on education was developed in 2005 to strengthen

the education system and improve the quality of education. In Algeria a national education strategy was designed to reduce illiteracy and improve the quality of education. In all five countries, education is free and compulsory.

According to UNICEF, primary school enrolment rates for both boys and girls are above 95% in Algeria, Egypt, Libya and Tunisia but only 89% for boys and 83% for girls in Morocco. However, these rates may be inflated due to low birth registration rates, especially in rural areas. In addition attendance rates are significantly lower than enrolment rates. Still there has been significant achievement in school enrolment and attendance. There has been progress in increasing girl's enrolment in school, even though the gender gap persists, particularly in rural areas. Morocco has taken practical steps to recognise the rights of minority groups to education, while *Tamazight*, the language of the Berbers or Amazigh, was included into the Algerian education system. Children with disabilities are being integrated into the regular school systems in Morocco and Tunisia for children with moderate disabilities and in Algeria for children with minor disabilities. Egypt, Libya and Tunisia have taken initiatives to provide students with access to information technology.

As noted by the November 2006 MENA seminar on the rights of the child, much remains to be done to improve the quality of education and in turn reduce the high drop out rates that contribute to the incidence of street children and child labour. Nonetheless there are important initiatives, including the Child Friendly Schools established in Algeria with UNICEF support that prioritise quality education for all children, the allowance scheme for children of low income families in Algeria to cover school meals and other expenses and other means to subsidise the cost of school materials for deprived children; school feeding programmes in poor Algerian communities; priority education zones in rural areas of Tunisia to improve the quality of education, boarding schools for girls in Morocco's rural areas and the health insurance scheme for school children in Egypt.

Pre-school education to address the psychosocial and cognitive development of the child is still a concern in the region. Pre-primary education requires intensive efforts in Algeria, Egypt and Morocco. Tunisia is developing a programme aiming at expanding access to day nurseries, making attendance compulsory for all children. Algeria and

Egypt are committed to increasing enrolment in pre-school education. In Morocco only NGOs provide day nursery services.

Algeria, Libya and Morocco have taken steps to provide vocational training in various disciplines for adolescents and young people out of school to ensure adequate preparation to enter the workforce and play a constructive social role. It is not clear, however, whether these actions have been taken within the framework of legislation, policies and strategies to promote the development of adolescents and the protection of their rights.

4.0 Special Protection Areas

The five States under review have acted to address difficult child protection issues, including through enacting new legislation or reforming existing laws, establishing new procedures and administrative measures or developing programmes or projects to ensure respect for the rights of the affected children.

4.1 Juvenile Justice

All five States have taken measures to improve their juvenile justice systems to ensure compliance with the CRC. Algeria and Morocco have enhanced legal standards by reforming their Criminal and Penal Codes. Tunisia has incorporated international standards into its judicial system. In Libya, a Code of Criminal Procedures for the protection of minors has been adopted. Progress has been slower in Egypt, although some efforts are being made with the support of the United Nations Office on Drugs and Crime (UNODC) to strengthen the legislative and institutional framework. Morocco has increased the age of criminal responsibility to 18 years but children are criminally liable at ages of 7 in Egypt, 13 in Algeria, 14 in Libya and 15 in Tunisia. There are now juvenile courts in Algeria, Egypt, Libya and Morocco but they need strengthening. Tunisia must still establish juvenile courts. In general, judges and juvenile court personnel require training to guarantee the respect of the rights of children in conflict with the law.

There is increased emphasis on the use of alternatives to imprisonment for young offenders, through re-education programmes in rehabilitation centres in Algeria, Morocco and Tunisia and social rehabilitation centres in Libya, although there are concerns about the conditions in the Libyan institutions. Importantly penal procedures prohibit detention of offenders aged below 13

years in Algeria, 14 years in Libya and 15 in Tunisia. However, the Committee expressed concern that children may be detained with adults in Egypt, Tunisia and Algeria.

4.2 Child Labour

Poverty, dropping out of school and family violence force many children onto the streets and into workplaces. All five States have ratified ILO Convention 138 on the minimum age for employment and Convention 182 concerning the elimination of the worst forms of child labour. Egypt amended its law in 2003 to prohibit the employment of children below 14 and to restrict the employment of those aged between 14 and 18 to a limited number of hours under certain conditions. Libya's Child Protection Act of 1997 prohibits child labour in all its forms. In Morocco, although new labour standards have increased the minimum age for employment from 12 to 15 years, many under aged children continue to work. In Tunisia children below 16 years of age must attend school and are not allowed to work. Algeria has also increased the minimum age to 16 years. However, the Committee recommends that Algerian continues to take effective measures to prohibit the economic exploitation of children. Indeed, in all five States enforcement of the laws remains challenging.

Child labour remains a serious problem in all of these States but its nature varies. In Egypt the working conditions of children in the agricultural sector are especially harsh. The use of girls as domestic servants occurs in all five States but quite differently. Some efforts are being made in Egypt, Algeria and Morocco, in collaboration with the ILO, to address the child labour problem, particularly the use of girls as servants, through legislative reforms, programmes to combat child labour, monitoring systems and inspection procedures. Egypt has formulated a national strategy for the elimination of child labour. Two other initiatives include campaigns on "Red card to child labour" and "Supporting Children's Rights through Education, the Arts and the Media" to raise awareness and empower young people to fight against child labour. In Algeria children's rights and child labour are incorporated into the school curriculum.

4.3 Children Living on the Streets

Children living on the streets are found in all five States, although the nature and scale of the problem vary significantly. Some children live

on the streets and others work there to complement the family's income. Lack of data prevents accurate assessment of the extent of the problem but there are hundred of thousands of children living on the streets and their number is reportedly increasing in Algeria, Egypt and Morocco. They are often seen as deviant, criminal or homeless but in fact they are more often school drop-outs, victims of family breakdown or violence or forced onto the streets to help their families because of economic hardship. They are exposed to many forms of exploitation, physical and emotional violence as well as drug abuse. They lack educational opportunities and other social services and are denied the rights to health, education, family environment and protection.

There seem to be no laws in any of the States that refer specifically to children living on the streets, but several have undertaken programme initiatives benefiting them. In Egypt the National Strategy for the Rehabilitation and Reintegration of Street Children ensures their rights to health and education and their reintegration into their family and community. The Committee has encouraged the development of similar strategies in the other States but none has yet done so. In Morocco NGOs are very much involved in rehabilitation and reintegration programmes for these children and the National Plan of Action 2006-2015 includes some interventions through formal and non formal education, a national survey to document the extent of the problem and awareness raising campaigns. Algeria is addressing the problem through assigning a team of psychologists and specialised educators to work with street children to reunite them with their families. Tunisia has also changed its approach through a pilot programme to provide care and shelter as a step towards family reunification. This is complemented by the work of the *Brigades de protection des mineurs* working on the streets to prevent abuse and exploitation of these children.

4.4 Sexual Exploitation

With the exception of Morocco, sexual exploitation of children is considered a taboo subject in the region. It is recognised, however, that a large percentage of street children is at risk of sexual exploitation and many are forced into prostitution. In Egypt 80% of children living on the streets are reported to have been sexually exploited. Girls working as domestics are particularly at risk and sexual abuse continues to occur in the family environment. In Algeria and Libya the Government's view is that sexual exploitation does not

exist. In the other States the extent of the problem is not well known because of lack of data. Cultural resistance continues to be a serious impediment to efforts to address sexual exploitation of children in earnest. Political leadership and commitment are required to translate commitments into action.

Morocco's Penal Code has been amended to prohibit the sale of children and child pornography and to raise the age of consent from 12 to 15. In Tunisia sexual relations with a minor is a crime punishable by law. In Algeria the Penal Code prohibits the sexual exploitation of children, child prostitution, rape and sexual abuse. In Libya the Penal Code provides for harsh penalties for sexual offences against children and sets the age of consent at 18. In Egypt an amendment to the Child Law has been proposed to criminalise sexual exploitation of children. Child sex tourism is recognised as a problem in Egypt and Morocco but law enforcement is inadequate. Tunisia does not consider it a problem but has adopted rigorous laws with harsh penalties for offenders.

States Parties to the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography and those that signed the Stockholm Declaration and Agenda for Action have committed themselves to take measures to eliminate the commercial sexual exploitation of children and to prepare a National Plan of Action in this regard. As it appears, none of the five States has prepared a plan or taken comprehensive action for the prevention of sexual exploitation of children and for the rehabilitation and reintegration of victims. However, in Egypt the National Plan of Action to implement the outcome of the United Nations General Assembly Special Session on a World Fit for Children includes a section on the protection, prevention and rehabilitation of child victims of sexual abuse. In Morocco there are awareness raising campaigns and assistance to child victims in collaboration with NGOs.

4.5 Child Trafficking

All five North African States are both transit and destination States for child victims of trafficking. For some of these countries the problem is considered marginal. However in the case of Libya, the Committee has expressed concern regarding trafficking of children for sexual exploitation, especially Sudanese children. In the case of Egypt, no information exists regarding trafficking of children, even

though it is considered a transit country for Eastern European women going to Israel. In Morocco there are reports of internal trafficking of girls from rural to urban areas for domestic work and allegations of deportation of Moroccan children born from migrant parents. The situation of children from Morocco and sub-Saharan countries trying to enter Spain illegally from Morocco is especially concerning.

None of the five States has yet developed a specific policy, strategy and plan of action to combat trafficking. Tunisia alone has formulated legislation prohibiting all forms of trafficking. In Algeria the Civil Code prohibits the sale and trafficking of children. Reports indicate that law enforcement in Libya is deficient, although there are some limited interventions, such as the counter smuggling plan of action to provide anti trafficking training to government officials and police officers. Another positive initiative is the Algerian witness protection programme for victims of trafficking. Morocco has shown a strong commitment to address trafficking but needs to translate it into action with a concrete plan. In general serious efforts are required throughout the region to combat and eliminate child trafficking.

4.6 Violence against Children

Violence against children, whether at home, at work, in schools, in the communities or in institutional settings, is an issue common to all five States, although the extent of the problem varies. The Committee has noted that the lack of data and reporting are matters of concern, making it difficult to assess the situation. On the occasion of the UN regional consultation on violence against children, held in Cairo in June 2005, violence experienced by children was acknowledged as a serious problem and a contributing factor to the phenomenon of children living on the streets. Children who participated in the event acknowledged it as a very serious issue. Silence surrounding sexual violence, rape and intra-family violence needs to be broken.

The States under review have taken legislative steps to address violence against children. In Algeria the Constitution and the Civil and Criminal Codes protect children against all forms of violence. In Morocco a law explicitly criminalising violence against children was adopted and in Libya domestic violence is prohibited. In Egypt and Morocco, the criminal law prohibits female genital mutilation.

Unfortunately, implementation of the laws remains inadequate. For example, corporal punishment, although prohibited in schools, is still practised in most countries. The 2005 Children's Parliament in Tunisia recommended a law to ban it in all circumstances.

In Algeria initiatives to respond to violence against children include programmes for psychological recovery and social reintegration of traumatised children. Egypt's National Committee to combat violence has developed a strategy to protect children and the National Council for Childhood and Motherhood is implementing a project to address the problem of vulnerable children. In Morocco the National Observatory on Children's Rights organised awareness raising activities to change attitudes towards violence against children, while the Government published a brochure to change the perception of families, schools and institutions in relation to corporal punishment.

In all five States corporal punishment is prohibited in schools but is lawful at home and in child care institutions as a form of discipline, a humiliating practice affecting the dignity and physical integrity of the child. Building a non violent environment for the child requires, first, positive steps by States to prohibit corporal punishment in all situations and, second, interventions to change parental and social attitudes by drawing attention to the negative effect of corporal punishment on the child's emotional well being and development.

4.7 Abandoned Children - Adoption

Social stigma, taboo, discrimination against children born out of wedlock and poverty all contribute to the large number of children deprived of a family environment that is evident in all five States and for whom special protection should be provided. None of these States seems to have developed effective programmes to prevent abandonment of children.

Tunisian law permits both adoption and placement in foster homes or residential care for abandoned children. In the other four States these children are placed with host families under the Islamic *kafalah* system or in residential care institutions. In the case of Libya, the fostering and hosting system is a form of institutionalisation whereby families can support a child who is living in a social welfare institution rather than within the family.

However, not all children deprived of a family are placed with foster families under *kafalah* or in the case of Tunisia adopted. As a result, a

large number of these children are placed in child care institutions. State authorities continue to rely predominantly on institutionalisation of children. The quality of the care provided in some of these institutions and the lack of effort in tracing the children's families are matters of concern. The Committee on the Rights of the Child has encouraged these governments to take all necessary measures to allow children placed in institutions to return to their families whenever possible and to consider placement in institutions as a measure of last resort. In response there is some reflection on deinstitutionalisation of children underway in Algeria and in Tunisia where a national strategy for alternative care is being developed.

5.0 Awareness Raising

One of the good ways to evaluate implementation of the CRC is to look at efforts made by States Parties to change the perception of children from objects of rights to full subjects of rights, by raising awareness about the principles and provisions of the Convention in all sectors of society, including among children themselves.

In relation to the five States under review, the Committee has expressed general concern at the lack of strategy and awareness raising activities to make the CRC widely known, apart from some cosmetic interventions. There are some small but welcome initiatives, however. Algeria provides some training for judges and law enforcement personnel; local Delegates to Youth Affairs have carried out some awareness raising activities and the right to participation has been incorporated into the school curriculum. In Morocco the CRC is integrated into the school curriculum and training on the rights of the child is organised by both government and NGOs for professionals working with children. The University of Fes in Morocco has introduced a Masters programme on children for professionals working with children. Morocco in 1994 was the first country to organise a National Congress on children's rights to raise awareness of the CRC and accelerate its implementation. Children's parliaments in Egypt, Morocco and Tunisia and the special session for children held by the Algerian Parliament provide opportunities for children to become aware of their Convention rights. In Tunisia, an awareness raising campaign on children rights and related issues is organised over a month each year as a celebration of Tunisia's ratification of the CRC.

Much remains to be done at the national level to disseminate knowledge of the CRC in a systematic manner throughout the society. The media can play a critical role, along with civil society organisations and children and young people themselves.

6.0 Involvement of Civil Society

In Egypt and Morocco civil society has become involved in interesting partnerships for the promotion and protection of children rights. In Egypt civil society works in partnership with the National Council for Childhood and Motherhood in the development of laws, strategies and programmes for children and the NGO Coalition on the Rights of the Child plays an important role in safeguarding children's rights. In Morocco civil society organisations working in this area are very active, vibrant and dynamic and play a critical role in the implementation of the CRC, working closely with the Government. These organisations perform somewhat partially the functions of an independent national children's rights institution, identifying gaps and shortcomings and calling attention of national authorities to them. Increased involvement by civil society has also been noted in Algeria, where the *Fondation pour la Promotion de la Santé et le Développement de la Recherche* has established an Observatory on Children's Rights and also the work of children's rights NGOs is now coordinated through a network.

7.0 Conclusion

The overall assessment of the experiences of each country in the implementation of the UN Convention on the Rights of the Child has shown that substantial progress has been made since ratification or accession towards the realisation of children's rights, though with varying dimensions. In general, the CRC has increasing influence as a legal and ethical framework supporting the adoption of national laws and development of policies, strategies, plans and programmes for children.

The picture that emerges from this review is one of mixed results. There have been encouraging accomplishments, particularly in the area of legislation. Some of the States have adopted comprehensive laws, such as Child Protection Codes, while others have adopted new or amended laws to increase compliance with the Convention's provisions. In some cases, provisions of the CRC are reflected in national Constitutions. There has been significant progress in

implementation of the rights to health and education, although there are still disparities between girls and boys and between urban and rural areas. There has also been good progress in the establishment of national mechanisms to coordinate implementation of the CRC, variously called Higher Councils, National Observatories or National Committees. These mechanisms are critical for effective implementation of the CRC, reflecting the national priority given to the realisation of children's rights. On the other hand, there has been little progress in establishing independent national institutions to monitor compliance and to protect and promote children's rights, although Morocco and Egypt have taken steps in that direction. Still, some of the encouraging initiatives can be considered good practice to be shared with others.

Challenges remain to be addressed if these States are to do better in implementing the CRC and guaranteeing the enjoyment of all rights by all children. Progress is limited in relation to the best interests of the child and child participation principles. Further emphasis is required in respecting children's rights to express their views and not to be discriminated against, although some necessary efforts have been made to promote change of attitudes and cultural and traditional practices.

There have been some advances in improving child protection but far more rigorous efforts are needed to address factors that impede progress, including negative social attitudes, stigma, discrimination, taboo and cultural and traditional practices and beliefs. The enforcement of some of the new laws that protect children's rights is also a significant challenge.

Committed political leadership in all five States gives high priority to children in national agendas, although the level of commitment may vary. This commitment, combined with a heightened awareness of children's rights both within Government and among NGOs, is a good foundation for progress in the effective implementation of the CRC through further legislative reforms in some areas, more and better policies and programmes specifically targeted towards the rights of children, additional administrative measures and, most importantly, the better allocation of resources to address the challenges identified.

The implementation of the Convention on the Rights of the Child in Algeria, Egypt, Libya, Morocco and Tunisia is work in progress with serious challenges ahead that require further and more rigorous

action in some areas and strengthened partnership with civil society, children and young people. Much has been done but much remains to be done. Clearly there has been progress in the implementation of the CRC in the region but challenges remain so that all children in all these countries are able to enjoy all their rights.



Appendix:
The Convention
on the Rights
of the Child

Convention on the Rights of the Child

Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989

entry into force 2 September 1990, in accordance with article 49

Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural

Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of international cooperation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her

parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

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

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine,

in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no

adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (*ordre public*), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others; or

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of

social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with

applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with

applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or nongovernmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available

resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular

account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

- (a) To diminish infant and child mortality;
- (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
- (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
- (d) To ensure appropriate pre-natal and post-natal health care for mothers;
- (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages

of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and

persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of

such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination

of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish

and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or

physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;

- (b) The exploitative use of children in prostitution or other unlawful sexual practices;

- (c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of

liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all

feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or

international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot

understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(a) The law of a State party; or

(b) International law in force for that State.

PART II**Article 42**

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

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to

States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.
10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.
11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.
12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights
- (a) Within two years of the entry into force of the Convention for the State Party concerned;
- (b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international cooperation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate.

The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a

conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations,

who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.

Notes

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