



# Convention on the Rights of the Child

Distr.: General  
12 July 2019

Original: English

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## Committee on the Rights of the Child

### Concluding observations on the second periodic report of Côte d'Ivoire\*

#### I. Introduction

1. The Committee considered the second periodic report of Côte d'Ivoire (CRC/C/CIV/2) at its 2382nd and 2383rd meetings (see CRC/C/SR.2382 and 2383), held on 20 and 21 May 2019, and adopted the present concluding observations at its 2400th meeting, held on 31 May 2019.

2. The Committee welcomes the submission of the second periodic report of the State party and the written replies to the list of issues (CRC/C/CIV/Q/2/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the delegation of the State party.

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

3. The Committee welcomes the progress made by the State party in various areas, in particular its accession to the Optional Protocol on the sale of children, child prostitution and child pornography on 19 September 2011 and to the Optional Protocol on the involvement of children in armed conflict on 12 March 2012, and the State party's ratification of the Convention on the Rights of Persons with Disabilities on 10 January 2014. The Committee notes with appreciation the adoption of legislative, institutional and policy measures to implement the Convention, in particular the adoption of Act No. 2018-863 of 19 November 2018 on the establishment of a special procedure for registering births, restoring identity and transcribing birth certificates and the adoption of Act No. 2010-272 of 30 September 2010 prohibiting trafficking in children and the worst forms of child labour. The Committee also welcomes the significant progress in reducing child mortality and in increasing school enrolment and completion rates.

#### III. Main areas of concern and recommendations

4. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development. It also urges the State**

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\* Adopted by the Committee at its eighty-first session (13–31 May 2019).



party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.

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

### **The Committee's previous recommendations**

5. The Committee recommends that the State party take all measures necessary to address the recommendations contained in its previous concluding observations, adopted in 2001 (CRC/C/15/Add.155), that have not been implemented or have been implemented insufficiently, in particular, those related to legislation (para. 9), coordination (para. 11), independent monitoring (para. 13), the allocation of resources (para. 15), data collection (para. 17), the definition of the child (para. 21), non-discrimination (para. 23), the right to life, survival and development (para. 25), respect for the views of the child (para. 27), birth registration (para. 29), the family environment (para. 33), abuse and neglect (para. 37), health and health services (para. 39), adolescent health (para. 41), HIV/AIDS (para. 43), children with disabilities (para. 47), education (para. 51), asylum-seeking and refugee children (para. 60) and the administration of juvenile justice (para. 62).

### **Legislation**

6. While noting the ongoing efforts to revise relevant laws, including Act No. 70-483 of 3 August 1970 on minority, Act No. 64-375 of 7 October 1964 on marriage and Act No. 98-756 of 23 December 1998 amending the Criminal Code, the Committee strongly recommends that the State party:

- (a) Conduct a full review of existing legislation to ensure that all laws are in full compliance with the Convention;
- (b) Adopt a comprehensive law on children's rights;
- (c) Refrain from applying customary law in cases where its application would be contradictory with the Convention.

### **Comprehensive policy and strategy**

7. The Committee recommends that the State party adopt the decree on the implementation of the National Policy on the Protection of the Child of 2014 and its action plan 2014–2020, and ensure their effective implementation.

### **Coordination**

8. The Committee, while welcoming the establishment of an interministerial committee for the coordination of policies on child protection, recommends that the State party allocate sufficient human, technical and financial resources to the interministerial committee to effectively coordinate all activities related to the implementation of the Convention at the cross-sectoral, national, regional and local levels.

### **Allocation of resources**

9. Recalling its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party:

- (a) Increase the budget allocations for the implementation of all policies, plans, programmes and legislative measures in favour of children in the relevant sectors, with priority given to the areas of social protection, primary health care and education, ensuring that children in disadvantaged or vulnerable situations benefit from the allocations;

(b) **Use a child-rights approach in the budgeting process by including specific indicators and a tracking system for the allocation and use of resources for children throughout the budget;**

(c) **Ensure transparent and participatory budgeting through anti-corruption measures and inclusive processes through which civil society, the public and children can participate in all stages of the budget process.**

#### **Data collection**

10. While noting the establishment of the Integrated Information System on the Protection of Children by the Ministry of Women, the Family and Children as a pilot project, the Committee regrets that data collection remains fragmented and that neither indicators nor a centralized system of disaggregated data collection have been developed.

11. **Recalling its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee encourages the State party to create an integrated and comprehensive data collection and management system, covering all areas of the Convention and its Optional Protocols, with data disaggregated by age, sex, type of disability, geographic location, socioeconomic background and national and ethnic origin.**

#### **Independent monitoring**

12. **The Committee recommends that the State party ensure that the newly established National Human Rights Council and its Commission for the Protection of Children are allocated the necessary human, technical and financial resources, to fulfil their mandate, including to receive, investigate and address complaints by or on behalf of children in a child-friendly and sensitive manner.**

#### **Cooperation with civil society**

13. The Committee welcomes the adoption of Act No. 2014-388 of 20 June 2014 on the promotion and protection of human rights defenders. It is, however, concerned that human rights defenders, particularly women human rights defenders who address child marriage and female genital mutilation, are reportedly subject to intimidation and that the Act does not refer specifically to child human rights defenders.

14. **The Committee recommends that the State party strengthen protection mechanisms for human rights defenders and amend Act No. 2014-388 to ensure that child human rights defenders are addressed.**

#### **Children's rights and the business sector**

15. The Committee is concerned about:

(a) The lack of clear regulations and of a specific mechanism for monitoring the activities of private sector actors in sectors where children are employed;

(b) The negative effect of the dumping of toxic waste in 18 localities of Abidjan in 2016 on children's health and their well-being, and the delay in compensation paid to the victims.

16. **Recalling its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and the Guiding Principles on Business and Human Rights, endorsed by the Human Rights Council in 2011, the Committee recommends that the State party:**

(a) **Adopt and implement regulations to hold the business sector accountable for complying with international standards, including on labour and the environment, that are relevant to children's rights;**

(b) **Ensure that the victims affected by the dumping of toxic waste in Abidjan in 2016, including children, have access to health care and receive compensation, that investigations are undertaken and that those responsible are held**

to account for any unlawful disposal of toxic waste or other substances detrimental to the health of children.

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

17. Noting the ongoing revision of Act No. 64-375 of 7 October 1964 on marriage, the Committee is deeply concerned that article 22 of the Act allows child marriage in particular circumstances.

18. **In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, the Committee urges the State party to expedite the adoption of the draft law on marriage to remove all exceptions that allow marriage under the age of 18 years.**

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

### **Non-discrimination**

19. The Committee is deeply concerned about persistent de facto discrimination, inter alia, against girls, children living in rural areas and children living in poverty, particularly with regard to literacy, access to education, vocational training, health care and sanitation, as well as development measures. It also notes that girls, children with disabilities and children with albinism are subject to multiple forms of discrimination.

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

(a) **Develop and implement a comprehensive national strategy against all forms of discrimination;**

(b) **Address disparities among children based on gender, status and origin in gaining access to education, health-care services, safe water and sanitation, as well as with regard to the minimum standard of living, sustainable development and protection from harmful practices and child labour.**

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

21. The Committee is concerned that the principle of the best interests of the child is not integrated into the legislation of the State party.

22. **Recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party ensure that the principle of the best interests of the child is incorporated in legislation and in all policies, programmes and projects that are relevant to and have an impact on children and is consistently applied in all administrative and judicial proceedings, and that it develop procedures and criteria in order to ensure that the best interests of the child are properly assessed when a decision with regard to a child is made.**

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

23. **While noting legislation that ensures that the views of the child are taken into account in some areas and the establishment of a new children's parliament, recalling its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:**

(a) **Introduce a comprehensive legal provision establishing the right of the child to be heard without discrimination due to age, disability or any other circumstance, in any administrative and judicial proceedings and ensure that the child's opinion is taken into account in accordance with the child's age and maturity;**

(b) **Promote meaningful and empowered participation of all children within the family, communities and schools, including in decision-making on all matters that affect them.**

#### **D. Civil rights and freedoms (arts. 7, 8 and 13–17)**

##### **Birth registration**

24. The Committee is concerned about:

(a) The very high number of children who do not possess a birth certificate and that parents incur multiple direct and indirect costs in the registration process;

(b) The considerable disparity in birth registration levels between urban and rural areas, and difficulties and delays in registration owing to insufficient registration services being available in some locations in the State party;

(c) The late registration of Ivorian refugee children who were born in neighbouring countries due to political and military crises in the State party and have since returned, and that they can only be registered in Abidjan, far away from where most returning refugees reside.

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

(a) **Strengthen measures to promote mandatory, universal and timely birth registration, and eliminate any fees and costs associated with registration;**

(b) **Expediently implement Act No. 2018-862 of 19 November 2018 on civil status and Act No. 2018-863 of 19 November 2018 on birth registration, with the aim of decentralizing birth registration as far as possible, to benefit rural and marginalized populations and to facilitate registration of those children who do not yet possess a birth certificate;**

(c) **Ensure that such measures are applicable to children whose parents fled the State party in the context of its military and political crises, including the post-election crisis of 2010/11, and who were born outside of the State party and are thus not yet registered.**

##### **Nationality**

26. The Committee notes the ratification in 2013 of the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness, the implementation of an action plan and the establishment of an interministerial committee to address statelessness and the court ruling of 2018 that granted nationality to 11 children abandoned on the State party's territory on the basis of article 3 of Act No. 61-415 of 14 December 1961 on the Ivorian Nationality Code. However, the Committee is seriously concerned that:

(a) The number of stateless persons, including children, in the State party is very high and that data collection on the situation of stateless children is not systematic;

(b) Act No. 61-415, as amended by Act No. 72-852 of 21 December 1972, is not in line with the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness, and does not provide safeguards against statelessness for children abandoned on the State party's territory or children born in the territory who would otherwise be stateless;

(c) Article 45 of Act No. 61-415 limits the rights of married women who are not widowed to pass on their nationality to their children.

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

(a) **Use the qualitative and quantitative analysis on statelessness in the State party undertaken by the Census Bureau and the Office of the United Nations High Commissioner for Refugees (UNHCR) in 2018 to review policies and strategies with**

relevance for the rights of stateless children and establish a data collection system on stateless children, disaggregated by, inter alia, sex, age, national and ethnic origin, and minority and socioeconomic status;

(b) Amend Act No. 61-415 to automatically grant nationality at birth also to children who cannot acquire the nationality of their parents or who are abandoned on the State party's territory;

(c) Expeditiously amend Act No. 61-415 to remove any limitations to the right of women to pass on their nationality to their children.

## **E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

### **Corporal punishment**

28. While noting the prohibition of corporal punishment as a sanction and disciplinary measure in penal institutions, the Committee, recalling its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, urges the State party to:

(a) Explicitly and unconditionally prohibit corporal punishment, however light, by law in all settings;

(b) Raise awareness among parents and the general public of the harmful effects of corporal punishment on the well-being and harmonious development of children;

(c) Promote alternative positive, non-violent and participatory forms of child-rearing and discipline.

### **Abuse and neglect**

29. Noting the establishment of the National Committee to Combat Violence against Women and Children pursuant to Decree No. 2000-133 of 23 February 2000, the Committee is concerned that:

(a) The prevalence and tolerance of violence against children is high and domestic violence is not explicitly prohibited in the State party's legislation;

(b) The National Policy on the Protection of the Child does not protect the rights of child victims of violence or abuse, there is a lack of consideration of the situation of children with disabilities and Government structures and non-governmental organizations are insufficiently resourced to provide assistance to child victims;

(c) A comprehensive national system of standardized data collection, analysis and dissemination has not yet been established.

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

(a) Expedite the revision of Act No. 81-640 of 31 July 1981 on the establishment of the Criminal Code, ensure that the amended Code establishes sanctions for domestic violence and strengthen measures to change attitudes, traditions, customs and behavioural practices that often serve as a justification for domestic violence, including against children;

(b) Develop a national strategy for the protection of child victims of violence and abuse, including sexual violence, explicitly including children with disabilities, strengthen awareness-raising and education programmes, and ensure that children who are victims of violence are provided with appropriate medical, legal and psychological assistance and shelter;

(c) Establish a centralized national database for all cases of violence against children, including cases of sexual exploitation and abuse of children.

### Sexual exploitation and abuse

31. The Committee is deeply concerned that:

(a) Sexual violence against both girls and boys, and gender-based violence particularly against girls, including in educational settings, is prevalent and that only a small number of cases is being reported, investigated and prosecuted;

(b) Article 354 of the Criminal Code prohibits rape, without providing a definition, marital rape is not explicitly criminalized and courts frequently address rape as an offence against decency under article 355 of the Criminal Code, which foresees more lenient sentences;

(c) Child victims of sexual violence often lack access to justice due to the inaccessibility of medical examiners, the costs of medical certificates, social stigma and recourse to non-judicial settlements;

(d) Protection and assistance available for child victims of violence is limited and mainly provided by non-governmental organizations.

32. **Recalling its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee urges the State party to:**

(a) **Take all measures necessary to prevent and combat the sexual abuse of children, including by some teachers, and ensure that sexual abuse is promptly reported, investigated and prosecuted, applying a child-friendly and multisectoral approach with the aim of avoiding the re-traumatization of the child victim, and that perpetrators are duly sanctioned;**

(b) **Ensure that convicted perpetrators are prohibited from working with children;**

(c) **Ensure that the revised Criminal Code provides a definition of rape, that judges end the practice of requalifying cases of rape as offences against decency with more lenient sentences and that they continue prosecutions, even if non-judicial settlements are made, in line with Interministerial Circular No. 016/MJ/MEMIS/MPRD of 4 August 2016 on the procedure for handling complaints of gender-based violence;**

(d) **Ensure the allocation of the human, technical and financial resources necessary for the helpline “116” to function as an effective reporting channel for child victims of violence, and facilitate the reporting procedure and socio-judicial tracking, in particular for cases of sexual violence, including by improving access to medical certificates, particularly in rural areas, and by implementing Circular No. 005 of 18 March 2015 on the procedure for handling complaints made in police stations by victims of physical abuse and Interministerial Circular No. 016/MJ/MEMIS/MPRD of 4 August 2016;**

(e) **Allocate sufficient human, technical and financial resources to protection and recovery systems for child victims of sexual violence.**

### Harmful practices

33. The Committee welcomes the efforts of the State party to prevent female genital mutilation and child marriage, including by sanctioning those practising female genital mutilation, official statements by the Government against the practice and the adoption of a national action plan on child marriage and its implementation in cooperation with local mechanisms for child protection. The Committee is, however, seriously concerned about:

(a) The prevalence of cases of female genital mutilation and of child marriages;

(b) The limited number of convictions of those practising female genital mutilation and the lack of statistics on the number of convictions regarding child marriage, although such acts are punishable under the State party’s legislation, and the limited geographic scope of measures to implement strategies and plans against female genital mutilation and child marriage;

(c) The limited information on protection schemes available to children, particularly girls, who are victims of or at risk of becoming victims of female genital mutilation and/or child marriage.

34. **With reference to joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, the Committee urges the State party to:**

(a) **Take active measures to put an end to female genital mutilation and child marriage, and to substantially strengthen comprehensive awareness-raising programmes on the negative effects of such harmful practices;**

(b) **Enforce existing legislation on the prohibition of female genital mutilation, expressly prohibit child marriage in Act No. 64-375 of 7 October 1964 on marriage, by amending its article 22, bring those who carry out such harmful practices to justice, ensuring commensurate sanctions, and ensure the efficient implementation of relevant action plans nationwide;**

(c) **Establish protective mechanisms and services to safeguard children at risk of being subjected to female genital mutilation and child marriage, and ensure that all victims of such practices have access to social, medical, psychological and rehabilitative services free of charge, and to legal redress.**

#### **Children with albinism**

35. The Committee notes with serious concern that children with albinism are victims of ritual killings, abductions, abandonment and stigmatization, that the policy aimed at protecting the rights of children with albinism is inadequately implemented and that the violations against child victims are not identified as such for the purpose of data collection and further interventions.

36. **The Committee urges the State party to prevent and combat the killing and kidnapping of and attacks against children with albinism, protect and provide them with psychological support, redress, rehabilitation and legal assistance, punish those responsible for such crimes, and strengthen awareness-raising campaigns against superstitious beliefs concerning children with albinism.**

### **F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

#### **Family environment**

37. The Committee is concerned about:

(a) The lack of information on the measures taken by the State party to ensure that mothers and fathers share responsibility for their children and that childcare services are available;

(b) The prevalence of customary and religious polygamous marriages and the absence of legal provisions prohibiting levirate and sororate, which can have negative effects on children;

(c) The limited public awareness of national legislation on children's maintenance allowance.

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

(a) **Support and strengthen families, including by facilitating an appropriate balance between work and family life and the availability of childcare services, and ensure that mothers and fathers share responsibility for their children on an equal basis in all matters;**

(b) **Take measures in law and in practice to ensure that no circumstances in the family environment negatively affect children, such as polygamous marriages, levirate and sororate;**

(c) **Take effective measures to inform parents and the public of the provisions in domestic legislation concerning the recovery of children's maintenance allowance, and consider providing free legal and social aid in the recovery of child maintenance allowance for parents in need.**

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

39. The Committee is concerned that:

(a) National legislation defines institutional care as the only response for children in need of care;

(b) A large number of children deprived of a family environment are also placed in the care of the extended family or a family of the community upon the decision of the family council of the community (CRC/C/CIV/2, para. 63) or the care of a foster family in exchange for carrying out domestic work (*confiage*), without external monitoring and evaluation mechanisms.

40. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee urges the State party to:**

(a) **Support and prioritize family-based care for all children, ensure that the guarantee to life in a family environment, contained in the National Policy on the Protection of the Child, is implemented, and adopt the draft decrees of 2017 on standards for institutional care and care by foster families;**

(b) **Provide all necessary resources, social welfare services and support for children in extended family care, and establish a legal framework, a policy and a set of minimum standards for supporting and monitoring family-based care for children.**

#### **Adoption**

41. While noting the accession of the State party to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption in 2015, the Committee is concerned that the legislation applicable to adoption does not yet reflect international standards and safeguards on adoption.

42. **The Committee recommends that the State party expedite the revision of Act No. 83-802 of 2 August 1983 on adoption, ensuring that it is in line with the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, and adopt the draft decrees on relevant government bodies for its implementation.**

#### **Children in prison with their mothers**

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

(a) **Ensure that children living with imprisoned mothers are provided with the conditions necessary for their physical, mental, moral and social development, including access to health and early childhood development services;**

(b) **Seek alternative measures to institutional confinement for pregnant women and mothers with small children, wherever possible, and amend article 162 of Decree No. 69-189 of 14 May 1969 regulating prisons and prescribing implementation procedures for custodial sentences to reflect the principle of the best interests of the child.**

**G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)**

**Children with disabilities**

44. While commending the State party on the establishment of a Directorate for the Advancement of Persons with Disabilities in the ministry responsible for employment and social affairs, the Committee recommends that the State party promote a human rights-based approach to disability, and:

(a) Expedite the implementation of Act No. 98-594 of 10 November 1998 on persons with disabilities and the non-discrimination and inclusive education provisions of the law on education, including by adopting all relevant decrees required for the implementation of the law;

(b) Approve and implement a follow-up policy and a follow-up plan to the National Policy for the Protection of Persons with Disabilities 2012–2016 and the strategic national plan 2014–2016, ensuring that the rights of children with disabilities are explicitly reflected;

(c) Ensure inclusive education, access to health services and reasonable accommodation in all spheres of life for all children with disabilities, including by allocating sufficient human, technical and financial resources to the project on inclusive education;

(d) Carry out awareness-raising programmes to combat the stigmatization of children with disabilities.

**Health and health services**

45. The Committee welcomes Act No. 2014-131 of 24 March 2014 on the establishment of universal health coverage. Recalling its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee urges the State party to:

(a) Ensure sufficient budgetary allocations are mobilized for health services and establish clear budget lines for children's health;

(b) Consider expanding the free health-care service, introduced in 2011, ensure that children and pregnant women have access to it in all parts of the State party and decrease the disparity in access to health services, safe water and adequate sanitation between urban and rural areas, with a particular focus on measures to address the contamination of water;

(c) Continue to significantly invest in measures to decrease maternal mortality and preventable deaths of newborns and children under 5 years of age, particularly avoidable deaths related to infectious disease, a lack of professional assistance during childbirth, low immunization coverage and the prevalence of malnutrition, ensure that sufficient blood bags are available, particularly during caesarean deliveries and apply the technical guidance from the Office of the United Nations High Commissioner for Human Rights on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31);

(d) Continue to increase immunization coverage, particularly in rural areas, and expand the exemption of fees for vaccinations of newborns to also cover booster shots for routine vaccinations and any other vaccinations provided to children beyond the age of one year;

(e) Strengthen measures to combat tuberculosis, particularly prevention measures, and ensure that relevant health-care services are free of charge;

(f) Strengthen measures to combat malnutrition and to reduce the high rate of low-weight births and stunting, including by introducing evidence-based measures

to effectively improve the birth weight of infants and the nutritional status of infants, children and mothers and by increasing the human, technical and financial resources allocated to the multisectoral nutrition plan 2016–2020 and to the national policy to improve school canteens;

(g) Implement a national strategy to counter the sale of medicine on the street (“street medicine”) and the lack of regulation of traditional medicine.

#### **Adolescent health**

46. Recalling its general comments No. 4 (2003) on adolescent health and development in the context of the Convention and No. 20 (2016) on the implementation of the rights of the child during adolescence, the Committee recommends that the State party:

(a) Strengthen measures to prevent early pregnancies and sexually transmitted diseases, implement the National Programme on Comprehensive Sexuality Education 2016–2020 and accelerate the drafting and adoption of a law on reproductive health and on family planning;

(b) Ensure access to sexual and reproductive health information and services countrywide for girls and boys at schools, in particular access to modern contraception methods, including by implementing the National Programme on Comprehensive Sexuality Education and by ensuring that sexual and reproductive health education is part of the mandatory school curriculum;

(c) Repeal article 366 of the Criminal Code, in order to decriminalize abortion in all circumstances and ensure access to safe abortion and post-abortion care services for adolescent girls, making sure that their views are always heard and given due consideration as a part of the decision-making process;

(d) Implement Act No. 2014-430 of 14 July 2014 governing prevention, protection and punishment in the fight against HIV/AIDS and Decree No. 213/MSHP/CAB of 20 August 2008 providing for free antiretroviral treatment for children with HIV/AIDS;

(e) Develop a framework for multisectoral coordination and collaboration to promote adolescent health, allocate the necessary human, technical and financial resources, and increase the collection of disaggregated data on adolescent health;

(f) Strengthen its measures to address drug abuse and tobacco and alcohol consumption, and develop accessible and youth-friendly drug dependence treatment and harm-reduction services;

(g) Ensure that all children have access to mental health services and counselling, and increase the number of child psychiatrists and psychologists.

## **H. Education, leisure and cultural activities (arts. 28–31)**

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

47. Noting with appreciation that education is obligatory for children between the age of 6 and 16 years, according to article 2 (1) of Act No. 2015-635 of 17 September 2015 amending Act No. 95-696 of 7 September 1995 on education, and recalling its general comment No. 1 (2001) on the aims of education, the Committee urges the State party to:

(a) Ensure the allocation of the necessary human, technical and financial resources to the education system, in particular in rural areas and for preschool education, vocational training and programmes to increase literacy;

(b) Enforce article 2 (1) of Act No. 2015-635 and support its implementation, by continuing to increase the number of schools, classrooms and teachers, and by supporting children in vulnerable situations and children living in poverty;

- (c) Take all measures necessary to address the violence perpetrated against children in schools, particularly girls, including sexual abuse and harassment by teachers, with a focus on prevention policies, and bring perpetrators to justice;
- (d) Improve the accessibility of education for all, especially for girls and for children living in rural areas, and strengthen awareness-raising initiatives and campaigns on the right of girls to education;
- (e) Take measures to eliminate the high indirect costs of education and reduce the discriminatory effects of private education on children from financially disadvantaged families by regulating private sector education;
- (f) Ensure that national standards and technical regulations on health services, water and sanitation in schools are implemented and enforced, and increase funding for school canteens;
- (g) Increase enrolment in schools by overcoming obstacles for out-of-school children, and support children who have been out of school, including due to the military and political crises faced by the State party;
- (h) Implement measures to support pregnant girls and adolescent mothers in continuing their education;
- (i) Enhance efforts to increase the quality of education, including by providing continuous training to teachers, further improving the student-to-teacher ratio and ensuring that teaching material is available to all students;
- (j) Continue the integration of Qur'anic schools into the education system and ensure regulation and monitoring.

## **I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)**

### **Economic exploitation, including child labour**

48. The Committee notes the provisions of Act 2015-532 of 20 July 2015 on the Labour Code, regulating the work of children, including girl domestic workers. It is concerned, however, about:

- (a) The consistently high number of children involved in child labour, including the worst forms of child labour, particularly children undertaking hazardous work in mining sites and in the agricultural sector, as well as girl domestic workers and *talibé* children;
- (b) The limited information on convictions of perpetrators of child labour.

49. Taking note of target 8.7 of the Sustainable Development Goals, the Committee urges the State party to:

- (a) Strengthen its measures to combat the economic exploitation of children, including the worst forms of child labour, in particular exploitation of girl domestic workers, *talibé* children and children working in the mining and agricultural sectors and begging on the streets, including by adopting and implementing the draft plan of action 2018–2020 to combat child labour;
- (b) Enforce its laws – including Act No. 2010-272 of 30 September 2010 prohibiting trafficking in children and the worst forms of child labour; article 23.2 of the Labour Code setting the minimum age for work; Decree No. 2250 of 2005 establishing a list of dangerous occupations prohibited to children under 18; and Decree No. 009/MEMEASS/CAB of 2012 revising Decree No. 2250 – strengthen monitoring and inspection mechanisms, and prosecute perpetrators of violations related to child labour;
- (c) Consider ratifying the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization.

### **Children in street situations**

50. The Committee is concerned about the phenomenon of children in street situations, so-called *microbes*, many of whom have served as mercenaries in the past conflicts in the State party and commit serious offences, such as killing and theft, as members of violent gangs of children, often living in poverty.

51. **Recalling its general comment No. 21 (2017) on children in street situations, the Committee recommends that the State party undertake qualitative and quantitative studies to better understand the phenomenon of violent children's gangs and take prompt measures to ensure an adequate standard of living for them, including access to education and reintegration.**

### **Sale, trafficking and abduction**

52. Noting the preparation of an action plan 2016–2020 by the State party and the signing of a number of bilateral and multilateral agreements on trafficking over the past few years, the Committee recommends that the State party increase its efforts to combat trafficking in children and:

(a) **Enforce the prohibition of trafficking in persons, enshrined in Act No. 2016-1111 of 8 December 2016 on combating trafficking in persons, and allocate sufficient financial, human and technical resources to identify and investigate cases of trafficking involving children;**

(b) **Monitor the implementation of bilateral and multilateral agreements and national legislation, policies and procedures on trafficking, with a particular focus on combating trafficking of children.**

### **Administration of juvenile justice**

53. Noting the adoption of a new Code of Criminal Procedure in 2018, which increases protection for children, and of Circular 013/MJDH/CAB-1 of 10 April 2018 on the reduction of the length of pretrial detention, and recalling its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee recommends that the State party:

(a) **Raise the minimum age of criminal responsibility to an internationally acceptable level;**

(b) **Apply article 808 of the Code of Criminal Procedure and provide free, qualified and independent legal aid to all children in conflict with the law at an early stage and throughout the legal proceedings;**

(c) **Ensure that every child arrested and deprived of his or her liberty is brought before a competent authority to examine the legality of the deprivation of liberty or its continuation, within 24 hours, and expedite trials involving children, with a view to reducing the period of pretrial detention;**

(d) **Promote alternatives to detention, including by adopting and implementing the draft national policy governing the judicial protection of children and young people, and ensure that detention is used as a last resort only, for the shortest possible period of time;**

(e) **Ensure that, in cases where detention is unavoidable, children are not detained together with adults, in line with article 7 of Decree No. 69-189 of 14 May 1969 on regulating prisons, and that detention conditions comply with international standards, particularly regarding access to health services, facilitate visits by parents to children in detention by reducing administrative hurdles and carry out regular inspections of prisons;**

(f) **Increase multidisciplinary training on children's rights for all actors involved in the juvenile justice system and adopt legal provisions that stipulate the automatic transfer of children from police stations to the special police juvenile unit;**

(g) Strengthen assistance programmes for children at risk of coming in conflict with the law, and provide services for the reintegration of children released from prisons, including access to education and vocational training.

#### **J. Ratification of the Optional Protocol on a communications procedure**

54. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol on a communications procedure.

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

55. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments:

(a) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(b) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

(c) The International Convention for the Protection of All Persons from Enforced Disappearance;

(d) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(e) The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;

(f) The Optional Protocol to the Convention on the Rights of Persons with Disabilities.

56. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, as the related reports have been overdue since 12 March 2014 and 19 October 2013 respectively.

#### **L. Cooperation with regional bodies**

57. The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of the Child of the African Union on the implementation of the Convention and other human rights instruments, both in the State party and in other African Union member States.

### **IV. Implementation and reporting**

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

58. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the second periodic report, the replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

## B. National mechanism for reporting and follow-up

59. The Committee notes with appreciation the interministerial committee in charge of the implementation of international human rights instruments established by Decree No. 2001-365 of June 2001, as amended by Decree No. 2017-303 of 17 May 2017. It also notes that the interministerial committee lacks sufficient human, technical and financial resources to function as a standing government structure to coordinate and prepare reports to and engage with international and regional human rights mechanisms, and to coordinate and track national follow-up to and implementation of treaty obligations and the recommendations and decisions emanating from those mechanisms. The Committee recommends that the State party allocate such resources and seek technical assistance from the Office of the United Nations High Commissioner for Human Rights. It emphasizes that the interministerial committee should have the capacity to consult systematically with the National Human Rights Council and civil society.

## C. Next report

60. The Committee invites the State party to submit its combined third to seventh periodic reports by 5 March 2024 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

61. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.