

UN CRC	Accession Date	Care-Related Concluding Observations
<p>CRC/C/NIU/CO/1</p> <p>Concluding observations on the initial report of Niue, adopted by the Committee at its sixty-second session (14 January – 1 February 2013)</p>	<p>20 Dec 1995</p>	<p>29 January 2013</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCRC%2fCOC%2fNIU%2f13930&Lang=en</p> <p>C.General principles (arts. 2, 3, 6 and 12 of the Convention)</p> <p>Non-discrimination</p> <p>24. The Committee is deeply concerned that there is no explicit prohibition of discrimination in the Constitution and other laws and, that children, particularly girls, children with disabilities, children born out of wedlock, adopted children and migrant children are discriminated in laws and in practice. The Committee is particularly concerned that girls, children born out of wedlock and adopted children do not have the same right to inherit family land as other children and that migrant children are often discriminated in the enjoyment of their rights to education, health and social security.</p> <p>25. The Committee urges the State party to explicitly prohibit all forms of discrimination and repeal all legislations in respect to discrimination against girls, children with disabilities, children born out of wedlock, adopted children and migrant children. The Committee also recommends that the State party take active measures to ensure the full realization of the principle of non-discrimination in practice and to bring about change in discriminatory social attitudes towards children.</p> <p>Respect for the views of the child</p> <p>28. The Committee notes the indication given during the dialogue with the State party that in practice, children have the opportunity to express themselves in court cases related to adoption, guardianship, access and custody. The Committee further notes that the Youth Parliamentarian Project was successfully implemented in 2009. The Committee is, however, concerned that there are no specific laws or regulations</p>

	<p>establishing explicitly the right of the child to be heard in any judicial and administrative proceedings affecting her or him. The Committee is also concerned that children's right to express themselves freely in all matters affecting them is not fully recognized in the families and communities.</p> <p>29. In light of its General Comment No. 12 on the rights of the child to be heard (CRC/C/GC/12, 2009), the Committee urges the State party to:</p> <ul style="list-style-type: none">(a) Strengthen initiatives for children to express themselves, such as the Youth Parliament project to have their views taken into account in the formulation of policies and legislation affecting them; and(b) Ensure that children's right to be heard in any judicial and administrative proceedings affecting them be included in the legislation. <p>E. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)</p> <p>Family environment</p> <p>47. The Committee welcomes child allowance provided by the State party for parents to fulfil their child-rearing responsibilities and takes note of the existence of an extended family system that provides solidarity in case parents cannot fulfil their responsibilities. However, it regrets the lack of information on the equal sharing of responsibilities among parents for upbringing their children and on how the State party promotes equal parental responsibility.</p> <p>48. The Committee urges the State party to ensure that mothers and fathers equally share the legal responsibilities for their children, in accordance with article 18, paragraph 1, of the Convention in the context of the upcoming Family Protection Bill and to develop and conduct awareness-raising programmes on parents' equal responsibilities in child rearing.</p> <p>Children deprived of a family environment</p> <p>49. While noting that, in accordance with the Niue Act 1966, a child can be removed from his or her family</p>
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	<p>and provided with alternative care, the Committee notes with concern that there are no alternative care institutions in the State party and that the State party depends exclusively on the extended families for the alternative care of children.</p> <p>50. The Committee recommends that the State party develop an alternative care system, including foster care, for children deprived of a family environment, particularly children victims of abuse at home, and, in doing so, ensure effective monitoring and assessment of placement of children, including those taken within the extended family in line with the Guidelines for the Alternative Care of Children annexed to the United Nations General Assembly resolution 64/142 of 20 December 2009.</p> <p>Adoption</p> <p>51. The Committee notes that the 1968 Niue Amendment Act regulates legal adoption, and ensures the mandatory consent of the child's parents and the child above 12 years. The Committee also takes note of the existence of customary adoption (<i>'tama taute'</i>). However, the Committee remains concerned that there is no mechanism in place to monitor the situation of the adopted children in enjoying their rights.</p> <p>52. The Committee recommends, in light of article 21 of the Convention, that the State party introduce adequate measures to ensure the registration and monitoring of all adopted children, particularly under the Niuean customary adoption arrangement (<i>'tama taute'</i>).</p> <p>F.Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)</p> <p>Children with disabilities</p> <p>53. The Committee welcomes the measures taken by the State party, such as the adoption of the Niue National Policy on Disability (2011) as well as the off-island care in New Zealand given to children with physical disabilities, and welfare benefits given to the children with disabilities. The Committee, however, expresses concern that:</p> <p>The Niue Act utilizes derogatory language identifying girls with disabilities as "idiots, imbeciles or of unsound</p>
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		<p>mind”;</p> <ul style="list-style-type: none"> (a) Criminal sanctions for sexual violence committed against children with disabilities is lesser, compared to sexual violence committed against children without disabilities; and (b) There is a lack of professionals trained to support children with disabilities, sufficient means are lacking for early detection of children with disabilities, and the statistics and information provided by the State party are not consistent with regard to the situation of children with disabilities. <p>54. Recalling its General Comment No. 9 on the rights of children with disabilities (CRC/C/GC/9 and Corr.1, 2006), the Committee urges the State party to adopt a human rights-based approach to disability and specifically recommends that the State party:</p> <ul style="list-style-type: none"> (a) Review without delay all disability-related laws and policies with the view to fully protecting the rights of children with disabilities, expunge the derogatory language and repeal all derogatory and discriminatory provisions against children with disabilities from the Niue Act; (b) Immediately repeal legal provisions which provide for lower sanctions for sexual crimes committed against children with disabilities; (c) Train professionals to work with children with disabilities, particularly those with intellectual and learning disabilities, take all necessary measures for early detection of children with disabilities, facilitate their rehabilitation, update statistics and information on the situation of children with disabilities in the next periodic report, and in doing so, seek technical and financial assistance and resources from, inter alia, UNICEF and WHO. <p style="text-align: center;">Country Report</p> <p>CRC/C/NIU/1</p> <p>18 July 2011</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNIU%2f1&Lang=en</p>
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OPSC to CRC	Ratification Date	Care-Related Concluding Observations
	N/A	
OPAC to CRC	Ratification Date	Care-Related Concluding Observations
	N/A	
ICCPR	Ratification Date	Care-Related Concluding Observations
	N/A	
ICESCR	Ratification Date	Care-Related Concluding Observations
	N/A	
CEDAW	Ratification Date	Care-Related Concluding Observations
	N/A	
CRPD	Ratification Date	Care-Related Concluding Observations
	N/A	
UPR	Date of Consideration	Link to Page

Acronyms and Abbreviations:

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child/Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
OPAC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
OPSC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
UN	United Nations
UPR	Universal Periodic Review