III. Main areas of concern and recommendations

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

Legislation

5. While noting with appreciation the adoption of the Kosrae Family Protection Act and the Pohnpei Family Safety Act as well as the intention of the State party to adopt comprehensive child protection legislation, the Committee is concerned about the lack of family protection legislation in Yap and Chuuk.

6. The Committee recommends that the State party adopt family protection laws in Yap and Chuuk and allocate appropriate human, technical and financial resources for their implementation.

Comprehensive policy and strategy

7. The Committee notes the adoption of the National Youth Policy 2017-2023, as well as family protection strategies in Kosrae and Pohnpei. Nonetheless, the Committee is concerned about the lack of a comprehensive national policy to specifically promote and protect children’s rights.

8. The Committee recommends that the State party:
(a) Develop and adopt a comprehensive policy on children that encompasses all areas covered by the Convention and, on the basis of the policy, develop a strategy for its application that is supported by sufficient human, technical and financial resources;
(b) Ensure that policies concerning children, including the National Youth Policy, are developed with the full participation of children and civil society organizations;
(c) Ensure that the specific needs and views of children are taken into consideration in the development of the national development plan that succeeds the Strategic Development Plan 2004-2023.

Allocation of resources

11. The Committee notes that the majority of budgetary spending on the implementation of the Convention is allocated to the health and education sectors, but is concerned that there are no budget allocations for child protection and no assessment of the effectiveness and efficiency of the national budget. It is also concerned about the heavy reliance on donor funding and the possible implications on the welfare of children of the expiration of the financial provisions of the Compact of Free Association with the United States of America in 2023, if the Compact is not renewed.

12. With reference to its general comment No. 19 (2016) on public budgeting for the realization of children’s rights, the Committee recommends that the State party:
   (a) Utilize a child-rights approach in the elaboration of the State budget by implementing a tracking system for the allocation and use of resources for children throughout the budget;
   (b) Increase budgetary resources specifically for children to the maximum extent possible in accordance with article 4 of the Convention and thereby take measures to reduce reliance on foreign assistance;
   (c) Define specific budgetary lines for children with disabilities and child protection, as well as for addressing birth registration and violence against children.

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

Corporal punishment
34. The Committee welcomes the State party’s acceptance of the recommendation made during its Universal Periodic Review of 2015 to prohibit all forms of corporal punishment of children in all settings. However, the Committee is seriously concerned that, while corporal punishment is prohibited as a sentence for crime, it is not prohibited in the home, in schools, in childcare institutions and in alternative care settings and penal institutions.

35. The Committee urges the State party:
   (a) To explicitly prohibit, as a matter of priority, corporal punishment in law in all settings, including in the home, in schools, in childcare institutions in alternative care settings and in penal institutions;
   (b) To develop teacher training on alternative, non-violent forms of discipline and ensure that it is part of pre-service and in-service training programmes;
   (c) To provide children with a complaints mechanism, especially in schools, to safely and confidentially report teachers and others who use corporal punishment;
   (d) To conduct awareness-raising programmes for parents and professionals working with and for children to promote attitudinal change within the family and at the community level with regard to corporal punishment and to encourage the use of alternative, non-violent forms of discipline.

Abuse, neglect and sexual exploitation and abuse

36. The Committee is seriously concerned about:
   (a) The reportedly high level of abuse of children, including domestic violence, emotional abuse and sexual abuse, and the significant underreporting of such cases due to stigma and other reasons;
   (b) The fact that domestic legislation protects children only from physical abuse;
   (c) The legal age of sexual consent in Yap is 13 years, which greatly exposes children to the risk of sexual abuse and sexual violence, while in Chuuk and Pohnpei it is 18 years of age, which may subject adolescents who engage in consensual sexual acts before that age to unwarranted legal sanctions;
(d) The absence of child-friendly mechanisms to report abuse and the insufficient awareness among children of existing laws;
(e) Inadequate measures in place to support child victims of violence, including psychological, recovery and reintegration services, or special court procedures for obtaining evidence from children;
(f) The shortage of specialised personnel, including social workers, and the absence of a specialised police unit for child victims;
(g) The non-existence of a prohibition in legislation of the use of children for prostitution or pornographic purposes.

37. In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and targets 5.2 and 16.2 of the Sustainable Development Goals, the Committee urges the State party to:

(a) Strengthen community-based awareness-raising and education programmes, with the participation of children, aimed at preventing and tackling domestic violence, child abuse and sexual exploitation, particularly targeting children, families, communities and schools;
(b) Amend legislation to ensure that children are protected from all forms of violence and abuse, including mental, verbal and emotional abuse;
(c) Harmonize the minimum age for sexual consent in all states and ensure that adolescents who engage in consensual sexual acts with each other are not criminalized;
(d) Establish confidential, child-friendly mechanisms, procedures and guidelines to ensure mandatory reporting of all cases of abuse against children, and ensure that all cases are promptly investigated and prosecuted and that perpetrators are duly punished;
(e) Provide child victims with child-friendly and multisectoral remedies and comprehensive support, including psychological, recovery and social integration assistance, and encourage courts to make use of the child-friendly and multi-agency arrangement for obtaining testimony from children;
(f) Consider designating a specialized police unit to handle cases of violence against and sexual exploitation and abuse of children, and ensure specialized personnel for dealing with such cases;
(g) Prevent the re-victimization of child victims and witnesses of crime by ensuring safe, child-friendly and closed-circuit criminal proceedings involving children, with particular emphasis on
their protection and confidentiality, and taking into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime;

(h) Criminalize the sale and exploitation of children for prostitution and child sexual abuse material in line with articles 2 and 3 of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography, which the State party ratified in 2012.

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

Children deprived of a family environment

42. The Committee notes that, in the absence of social welfare services, most children who cannot stay with their families are placed with extended family. However, it is concerned about the absence of temporary safe care options available in cases where the extended family does not take care of children, and about discriminatory stereotypes regarding the roles and responsibilities of women and men in the family.

43. Drawing the State party’s attention to the Guidelines for the Alternative Care of Children (see General Assembly resolution 64/142, annex), the Committee recommends that the State party:

(a) Establish a functioning social welfare service and a network of services for children;
(b) Provide temporary safe care alternatives and establish a system of foster care for children who cannot stay with their families;
(c) Provide all necessary social welfare services and support to families and alternative care providers;
(d) Establish quality standards for all available forms of alternative care options and take children’s views into consideration in any decision about alternative care;
(e) Ensure periodic review of the placement of children in alternative care and monitor the quality of care therein;
(f) Promote the equal parental responsibilities of fathers and mothers in a continuous and sustained manner.
### Adoption

44. The Committee notes that most adoptions in the State party occur by the extended family or through customary adoption and that there are no proper guidelines for the adoption process.

45. The Committee recommends that the State party:
   - (a) Develop guidelines for the adoption process and establish an adequately resourced unit to oversee the formal adoption process;
   - (b) Increase awareness of formal adoption at the community level;
   - (c) Establish mechanisms to register, regulate and monitor all adoptions, including those within the extended family and through customary adoption.

### G. Children with disabilities (art. 23)

46. The Committee notes the National Policy on Disability 2009-2016, the Special Education Program and the Children with Special Health Care Needs Program, and the fact that Kosrae, Pohnpei and Yap have passed a Disability Act. However, the Committee is concerned about:

   - (c) The lack of funding and technical support provided to service providers and parents of children with disabilities.

47. With reference to its general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party:

   - (e) Expand community-based rehabilitation, early identification and referral programmes to cover all children with disabilities and provide the necessary human, technical and financial support to service providers and families of children with disabilities.
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