



United Nations

Report of the Committee on the Rights of the Child

**Eighty-fifth session
(14 September–1 October 2020)**

**Eighty-sixth session
(18 January–5 February 2021)**

**Eighty-seventh session
(17 May–4 June 2021)**

**Eighty-eighth session
(6–24 September 2021)**

**Eighty-ninth session
(17 January–11 February 2022)**

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Note

Symbols of United Nations documents are composed of letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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I. Organizational and other matters

A. States parties to the Convention

1. As at 11 February 2022, the closing date of the eighty-ninth session of the Committee on the Rights of the Child, there were 196 States parties to the Convention on the Rights of the Child, making it the most widely ratified human rights instrument, with only one ratification left to reach universal ratification, namely, that of the United States of America. An updated list of States that have signed, ratified or acceded to the Convention may be consulted at <http://treaties.un.org>.

2. As at the same date, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict had been ratified or acceded to by 172 States parties, 2 more than at the time of submission of the previous report to the General Assembly (A/75/41), and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography had been ratified or acceded to by 177 States parties, 1 more than at the time of the previous report.

3. The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, as at 11 February 2022, had been ratified or acceded to by 48 States, 2 more than at the time of submission of the previous report to the General Assembly. An updated list of States that have signed, ratified or acceded to the three Optional Protocols may be consulted at <http://treaties.un.org>.

B. Sessions of the Committee

4. The Committee held five sessions in the reporting period: the eighty-fifth session, held virtually (14 September–1 October 2020); the eighty-sixth session, held virtually (18 January–5 February 2021); the eighty-seventh session, held virtually (17 May–4 June 2021); the eighty-eighth session (6–24 September 2021); and the eighty-ninth session (17 January–11 February 2022).

5. Due to the coronavirus disease (COVID-19) pandemic, the eighty-fifth to eighty-seventh sessions were held virtually and in a limited format, owing to the reduced amount of time available when using online interpretation platforms. The eighty-fifth session was postponed from May 2020 to September 2020. The eighty-fifth and eighty-sixth sessions were held virtually, in a limited format, with no reviews of reports of States parties. The eighty-eighth and eighty-ninth sessions were held in person at Geneva. However, the duration of the eighty-ninth session was reduced from four to two weeks, due to the COVID-19 pandemic.

6. Subsequent to each session, the Committee makes public all concluding observations adopted, as well as any decisions and recommendations, including those emanating from a day of general discussion, and general comments adopted.

C. Membership and officers of the Committee

7. For the eighty-fifth and the eighty-sixth sessions, the Committee retained the same members and officers noted in its previous report to the General Assembly (A/75/41), with Luis Ernesto Pedernera Reyna serving as Chair (see A/75/41, annex I).

8. In accordance with article 43 of the Convention, the eighteenth meeting of States parties to the Convention was convened on 24 November 2020, at United Nations Headquarters. The following nine members of the Committee were elected or re-elected for a term of four years beginning on 1 March 2021: Rinchen Chopel, Sopio Kiladze, Benyam Dawit Mezmur, Otani Mikiko, Mr. Pedernera Reyna, Ann Skelton, Velina Todorova, Benoit Van Keirsbilck and Ratou Zara.

9. The list of the members of the Committee, with an indication of their term of office, appears in annex I to the present report. Annex I also indicates the officers elected at the eighty-seventh session of the Committee, including the new Chair, Ms. Otani.

D. Adoption of the report

10. At its 2591st meeting, held on 9 May 2022, the Committee unanimously adopted its biennial report to the General Assembly, covering its activities between the end of the extraordinary eighty-fourth session and the end of the eighty-ninth session.

II. Reports submitted by States parties under article 44 of the Convention, article 8 of the Optional Protocol on the involvement of children in armed conflict and article 12 of the Optional Protocol on the sale of children, child prostitution and child pornography

A. Submission of reports

11. The status of submission of reports and the adoption of related concluding observations may be found at http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx.

12. During the reporting period, the Committee received 48 new reports: 32 periodic reports under the Convention; 4 initial and 1 periodic reports under the Optional Protocol on the involvement of children in armed conflict and 6 initial and 1 periodic reports under the Optional Protocol on the sale of children, child prostitution and child pornography. In total, the Committee has received 629 reports pursuant to article 44 of the Convention, including 202 initial and 427 periodic reports, as well as 120 initial reports and 3 periodic reports under the Optional Protocol on the involvement of children in armed conflict and 120 initial reports and 3 periodic reports under the Optional Protocol on the sale of children, child prostitution and child pornography. As at 11 February 2022, the backlog of reports to be considered by the Committee stood at 78 reports: 62 under the Convention, 6 under the Optional Protocol on the involvement of children in armed conflict and 10 under the Optional Protocol on the sale of children, child prostitution and child pornography.

B. Consideration of reports

13. During the period under review, the Committee was in a position to review only a limited number of reports, given that it was not able to meet in person during the period between May 2020 and June 2021 due to the COVID-19 pandemic. The challenges faced during the sessions held virtually included the limited time allocated for online meetings with simultaneous interpretation, time zone differences and connectivity issues.

14. The Committee considered a total of eight reports under the Convention. Two reports were considered at meetings held entirely virtually. Four reports were considered with the State's delegation participating virtually and the Committee meeting in person in Geneva, and two reports with both the Committee and the delegation meeting in person.

15. The following table indicates, by session, the reports of States parties considered by the Committee during the period covered by the present report, including their respective document symbols and the document symbol of the concluding observations adopted. State party reports and the Committee's concluding observations thereon may be found on the Official Document System (<http://documents.un.org>).

| | <i>State party report</i> | <i>Concluding observations</i> |
|--|-------------------------------|----------------------------------|
| Eighty-seventh session | | |
| <i>Convention on the Rights of the Child</i> | | |
| Luxembourg | CRC/C/LUX/5-6 | CRC/C/LUX/CO/5-6 |
| Tunisia | CRC/C/TUN/4-6 | CRC/C/TUN/CO/4-6 |
| Eighty-eighth session | | |
| <i>Convention on the Rights of the Child</i> | | |
| Czechia | CRC/C/CZE/5-6 | CRC/C/CZE/CO/5-6 |
| Eswatini | CRC/C/SWZ/2-4 | CRC/C/SWZ/CO/2-4 |
| Poland | CRC/C/POL/5-6 | CRC/C/POL/CO/5-6 |
| Switzerland | CRC/C/CHE/5-6 | CRC/C/CHE/CO/5-6 |
| Eighty-ninth session | | |
| <i>Convention on the Rights of the Child</i> | | |
| Madagascar | CRC/C/MDG/5-6 | CRC/C/MDG/CO/5-6 |
| Netherlands | CRC/C/NLD/5-6 | CRC/C/NLD/CO/5-6 |

16. During the period under review, the Committee did not receive any comments from States parties on concluding observations.

C. Progress achieved: trends and challenges in the implementation process

17. In accordance with its practice regarding its biennial reports, in the present section the Committee assesses achievements and challenges, as well as current trends in children's rights. In particular, the Committee dedicates a subsection to COVID-19 and children's rights.

1. Progress achieved in general

18. During the period under review, the Committee adopted decisions on 62 individual communications under article 5 of the Optional Protocol on a communications procedure. This represents over a 100 percent increase compared with the previous period.

19. At its eighty-seventh and eighty-eighth sessions, the Committee held, for the first time, six oral hearings regarding communications concerning climate change, with Argentina, Brazil, France, Germany and Turkey and children petitioners. The meetings were held in a hybrid format, with Committee members present in the meeting room and the parties participating virtually. It was a remarkable achievement that allowed for a thorough discussion of the Committee with the parties on issues of jurisdiction and exhaustion of domestic remedies and which led to landmark decisions adopted at its eighty-eighth session (see para. 80 below).

20. At its eighty-sixth session, the Committee adopted general comment No. 25 (2021) on children's rights in relation to the digital environment (see para. 63 below), which was the Committee's first general comment to have been reviewed and adopted virtually.

21. In general, due to the COVID-19 pandemic, the amount of work done virtually, during the sessions and intersessionally, increased considerably. The work related to the development of general comments was conducted almost completely virtually. In September 2021, the day of general discussion was held entirely virtually and over the course of two calendar days.

22. The Committee continued its work on the process of strengthening the treaty body system, by adopting decision No. 15 of 7 February 2022, to move towards a predictable

review cycle of every eight years, with a midterm follow-up procedure, and to offer the simplified reporting procedure as the standard reporting procedure.

23. There was a notable increase in the participation of children in the work of the Committee, with children, including many children human rights defenders, playing key roles as speakers and in moderating discussions in all of the Committee's activities. In a video posted on the website of the Committee, on 19 November 2021, World Children's Day, the Committee invited children to make their voices heard in the work of the Committee by contributing in any format they preferred.

24. To facilitate its work, the Committee established focal points for regions, for its communication through social media and for its work with the Inter-Parliamentary Union.

25. Intersessionally, the Committee members were personally engaged in numerous activities, including participating in several meetings, conferences, seminars, lectures and courses, as well as working intersessionally on individual communications, inquiries, general comments and the organization of days of general discussion. In addition, many Committee members were involved in the follow-up to the concluding observations of the Committee in a number of countries upon the invitation of States, civil society organizations and the United Nations Children's Fund (UNICEF). That work remains indispensable to guaranteeing the better application of the Convention and the Optional Protocols thereto.

2. Children's rights and the COVID-19 pandemic

26. The reporting period coincided with the COVID-19 pandemic. In April 2020, the Committee issued a statement¹ drawing the attention of the international community to the risks engendered by the pandemic on the rights of all children in general, and in particular on those of children in vulnerable situations. It provided recommendations on the measures to be taken to respect, protect and fulfil the rights of children, despite the restrictive measures taken by States to mitigate the spread of the COVID-19 pandemic. Similarly, prevention of the spread of the COVID-19 pandemic and guaranteeing the rights of children are matters that were regularly included in the list of issues to be addressed by the States parties and given an important place during the dialogues with them.

27. Despite the efforts made by States, and the fact that children were more often spared by many iterations of SARS-CoV-2, there have been regressions concerning the realization of whole categories of their rights, and regressions at various levels. Significant regressions have been recorded in the realization of certain fundamental rights, such as the right to health, to education and to protection from all forms of physical and mental violence, including sexual abuse and incest. Access to health services and to the highest attainable standard of health has also significantly decreased, including with regard to the vaccination of newborns and children of age to receive compulsory vaccines. Lockdown measures and the closing of schools caused serious mental health problems among children and adolescents, such as distress, depression, fear and suicidal behaviour, revealing the lack of a holistic approach to the challenges to children posed by the COVID-19 pandemic and the weakness of investment and support for that dimension of the right to health. The inequality in access to vaccines against COVID-19 has exposed a weakness in international solidarity.

28. In terms of the right to education, the pandemic led to the loss of four months of studies for children in poor countries. Children in low-income and middle-income countries were out of school for 16 weeks or more. The pandemic deprived thousands of children of access to school meals, risking undoing decades of progress. The budgets of various projects and programmes have been diverted towards the fight against the COVID-19 pandemic. Similarly, the shortage of vaccinations has led to the exclusion for some from enjoying certain fundamental rights, such as the right to education, giving rise to serious concerns.

29. In addition, not only did the COVID-19 pandemic not slow human trafficking, but it also highlighted the devastating impact on victims and survivors of trafficking, in particular

¹ See

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CRC/ST/A/9095&Lang=en.

children who continue to be targeted by increasingly adaptive criminals in the digital environment. The Committee also notes that the pandemic has exacerbated the suffering of millions of stateless children around the world. In terms of civil rights, it has led to a sharp reduction in birth registration.

30. Poor countries continue to face the worst economic impacts of the pandemic. The high cost of living and the worsening pressures on commodity prices, have serious negative effects on children. The COVID-19 pandemic has negatively affected the achievement of the Sustainable Development Goals, and in post-pandemic reconstruction policies and programmes, States must strive to reverse the current trend and put children's rights back at the heart of their investments. The realization of children's rights is a necessary condition for achieving the Goals.

3. Trends and challenges

31. The Committee notes with satisfaction that, in the past few years, there has been much progress made on the participation of children worldwide. More and more children and adolescents are taking into their hands the promotion and protection of all human rights, in particular those affecting their life, survival and development, especially as a result of the increasing effects of climate change, in order to have a better world in which to grow and live. It is important that States listen to children human rights defenders, take their views into account and specifically protect them if they are threatened or face retaliation.

32. Nevertheless, too many children, especially those in vulnerable situations, are being left behind. It is regrettable that concerns expressed in previous biennial reports, in particular about the high prevalence of psychological, sexual and physical violence against children, continues to be a serious concern affecting children in all settings and in all regions of the world. Sufficient infrastructure and national strategies to address child abuse and neglect is noticeably lacking in many regions of the world. That includes prevention, protective measures, effective reporting mechanisms, established intervention procedures and providing legal assistance and appropriate therapeutic and social support for children and their caregivers.

33. Fighting child sexual abuse and sexual exploitation should be a priority of States in all regions. Child sexual abuse in the circle of trust, including in the family and religious communities, remains the greatest challenge in safeguarding children from sexual violence. Furthermore, the Committee is seriously concerned about the alarming trends with regard to sexual abuse and sexual exploitation through the use of information and communications technology, including the use of real-time video streaming of sexual abuse. Children and adolescents are now more exposed to online grooming, "sexting" and "sextortion". There has been a surge in online child prostitution, grooming and self-generated child sexual abuse material, as well as in sexual harassment, including by teachers, in some regions. Safeguarding children from sexual abuse and exploitation requires preventive measures, such as raising awareness among parents, professionals and society at large, as well as putting in place a child-friendly and multisectoral response system to enhance the evidential value of children's disclosures, avoid the retraumatization of children who are victims of such abuse and ensure psychological and social support. The Committee is concerned about the absence of a comprehensive disaggregated data collection system on all forms of violence against children and of monitoring systems.

34. Furthermore, despite the Committee's recommendations to all States to explicitly prohibit corporal punishment in law in all settings, during the reporting period, the proportion of the global population of children fully protected in law from corporal punishment in all settings grew only slightly, to 13 per cent, up from 12 per cent. While welcoming the fact that, as at April 2022, 63 States had achieved prohibition in all settings, including the home, the Committee is still concerned that approximately 65 per cent of all States still allow corporal punishment at home and in other settings. In addition, measures to implement legal provisions to eliminate corporal punishment and enhance positive parenting strategies are often insufficient.

35. The Committee recommends the implementation of multidisciplinary and intersectoral programmes, based on the *barnahus* model, ensuring that children who are

victims of violence have effective access to child-friendly and evidence-based investigation and therapy services and that those services are by default available without delay to all such children. Furthermore, children who are victims and witnesses of violence should not be subjected to intimidating or, as is often the case, repeated cross-examinations in court proceedings, but instead have their statements obtained by child-sensitive arrangements under the conditions of the due process of law. All community leaders, including political, social and religious leaders, must coalesce to stop harmful practices and fight against the public tolerance of sexual violence, which have long-term damaging effects on children that carry into their adult lives, including through a high rate of teenage pregnancy among such children.

36. The Committee remains keenly focused on children's rights in relation to the digital environment and is intensely involved in globally disseminating up-to-date guidance based on its general comment No. 25 (2021) on the topic. The unabated surge of children's usage of digital technology triggered by the COVID-19 pandemic highlights the need for States to encourage collaboration among all relevant stakeholders, including the business sector, including with the participation of children, in order to enhance the protection of children from many online hazards, including harmful commercial practices, while promoting the valuable opportunities that the digital environment offers for the realization of children's rights, including to education, access to appropriate information and freedom of expression. In an ever more connected world, the Committee considers the provision of unbiased and equitable access to digital services, as well as the digital literacy, for all children, their parents and professionals working with and for children to be a priority. As technological advances unfold, and the as-yet not fully defined metaverse emerges, the Committee encourages States to implement common sense national and international regulatory mechanisms that ensure that children's rights are not violated and, that when they are, children and their representatives can formulate complaints and seek proportionate remedies.

37. The joint working group of the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities completed its work on a joint statement on the rights of children with disabilities (see para. 73 below). The statement reaffirms the position of both Committees that all principles and rights enshrined in the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities are interrelated with regard to children with disabilities and are underpinned by the human rights model of disability. The Committees harmonized issues related to the respect, protection and the realization of the rights of children with disabilities and collected the agreed terms, key concepts and their interpretation in accordance with both Conventions. The statement should help to orient States parties and stakeholders, including United Nations entities, national human rights institutions, regional human rights organizations and civil society organizations, both those specializing in children's rights and those specializing on the rights of persons with disabilities, on the interpretation of the obligations derived jointly from both Conventions.

38. The Committee remains concerned about the situation of immunization rates among children, especially during the period of the pandemic. In particular, awareness-raising and the mobilization of populations for a strong adherence to vaccination programmes have been a challenge. In addition, the complexity of the pandemic has revealed the extreme fragility of health systems. For instance, although Africa was declared free from wild poliovirus in August 2020, due to the rollback of immunization efforts as a result of the COVID-19 pandemic, wild poliovirus has re-emerged in Malawi. High-quality campaigns have been virtually non-existent in identifying and catching up with "zero-dose" children, who are defined as children between 6 weeks and 59 months of age who have never received a dose of vaccine since birth, or children moving from one country to another. All campaign programmes have been seriously delayed. Steps should be taken to reduce losses to the previous gains in vaccination rates. The Committee encourages States to resume activities on childhood immunization with the commitment of national and local authorities for the timely implementation of the response campaign so that children are protected from preventable diseases. It is crucial to develop even more strategies to motivate community health workers and indeed to revisit the entire immunization programme in order to increase immunization coverage.

39. The Committee is deeply concerned about the continuing serious violation of rights of children in newly developed or long-lasting armed conflicts in various parts of the world. A vast number of children have been affected by armed conflict in many ways, including by being killed, maimed, recruited and used by armed forces and armed groups, being displaced internally and fleeing their countries, being separated from their families and becoming refugees in neighbouring countries. Furthermore, schools, hospitals and other civilian infrastructure are targeted by the belligerents, in clear contravention of international humanitarian law. The Committee continues to be seriously concerned about the fate of foreign children in camps in States in armed conflict, where their countries of origin are refusing or reluctant to repatriate them, thereby violating their basic rights to life and development, as well as a host of other rights, and leaving them in most dire conditions in the camps. Such children face multiple violations of their rights under the Convention and being subjected to recruitment in the armed conflict and other ill-treatment, including sexual violence and abuse.

40. The Committee continues to be seriously concerned about the negative impact of climate change and environmental harm on the enjoyment by children of their rights. It affects the implementation of many provisions of the Convention and the Optional Protocols thereto. During the reporting period, the Committee's engagement on the issue intensified, in the context of its reviews of State party reports, as a consequence of many discussions with children and of consultations at the extraordinary eighty-fourth session, held in Samoa in 2020, at which a special day, facilitated by children of the region, was devoted to the environment and to the effects of climate change. The Committee is currently engaged in formulating a general comment on children's rights and the environment, with a special focus on climate change, aimed at providing guidance on how children's rights are being affected by environmental degradation and climate change and what States must do to eliminate, or at the very least minimize, such damage. The general comment is being informed by national human rights institutions, United Nations human rights mechanisms, civil society organizations, contributions from various stakeholders, in particular the children themselves, with whom there has been an ongoing dialogue since the latter part of 2021.

41. Despite the efforts made by States parties to adopt legislation on migration or to amend existing legislation, with a view to better implementation of the Convention and the Optional Protocols thereto, the situation of accompanied or unaccompanied migrant children continues to raise many concerns. The determination of a child's age remains a procedure reduced to bone examinations, instead of being a multidisciplinary assessment. Similarly, it has been observed that assessments of the best interests of the migrant child do not respect the criteria required for a personalized, case-by-case, collegial assessment carried out by independent bodies, insofar as the assessments are often the work of a person from the immigration authorities. The detention of children because of their migration status or that of their parents undermines the rights of the child to life, survival and development and affects the right of the child to have his or her best interests taken as a primary consideration. The insufficient detection of children who are victims of trafficking and of children involved directly or indirectly in armed conflicts persists, partly because of the insufficient training of immigration officers. Decisions to deport or extradite accompanied or unaccompanied children are sometimes made without assessing the harmful and irreparable impact of the decision on the children, such as decisions to extradite families with children at risk of being victims of female genital mutilation, systematic discrimination or violence.

42. According to UNICEF, as a response to the COVID-19 pandemic, in 2020, many countries experienced a decrease in budgetary expenditure in social sectors, a trajectory that has continued to date. Those sectors include child protection, education and nutrition. The negative implications of the decreases for the purpose of implementing the Convention and the Optional Protocols thereto are significant. In the area of education, for example, despite the fact that spending has increased in the 10 years preceding the pandemic, and noting that aid to education had reached a record level in 2019, there is a serious concern that fiscal constraints, other sectoral needs and changes in student mobility patterns are possibly going to lead to a fall in external aid for education. Those resources are much needed, in particular in low income countries.

43. The challenge is not only about allocation and expenditure, but also includes shortcomings in public financial management. For example, delay in the payment of teacher's salaries could lead to absenteeism inasmuch as inadequate costing could lead to a shortage of critical medicines, including vaccines. There are also challenges related to systemic inequality, such as debt distress and increased sovereign debt levels, that continue to hamper the capacity of many States to invest more in the social sector, further exacerbating the intergenerational transmission of poverty. As a result, in low income countries where health, education and social protection sectors get a fraction of total spending, the risks for children are not only limited to stagnation in gains, but also reversals of the gains made in recent years. The chances are slim that most such countries will be able to make the temporary additional social spending measures implemented to combat the pandemic permanent, to get back on track to realize the 2030 Agenda for Sustainable Development.

44. At the Committee level, the backlog of reports due to be reviewed increased exponentially, because reviews had to be postponed due to the pandemic. In February 2022, the number of reports due to be reviewed reached 82. When a report is received by the Committee, it therefore takes almost three years before being reviewed. The Committee is looking at solutions to address the challenge.

III. Activities carried out under the Optional Protocol on a communications procedure

45. Article 16 of the Optional Protocol on a communications procedure provides that the Committee is to include in its report submitted every two years to the General Assembly a summary of its activities carried out under the Optional Protocol.

A. Action taken by the Committee in respect of issues arising under article 5 of the Optional Protocol

46. During the reporting period, the Committee received over 200 individual communications under article 5 of the Optional Protocol, of which 64 were registered, bringing the total number of registered cases to 174 as at 11 February 2022. As at the same date, there were 83 cases still pending examination by the Committee.

47. The Committee adopted decisions on 62 cases during the reporting period: *L.B. v. Belgium* (CRC/C/89/D/157/2021), *S.T.P. v. France* (CRC/C/89/D/127/2020), *A.C.D. et al. v. Spain* (CRC/C/87/D/62/2018-CRC/C/87/D/64/2018-CRC/C/87/D/65/2018), *M.E. v. Spain* (CRC/C/89/D/78/2019), *S.B. et al. v. France* (CRC/C/89/D/77/2019-CRC/C/89/D/79/2019-CRC/C/89/D/109/2019), *K.S. and M.S. v. Switzerland* (CRC/C/89/D/74/2019), *T.E.A. v. Spain* (CRC/C/89/D/50/2018), *O.A.A. v. Spain* (CRC/C/89/D/44/2018), *M.A.B. v. Spain* (CRC/C/89/D/41/2018), *M.K.A.H. v. Switzerland* (CRC/C/88/D/95/2019), *Sacchi et al. v. Argentina* (CRC/C/88/D/104/2019), *Sacchi et al. v. Brazil* (CRC/C/88/D/105/2019), *Sacchi et al. v. France* (CRC/C/88/D/106/2019), *Sacchi et al. v. Germany* (CRC/C/88/D/107/2019), *Sacchi et al. v. Turkey* (CRC/C/88/D/108/2019), *A.E.A. v. Spain* (CRC/C/87/D/88/2019), *H.B. v. Spain* (CRC/C/87/D/69/2018), *A.E.A. v. Spain* (CRC/C/87/D/115/2020), *G.R. et al. v. Switzerland* (CRC/C/87/D/86/2019), *V.W. v. Germany* (CRC/C/87/D/75/2019), *N.A.B. et al. v. Spain* (CRC/C/87/D/66/2018-CRC/C/87/D/67/2018-CRC/C/87/D/68/2018), *A.C.D. et al. v. Spain* (CRC/C/87/D/62/2018-CRC/C/87/D/64/2018-CRC/C/87/D/65/2018), *S.D. et al. v. Spain* (CRC/C/87/D/70/2019-CRC/C/87/D/71/2019-CRC/C/87/D/72/2019), *A.G. et al. v. Switzerland* (CRC/C/86/D/46/2018), *L.B. et al. v. Spain* (CRC/C/86/D/113/2020), *C.O.C. v. Spain* (CRC/C/86/D/63/2018), *Z.A. v. Germany* (CRC/C/86/D/82/2019), *Y.A.M. v. Denmark* (CRC/C/86/D/83/2019), *A.B. v. Finland* (CRC/C/86/D/51/2018), *R.Y.S. v. Spain* (CRC/C/86/D/76/2019), *H.B. et al. v. Spain* (CRC/C/86/D/57/2018-CRC/C/86/D/58/2018-CRC/C/86/D/59/2018), *L.D. and B.G. v. Spain* (CRC/C/85/D/37/2017-CRC/C/85/D/38/2017), *S.H. et al. v. France* (CRC/C/85/D/79/2019-CRC/C/85/D/109/2019 and CRC/C/85/D/79/2019/Corr.1-CRC/C/85/D/109/2019/Corr.1), *M.B. v. Spain* (CRC/C/85/D/28/2017), *X.C. et al. v. Denmark* (CRC/C/85/D/31/2017), *E.S. and B.M. v. Belgium* (CRC/C/85/D/34/2017), *L.H.A.N. v. Finland* (CRC/C/85/D/98/2019), *S.M.A. v.*

Spain (CRC/C/85/D/40/2018), *E.A. and V.N.A. v. Switzerland* (CRC/C/85/D/53/2018), *M.B.S. v. Spain* (CRC/C/85/D/26/2017), *B.I. v. Denmark* (CRC/C/85/D/49/2018), *R.S. v. Switzerland* (CRC/C/85/D/81/2019), *K.L. v. Spain* (CRC/C/85/D/29/2017), *E.H.R.S. et al. v. Argentina* (CRC/C/85/D/90/2019), *A.R.G. v. Spain* (CRC/C/85/D/92/2019), *J.J. et al. v. Finland* (CRC/C/85/D/87/2019), *E.A. and U.A. v. Switzerland* (CRC/C/85/D/56/2018) and *N.S. v. Spain* (CRC/C/85/D/111/2020).

48. All the decisions were adopted by consensus. They are available from the Official Document System, the treaty body database² and the jurisprudence database.³

49. The Committee found violations of the Convention in 19 of those 62 cases: 8 against Spain, 3 against France, 3 against Switzerland, 2 against Belgium, 2 against Denmark and 1 against Finland. It found that one case against Switzerland did not amount to a violation. It declared 12 cases inadmissible: 2 against Belgium, 2 against Germany, 1 against Argentina, 1 against Brazil, 1 against Denmark, 1 against Finland, 1 against France, 1 against Turkey, 1 against Spain and 1 against Switzerland. It declared four cases admissible: three against France and one against Switzerland. It discontinued consideration of 28 cases: 22 against Spain, 2 against Switzerland, 1 against Argentina, 1 against Finland, 1 against France and 1 against Germany. The majority of the cases continued to relate to migration issues, including non-refoulement cases, age determination of migrant children and administrative detention of migrant children. Other issues raised included the right to education, climate change, repatriation of children detained in the Syrian Arab Republic and the right to maintain contact with both parents. The communications also concerned a wider range of States parties, mostly from Europe, but also from Latin America.

50. In the framework of the follow-up procedure established under article 11 of the Optional Protocol and rule 28 of the rules of procedure under the Optional Protocol, at its eighty-fifth session, the Committee assessed the measures taken to implement the Views and recommendations concerning four individual communications submitted under the Optional Protocol against Spain. The Committee decided to maintain the follow-up dialogue open for all four cases and to request a meeting with the State party in order to discuss the prompt implementation of the Committee's Views. At its eighty-eighth session, the Committee assessed the measures taken to implement the Views and recommendations concerning six cases against Spain. The Committee decided close the follow-up dialogue of one case, *D.D. v. Spain* (CRC/C/80/D/4/2016) with a C assessment (non-compliance) and to maintain the follow-up dialogue open in the other five cases.

51. At its eighty-seventh session, with the support of Germany, Slovenia, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and Child Rights Connect, the Committee held an informal meeting with States parties, including national human rights institutions and parliamentarians, aimed at sharing recent jurisprudence and procedural developments, with a view to strengthening the collaboration between the Committee and States parties and promoting ratification of the Optional Protocol.

B. Action taken by the Committee in respect of issues arising under article 13 of the Optional Protocol

52. During the reporting period, the Committee received four requests to open an inquiry. In relation to a submission received on 6 September 2020, and registered as No. 2020/1, the Committee requested additional information from the State party concerned. The State party submitted its observations on 15 December 2020 and 15 January 2021. At its eighty-sixth session, the Committee decided to launch an inquiry and informed the State party on 11 February 2021.

53. In relation to a submission received on 4 September 2020, and registered as No. 2020/2, the Committee requested additional information from the State party concerned. The

² See https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/TBSearch.aspx.

³ See <https://juris.ohchr.org>.

State party submitted its observations on 16 September 2021. At its eighty-ninth session, the Committee decided to launch an inquiry.

54. In relation to a submission received on 4 November 2020, and registered as No. 2020/3, the Committee requested additional information from the State party concerned on 5 March 2021. The State party submitted its observations on 29 September 2021. At its eighty-ninth session, the Committee decided to launch an inquiry.

55. In relation to a submission received on 14 June 2021, and registered as No. 2021/1, the Committee requested additional information from the State party concerned on 1 October 2021. The State party submitted its observations on 3 December 2021. On 10 February 2022, the Committee decided to request further information from the State party concerned.

56. With reference to request No. 2019/1, the Committee received observations from the State party concerned on 2 October 2020. At its eighty-sixth session, on 5 February 2021, the Committee decided not to conduct an inquiry.

57. At its eighty-seventh session, the Committee decided to set up a subsidiary working group on inquiries of its working group on communications.

IV. Overview of the other activities of the Committee

A. Decision adopted by the Committee

58. The Committee adopted the following decision on 7 February 2022, at its eighty-ninth session:

Decision No. 15

At its 2574th meeting, on 7 February 2022, the Committee decided:

(a) For reports submitted under the Convention, to move towards a predictable review cycle of eight years' duration, in order to ensure regular and timely reporting by all States parties, subject to the capacity and adequate resourcing of the Committee and its secretariat;

(b) Four years after the review, to undertake a mid-cycle follow-up procedure focusing on the six main areas in respect of which urgent measures must be taken, as identified in the concluding observations;

(c) To offer the simplified reporting procedure as the standard reporting procedure, with the possibility for States parties to opt out if they prefer to report under the traditional procedure.

B. Methods of work

1. New rules of procedure and working methods

59. On 4 December 2020, at plenary meeting held virtually, the Committee adopted its child safeguarding procedure.⁴ The procedure is aimed at preventing and safeguarding against the possibility of any form of harm to children arising from and during their participation in the Committee's work and taking appropriate action if such an incident occurs.

60. At its eighty-seventh session, the Committee adopted revised working methods for individual communications received under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

⁴ See www.ohchr.org/sites/default/files/Documents/HRBodies/CRC/crc-child-safeguarding-procedure-2020.pdf.

61. At its eighty-eighth session, the Committee adopted revised rules of procedure on the Optional Protocol to the Convention on a communications procedure.⁵ At the same session, the Committee adopted guidelines on oral hearings in the context of the Committee's consideration of communications under the Optional Protocol on a communications procedure,⁶ with a view to clarifying the procedure for holding oral hearings pursuant to article 19 of the Committee's rules of procedure.

2. General comments

62. At its eighty-sixth session, the Committee adopted general comment No. 25 (2021) on children's rights in relation to the digital environment. In August 2020, the Committee had invited all interested parties to comment on the draft general comment, and subsequently received 142 submissions, including 28 from States. Some 709 children and young people between nine and twenty-two years of age were consulted, in 27 countries, for their input into the general comment.

63. At its eighty-seventh session, the Committee began work on its general comment on children's rights and the environment, with a special focus on climate change. The concept note and the details of how to participate in the process may be found on the Committee's web page.⁷

3. Informal meetings with States

64. During the reporting period, because of the COVID-19 pandemic, the Committee was able to meet with States only at its eighty-ninth session. On 10 February 2022, the Committee held its thirteenth informal meeting with States, at the Palais des Nations at Geneva, in a hybrid format, with nearly 70 States in attendance, in person and/or virtually. The Committee described the work it had conducted, mostly virtually, since the previous informal meeting with States, and the challenges it faced. Members of the Committee then made presentations on a range of issues, including developments in relation to the Optional Protocol on a communications procedure, work drafting the general comment on children's rights and the environment, with a special focus on climate change, and the 2021 day of general discussion on children's rights and alternative care. Six States and the European Union took the floor in the ensuing discussion, which was focused on issues such as predictability, the participation of children and the backlog of reports.

4. Press releases

65. During the reporting period, the Committee issued 23 press releases, 11 alone and 12 jointly with other treaty bodies and/or special procedure mandate holders, including the Committee on the Elimination of Discrimination against Women, the Committee against Torture, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, and the Special Rapporteur on extrajudicial, summary or arbitrary executions. It also issued a joint statement with the International Labour Organization. Press releases were issued to mark World Children's Day, 20 November. Other press releases were issued on the following subjects: specific situations related to children's rights in Afghanistan, Argentina, France, Iran (Islamic Republic of), Myanmar and Spain; emphasizing that Israeli and Palestinian leaders must take all feasible measures to ensure the protection and care of children who are affected by armed conflict; impact of the COVID-19 pandemic on children's rights; environment and climate change; and children's rights in the digital environment. All press releases are available from the OHCHR website.⁸

66. The Committee together with the Committee on the Elimination of Discrimination against Women, adopted three joint statements, on the following subjects: 30 August 2021,

⁵ [CRC/C/158](#). See also [CRC/C/62/3](#).

⁶ [CRC/C/157](#).

⁷ See www.ohchr.org/en/documents/general-comments-and-recommendations/draft-general-comment-no-26-childrens-rights-and.

⁸ See www.ohchr.org/en/media-centre.

calling upon the Taliban to honour their pledge to protect Afghan women and girls; 11 October 2021, on the occasion of the International Day of the Girl Child; on 19 November 2021, urging States to give better help and support to children born as a result of rape perpetrated in armed conflict.

5. Orientation meeting for new members

67. OHCHR held a general orientation meeting for the four newly elected members of the Committee during the week of 8 to 11 February 2021. On 15, 16 and 18 March 2021, the Committee and the secretariat held tailored induction meetings for the newly elected members of the Committee, in English and French.

C. International cooperation and solidarity for the implementation of the Convention

1. Cooperation with United Nations entities and other competent bodies

68. During the period covered by the present report, the Committee pursued active cooperation with United Nations entities and specialized agencies and other relevant bodies. However, due to the limitations of the format of the virtual sessions, it was able to hold only a few meetings with partners and stakeholders between the eighty-fifth and eighty-seventh sessions.

69. The Committee engaged with United Nations entities, in particular OHCHR and UNICEF. In particular, it held regular meetings with OHCHR to discuss the challenges for the work of the Committee owing to the pandemic and other reasons, and follow-up to the treaty body strengthening process.

70. The Committee met with the following other bodies and representatives:

- Child Rights Connect, for a presentation of its annual workplans (eighty-sixth and eighty-ninth sessions)
- Hague Conference on Private International Law (eighty-sixth session)
- Arigatou International, for a presentation on multi-religious study on faith and children's rights (eighty-eighth session)
- GlobalChild, for a presentation on children's rights indicators (eighty-eighth session)
- University of Geneva (eighty-eighth session)
- Inter-Parliamentary Union (eighty-ninth session).

71. With regard to cooperation with other United Nations human rights mechanisms and special procedure mandate holders, at its eighty-eighth session, the Committee adopted a joint statement, with the Committee on the Elimination of Discrimination against Women, on ensuring prevention, protection and assistance for children born of conflict-related rape and their mothers.⁹

72. At its eighty-ninth session, the Committee adopted a joint statement, together with the Committee on the Rights of Persons with Disabilities, on children with disabilities.¹⁰

73. In addition, the Committee held meetings with the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material (eighty-ninth session).

2. Participation in United Nations and other relevant meetings

74. In 2020, then Chair of the Committee, Mr. Pedernera Reyna, chaired the thirty-second meeting of the Chairs of the human rights treaty bodies, which was held virtually. In 2021,

⁹ See www.ohchr.org/sites/default/files/2021-12/Joint-CEDAW-CRC-joint-Statment-on-Children-Born-of-Rape.doc.

¹⁰ See www.ohchr.org/sites/default/files/2022-03/CRC-CRPD-joint-statement_18March2022.docx.

the Chair of the Committee, Ms. Otani, represented the Committee at the thirty-third meeting of the Chairs of the human rights treaty bodies, which was also held virtually.

75. On 12 October 2020, Mr. Pedernera Reyna, in accordance with General Assembly resolution 74/133, held an interactive dialogue with the Third Committee of the Assembly. On 7 October 2021, pursuant to the same resolution, Ms. Otani, held an interactive dialogue with the Third Committee.

76. Members of the Committees are also always represented in the Human Rights Council's annual full-day meeting on the rights of the child. In 2020, at the forty-sixth session of the Human Rights Council, the theme was the rights of the child and the Sustainable Development Goals, and the Committee was represented by Mr. Mezmur. In 2021, at the forty-ninth session of the Council, the topic was the rights of the child and family reunification, and the Committee was represented by Mr. Pedernera Reyna.

77. Members of the Committee participated in a variety of meetings at the international, regional and national levels, at which issues relevant to the rights of the child were raised.

3. Other related activities

78. At its eighty-eighth session, the Committee adopted decisions on climate change-related complaints filed by 16 children under the Optional Protocol on a communications procedure, against five countries (*Sacchi et al. v. Argentina*, *Sacchi et al. v. Brazil*, *Sacchi et al. v. France*, *Sacchi et al. v. Germany* and *Sacchi et al. v. Turkey*). In the decisions, the Committee found the complaints inadmissible under the procedural rule of exhaustion of domestic remedies. Nevertheless, it also concluded that States could be held legally responsible under the Convention for the harmful impact of carbon emissions originating from their territories on the rights of children residing inside and beyond their borders. In that context, the Committee wrote an open letter to the 16 children human rights defenders,¹¹ in order to share a simplified explanation of the cases and inviting the authors to disseminate the decisions in the context of their fight for justice on climate change.

D. General thematic discussions

79. In accordance with rule 79 of its rules of procedure, the Committee holds biennially a day of general discussion on the second Friday of its September session. Due to the COVID-19 pandemic, the day of general discussion that had been planned to be held in 2020 was moved to 2021. At its eighty-eighth session, on 16 and 17 September 2021, the Committee held its general discussion, on children's rights and alternative care. It was its first day of general discussion to be held virtually, and it was held over the course of two calendar days. Over 800 participants from all parts of the world, including international governmental organizations, non-governmental organizations, national human rights institutions, the business sector, academia, experts in the field and children with experience in alternative care, attended the event. Discussions in focus groups were solution-oriented and revolved around the following topics: preventing separation of children from their families; addressing the care needs and rights of children who are separated, unaccompanied or without care; access to justice and accountability for children who have suffered abuse in the system; quality of alternative care; and transforming the system towards family-based and community-based care. The Committee received over 200 written and video submissions, which were compiled into a background document. Children and young people conducted their own consultations and surveys. The day of general discussion gave the Committee an excellent opportunity to hear the views of children, young people and experts in the field on how alternative care should respond to the needs and best interests of children. For the full text of the recommendations emanating from the day of general discussion, adopted by the Committee at its ninetieth session, see annex II. A summary of the discussions and the list of

¹¹ See www.ohchr.org/sites/default/files/2021-12/Open_letter_on_climate_change.pdf.

participants may be found on the web page of the Committee dedicated to the day of general discussion.¹²

¹² See www.ohchr.org/en/events/days-general-discussion-dgd/2021/2021-day-general-discussion-childrens-rights-and.

Annex I

Membership of the Committee on the Rights of the Child

| <i>Name of member</i> | <i>Country of nationality</i> |
|--|----------------------------------|
| Suzanne Aho * | Togo |
| Aïssatou Alassane Moulaye Sidikou * | Niger |
| Hynd Ayoubi Idrissi * | Morocco |
| Rinchen Chophel ** | Bhutan |
| Bragi Gudbrandsson * | Iceland |
| Philip Jaffé * | Switzerland |
| Sopio Kiladze ** | Georgia |
| Gehad Madi * | Egypt |
| Faith Marshall-Harris * | Barbados |
| Benyam Dawit Mezmur ** | Ethiopia |
| Clarence Nelson * | Samoa |
| Otani Mikiko** | Japan |
| Luis Ernesto Pedernera Reyna ** | Uruguay |
| José Ángel Rodríguez Reyes * | Bolivarian Republic of Venezuela |
| Ann Skelton ** | South Africa |
| Velina Todorova ** | Bulgaria |
| Benoit Van Keirsbilck ** | Belgium |
| Ratou Zara ** | Chad |

Bureau of the Committee on the Rights of the Child, 2021–2023

| <i>Position</i> | <i>Name of member</i> |
|-----------------------|------------------------------|
| Chair | Otani Mikiko |
| Vice-Chair/Rapporteur | Faith Marshall-Harris |
| Vice-Chair | Hynd Ayoubi Idrissi |
| Vice-Chair | Philip Jaffé |
| Vice-Chair | Velina Todorova |

* Term expires 28 February 2023.

** Term expires 28 February 2025.

Annex II

Recommendations emanating from the 2021 day of general discussion on children's rights and alternative care

I. Introduction

1. On the basis of the discussions at the day of general discussion, the Committee on the Rights of the Child endorses the recommendations set out below, with the aim of providing guidance to States parties and other relevant stakeholders to protect children's rights in relation to alternative care. The recommendations are addressed mainly to States, as primary duty bearers, but also the role of other actors engaged in aspects of alternative care systems, including national human rights institutions, civil society, parents, caregivers and the Committee, was also considered.

II. Recommendations to States

A. Ensure that all children grow up in safe and nurturing families

1. All families should have the support they need to provide safe, nurturing and loving environments for children

2. States should adopt comprehensive policies and programmes, prioritizing universal social services, that strengthen, enable and support families to care appropriately for their children.

3. States should prioritize non-discriminatory social services focused on early identification and enhancing parenting skills and interventions for families at risk of separation, and ensure such families have timely access to necessary social and support services that promote inclusion and participation in the community.

2. Childcare and child protection systems should be overhauled to be focused on family-based care

4. States should strengthen national, regional and international standards, frameworks, legislation and guidelines, and their implementation, so that they are focused on strengthening families and preventing separation of children from their families, except when separation is in the child's best interest.

5. States should address the root causes of separation of a child from his or her family. States should work to combat stigmatizing attitudes and harmful beliefs, which place children at risk of separation from their families. Children should never be placed in alternative care for reasons such as the poverty or disability, or sexual orientation, gender, ethnicity, migration status, race, religion or marital status, of the caregiver.

6. In order to guarantee the return of children to their families, States should provide specific assistance to families to enable them to resolve the difficulties that led to their children being placed in alternative care and support them in providing positive parenting.

7. States should establish family-based and community-based services and programmes, including through financial support to families, that support children, including children with disabilities, to remain with their families and in the community and allocate adequate funding to such services and programmes. Children and adults should be provided with information through a variety of accessible channels and have direct access to the available services and programmes.

3. Children, young people, parents, caregivers and others with experience in aspects of alternative care should receive support to share their perspectives and meaningfully and safely participate in system reform

8. States should develop and implement safe and accessible mechanisms to ensure that children, young people, parents, caregivers and others with experience in aspects of alternative care are able to consistently and meaningfully engage with decision-makers and have their views taken into account in care-related decisions and processes related to policymaking, including deinstitutionalization policy.

9. States should promote education on children's rights for children and young people with experience of the care system to enable them to know and advocate for the fulfilment of their rights, including regarding their care, and prioritize education on children's rights for adults.

10. States should provide children with age-appropriate and disability-sensitive support to ensure that they understand all relevant information and are able to express their views.

11. States should promote and support the participation of parents and caregivers in decision-making concerning child protection.

B. Address the care needs and rights of children who are separated, unaccompanied or without care

1. Protect the rights of children who are separated, unaccompanied or without care

12. States should establish non-discriminatory national policies to protect the rights of children who are separated, unaccompanied or without care, including refugee, asylum-seeking, migrant and undocumented children, children who are victims of trafficking and children in street situations and give focused attention to children from particularly marginalized groups.

13. States should provide all children who are separated, unaccompanied or without care with a core package of integrated social services, including health care, mental health and psychosocial support, nutrition, education, housing, financial support and legal aid, without discrimination, and ensure that they have access to various family-based and community-based alternative care options, including kinship care, foster care, *kafalah* and adoption.

14. States should establish policies to ensure that separation of a child from his or her family is temporary and for the shortest possible duration, family reunification being the goal when separation has already occurred, unless it is deemed by a competent authority not to be in the best interests of the child. When family separation is long-term, the alternative care arrangement should give the child a sense of security, continuity, stability and belonging, by providing certainty about the child's living arrangement and caregivers.

15. States should develop and support family-based care options that can be used as a primary response during emergencies and humanitarian crises and a comprehensive regulatory and monitoring system for temporary shelters that may be used when family-based care is unavailable.

16. States should establish or strengthen cross-border information and coordination systems for family tracing and safe reunification, improve the monitoring of cross-border placements and ensure international and regional cooperation in cross-border work related to children and alternative care.

17. States should develop national strategies for the inclusion of refugee, asylum-seeking and unaccompanied migrant children in national child protection systems in a non-discriminatory manner. They should include refugee, asylum-seeking and migrant children in alternative care, by granting access to essential services, ending all immigration detention of children, refraining from adverse border control policies, facilitating family reunification and ensuring the provision of legal counsel.

2. States should have comprehensive and non-discriminatory national reintegration strategies for children and families

18. States should establish and subsidize comprehensive, consistent and coherent national strategies to support the reunification of children with their families, and their reintegration therein, including through timely and regular assessments, family tracing, monitoring and follow-up services.

C. Ensure access to justice and accountability for children and young people in alternative care and their families and adults who grew up in care

1. States should be accountable for violations of children's rights committed in the context of alternative care and should act to prevent future violations

19. States should establish mechanisms, including national inquiries, commissions or arbitration or restorative justice processes, to investigate and recognize the current, ongoing, recent and historic harm caused by care systems that were developed on the premise of systemic policies of discrimination, structural violence, marginalization and colonization relating to disability, ethnicity, gender or religion and affecting indigenous communities and others.

20. Such mechanisms should work to acknowledge wrongdoings, reveal the truth, provide access to information, including concerning identity, hold accountable those responsible, provide comprehensive redress, including monetary and non-monetary reparations to survivors, and fundamentally transform systems to prevent future violations.

21. States should adopt national laws or policies to support the meaningful participation in redress mechanisms of children in care or individuals formerly in care, to hold States accountable for harm in the context of care, including their participation in the periodic reviews of reports under the Convention on the Rights of the Child or processes under the Optional Protocol thereto on a communications procedure.

2. Child-friendly justice systems should be available for children who have had contact with the alternative care system

22. States should ensure that all children in alternative care have access to safe, independent, effective and child-friendly complaint procedures with age-related and disability-related accommodations and should systematically publish data on complaints and actions taken to address them.

23. States should develop mandatory and independent monitoring systems to prevent, receive reports of, investigate and address, in a timely manner, suspected cases of violations of children's rights in the context of alternative care.

24. States should implement policies that require systematic support for survivors of abuse, neglect and other forms of exploitation and ill-treatment in the context of alternative care, including access to education, housing, health care, mental health services and support for seeking redress.

25. States should remove systemic barriers to justice for children, including limited prescription periods, restrictive legal capacity and standing rules, in civil, criminal and administrative settings and provide independent, free, accessible and high-quality legal services and mechanisms.

D. Deliver appropriate quality alternative care services in line with human rights standards

1. Every child in alternative care should receive suitable high-quality care in line with human rights standards, without exception

26. States should establish or strengthen gatekeeping mechanisms to ensure that all decisions regarding the placement of children in alternative care are based on necessity and to ensure that, when placements are necessary, decision-making thereon reflects the most suitable option for the individual child, takes the child's views into account and prioritizes family-based care within the community.

27. States should provide alternative care services that are in line with international law and meet international standards, including the delivery of safe, non-discriminatory, individualized and holistic care, including mental health care, by upholding children's right to participate in alternative care decisions, ensuring the preservation of children's identities and family and community relationships, eliminating abuse, neglect and other forms of ill-treatment and paying particular attention to all children at heightened risk of discriminatory treatment.

28. States should increase the regulation of private service providers, by establishing systems for effective independent monitoring and mandatory registration and accreditation systems based on international standards.

29. States should adopt legislation and regulations to eliminate orphanage tourism and volunteering in orphanages, prevent incentives driving institutionalization and family separation and ensure adequate offences and penalties to prevent and enable the prosecution of violations of children's rights in alternative care, including orphanage trafficking.

2. Alternative care should uphold children's family, community, identity and cultural relationships and networks

30. States should ensure that siblings remain together, whenever possible, when they are in alternative care settings, whenever it is safe to do so and consistent with the views and wishes of the children. At a minimum, siblings should have regular contact with each other, when it is safe and consistent with their wishes.

31. States should develop and implement policies that protect children's right to preserve and restore their identity and ensure access to their care records. Policies should focus on ensuring that alternative care providers support children to maintain ties with their culture, language, religion, and/or cultural history and to maintain and sustain meaningful relationships with members of their family, community and peer networks and other relationships that children themselves identify as important.

32. States should ensure that child protection policies reflect the structural disadvantages and intergenerational effects of the historic removals of indigenous children from their families and communities and take into account the experiences of indigenous children currently or previously in care. Any placement should be with a member of the child's family, as defined by local custom and practice, or community as the first priority.

3. Strengthen the social service workforce

33. States should substantially increase investment to ensure the availability of a trained, qualified, accredited, mandated and supported social service workforce to work directly with children and families and across sectors to prevent family separation and oversee the quality of alternative care, in line with human rights standards.

34. States should expand the social service workforce, improve the working conditions, minimize staff turnover, create stable placements and relationships between children and care workers and increase support for workers' mental health and well-being.

35. States should establish and implement mandatory reporting of violations of children's rights by social service workforce personnel and anti-retaliation legislation and policies.

4. Care leavers should benefit from comprehensive support

36. States should develop and implement policies to ensure comprehensive, planned, ongoing and individualized financial, emotional and practical support to care leavers and their networks.

37. States should develop and implement policies that guarantee children transitioning out of alternative care the right to meaningfully participate in decision-making about their futures.

E. Transform the alternative care system towards family-based and community-based care**1. When alternative care is necessary, children should have access to high quality family-based and community-based care**

38. States should overhaul alternative care systems to expand, increase and prioritize reliance on family-based care options.

39. States should establish policies that recognize kinship care and provide equitable access to capacity-strengthening and practical, financial and emotional support for kinship care providers.

40. States should undertake efforts to expand and professionalize the foster care system, make foster care more accessible and appropriate for more children, including those with complex support needs, and strengthen oversight on appointment of foster carers, regulation and monitoring of placements and research on beneficial foster care practices.

2. Strategies to ensure deinstitutionalization, including for children with disabilities, should be a worldwide priority

41. States should redirect and increase budget allocations to provide adequate funding for preventive policies and services.

42. States should develop and implement time-bound and adequately budgeted national deinstitutionalization strategies. They should emphasize redirecting resources from institutional care towards family-based and community-based care, by increasing access among families to the social and financial support needed to appropriately care for children, including children with disabilities, at home and within the community, ensuring access to community-based universal health care, education and targeted, inclusive, non-stigmatizing services and managing the transfer of children from institutions into family-based and community-based settings.

43. States should ensure that national and international funding mechanisms, cooperation assistance and private funding are not used to support the institutionalization, abuse, exploitation of children or other infringements of children's rights and should regulate non-profit and corporate sectors to prevent such violations.

44. States should develop robust monitoring systems for routine data collection on children in alternative care, including children with disabilities and care leavers, following strict ethical and privacy standards, and routinely publish and use such data to inform care reform processes and monitor placements.

F. Support children and prevent family separation in the context of public health emergencies

45. States should implement a child-centred and family-centred response to public health emergencies and increase support and services aimed at mitigating the health and socioeconomic impacts of the health emergency on children and families at risk of separation and children without parental care, including by ensuring access to health care, including psychological support, nutrition, childcare, early childhood development, social protection, and safe, inclusive and equitable educational opportunities, including distance learning.

46. States should recognize child protection services as emergency life-saving services and social service workers as frontline workers, to ensure continuity of care for children during public health emergencies, which includes the provision of necessary resources to social service workers to deliver services while ensuring their own safety and well-being.

47. States should learn from and build on innovative practices developed in the context of the coronavirus disease (COVID-19) pandemic to support children and prevent family separation.

III. Recommendations to stakeholders

A. National human rights institutions

48. National human rights institutions should establish and support monitoring mechanisms to prevent, receive reports of, investigate and adequately address cases of violations of children's rights in the context of alternative care, including historic harm, and support children and adults with experience in alternative care to report on, and seek redress for, such violations.

B. Civil society organizations and other actors engaged in aspects of alternative care systems

49. Civil society organizations and other actors engaged in aspects of alternative care systems should, together with State authorities, strengthen coordination and the provision of prevention support across sectors, including through networks, partnerships, integrated services and communications to strengthen families.

50. Civil society organizations should participate in the periodic reviews of reports of States parties under the Convention on the Rights of the Child and use other national, regional and international mechanisms, including the Optional Protocol to the Convention, to review the quality of care, in line with human rights standards, and hold States parties accountable for violations committed in the context of care.

51. Civil society should ensure the participation of children human rights defenders, including children with care experience, in their advocacy work on alternative care and should support them in reporting, and seeking redress for, rights violations.

C. Parents and caregivers

52. Parents and caregivers should participate in child protection decision-making and provide peer support and networking that help parents and their children, including those with disabilities, to navigate the system, engage with professionals and develop community solutions that reduce overreliance on alternative care.

53. Parents and caregivers should support children and young people to express their views regarding care and take their perspectives into account.

D. Committee on the Rights of the Child

54. The Committee should, through its monitoring role, provide explicit guidance to States parties on practical steps to be taken to implement international human rights frameworks and commitments, including measures to strengthen prevention of family separation, building integrated systems for child protection and strategies for deinstitutionalization with specific time frames and adequate budgets.

55. The Committee should continue to work collaboratively with the Committee on the Rights of Persons with Disabilities and other human rights treaty bodies, United Nations agencies, national human rights institutions, international organizations, research centres,

civil society organizations, parents and care-experienced children and adults to receive and exchange knowledge in the field of the alternative care of children, including in relation to good practices regarding the following:

- (a) Family strengthening and support for care at home, especially for children with disabilities and children in situations of poverty;
 - (b) Care of children in situations of migration;
 - (c) Care of children in emergency situations, including public health emergencies;
 - (d) Justice and accountability mechanisms;
 - (e) Quality alternative care, in line with human rights standards;
 - (f) Deinstitutionalization;
 - (g) Care and protection system reform;
 - (h) Transformation of systems through a focus on financing.
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