### III. Main areas of concern and recommendations

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

**Legislation**

5. The Committee notes the legislative measures taken to implement the Convention, namely the adoption of the Anti-Trafficking in Persons Act, the Education Act and the comprehensive Child Protection and Welfare Act (CPWA), as well as the ongoing law reform process that included a review of CPWA as part of the draft CPWA Amendment Bill (2018). However, the Committee is concerned that:

   (a) There are still no regulations for the implementation of CPWA;
   (b) There has been limited consultation with stakeholders and children regarding the drafting of the CPWA Amendment Bill.

6. The Committee recommends that the State party:

   (a) Put into place structures, mechanisms and/or systems to institutionalize the effective implementation of the Convention through related national laws and policies;
   (b) Adopt the CPWA Amendment Bill through a consultative and participatory process involving civil society organizations and children, along with regulations for the implementation of CPWA and allocate adequate human and financial resources for its implementation.
<table>
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<tr>
<th>Comprehensive policy and strategy</th>
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<td>7. The Committee notes the Multisectoral Child Protection Strategy (2014–2018) and the review of the expired National Strategic Plan for Orphans and Vulnerable Children (NSPVC) (2012–2017). However, the Committee is concerned that several policies and frameworks have expired already and that none of them have yet to be renewed.</td>
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<td>8. The Committee recommends that the State party evaluate the expired childrelated policies and adopt renewed policies, such as NSPVC, on the basis of the evaluations, and allocate appropriate human, technical and financial resources for their implementation.</td>
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<th>Coordination</th>
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<td>9. The Committee notes the establishment of the Directorate of Child Protection Services and the National Orphaned and Vulnerable Children Coordinating Committee. However, it is concerned that there is no formal or statutory coordinating mechanism for all children’s issues under the Convention. It is also concerned that 4 out of 9 positions on the Coordinating Committee were vacant owing to budgetary constraints.</td>
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<td>10. The Committee recommends that the State party establish a formal or statutory coordinating system that is integrated, cost-effective and affordable, as well as an evaluation and monitoring mechanism, for all children and all areas of the Convention, and allocate the human, technical and financial resources necessary for its effective operation, including through filling the vacant posts.</td>
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<th>C. General principles (arts. 2, 3, 6 and 12)</th>
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<tr>
<td>Best interests of the child</td>
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<td>19. While welcoming that the principle of the best interests of the child is incorporated into national legislation, including CPWA, and with reference to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that</td>
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the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to and have an impact on children, including alternative care and adoption procedures.

Respect for the views of the child

22. The Committee welcomes that the State party provided a budget for the Children’s Parliament for the year 2018/19. However, the Committee is concerned that the participation of children is still limited by cultural practices and that, despite legal protection, children’s opinions are not always taken into account in children’s courts.

23. With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party ensure continuous funding and support for the Children’s Parliament as a platform for the meaningful participation of children. The State party should also ensure that children’s views are given due consideration in the family, in the community, at schools, and in all legal and administrative decision-making process relevant to them, in particular in court proceedings concerning them, through awareness-raising activities at both the national and community levels on the participation of children and through the training of associated professionals.

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

Birth registration and nationality

24. The Committee notes the creation of one-stop shops that provide birth registration services and the provision of space for birth registration in community council facilities since March 2018, mobile registration and citizenship centres, as well as the efforts of the Government jointly with other stakeholders to increase awareness of birth registration. However, the Committee remains concerned about:

... (c) foundlings, who appear to have been born in the State party, not being provided with citizenship even if they would otherwise be stateless;
25. Taking note of target 16.9 of the Sustainable Development Goals, on providing legal identity for all, including birth registration, the Committee recommends that the State party:

   (d) Adopt legislative measures to prevent discriminatory rules, and provide safeguards in respect of the right to acquire nationality for all children in the State party, including foundlings, who would otherwise be stateless;

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

Corporal punishment

26. The Committee notes that corporal punishment is prohibited by law in schools. However, the Committee is seriously concerned that corporal punishment is not explicitly prohibited by law at home, in alternative care settings, day care or penal institutions, and that it continues to be used at school despite its prohibition.

27. With reference to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to:

   (a) Explicitly prohibit corporal punishment in all settings by law;

Abuse, neglect and sexual exploitation and abuse

29. With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of target 16.2 of the Sustainable Development Goals, on ending abuse, exploitation, trafficking and all forms of violence and torture of children, the Committee urges the State party to:

   ...
(g) Provide alternative care for child victims where necessary and support non-governmental organizations (NGOs) that provide such services;

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

35. The Committee notes the adoption of policies and guidelines, including the Standards of Care for Residential Care Facilities (2011), the Foster Care and Adoption Policy (2012), and the policy on the establishment of safe houses and shelters for abused children. However, the Committee is concerned that:
   (a) Many orphans live in informal kinship care without legal recognition;
   (b) The State party relies on NGO/privately-run childcare services and facilities that are inadequately supported and monitored;
   (c) Many children are placed in alternative care facilities without court orders, despite the legal requirement to do so;
   (d) There is inadequate data on children in informal foster care and residential care.

36. 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 system for recognizing informal kinship care that does not overburden the formal system, by ensuring strengthened community-based care and protection services;
   (b) Provide sufficient financial and other support to existing NGO/privately-run alternative care centres for children, and ensure registration and quality assurance by requiring compliance with prescribed minimum standards;
   (c) Ensure that the placement of children in alternative care centres is done only by court order;
   (d) Establish and maintain a comprehensive and functional database on the number of children in alternative care centres and in kinship care;
   (e) Seek technical assistance in implementing these recommendations through regional and international cooperation.
Adoption

37. The Committee notes that the draft CPWA Amendment Bill (2018) provides for the establishment of an adoption agency and a central authority to address inter-country adoptions. However, it is seriously concerned that:
   (a) The Central Adoption Authority is not yet appropriately staffed and functioning;
   (b) The Adoption Policy of 2012 is not applied in practice;
   (c) The Ministry of Social Development is not able to keep records of adoption cases owing to capacity challenges;
   (d) The adoption processes take a long time and without the involvement of a well-established adoption authority.

38. The Committee urges the State party to:
   (a) Provide adequate human, financial and technical resources to the Central Adoption Authority and the Adoption Unit of the Ministry of Social Development to effectively carry out its mandate, and ensure that the best interests of the child are always taken into account;
   (b) Implement and monitor the implementation of the Adoption Policy of 2012;
   (c) Provide adequate resources and capacity-building to the Ministry of Social Development to effectively maintain the records of adoption cases;
   (d) Avoid unreasonable delays in the adoption process and with established adoption authority;
   (e) Raise awareness of adoption and encourage domestic adoption.

Children in prison with their mothers

39. The Committee is concerned that the best interests of children are not taken into consideration during the sentencing of caregivers, and that prisons lack appropriate facilities for nursing mothers.

40. The Committee recommends that the State party encourage courts to give primary consideration to the best interests of children when sentencing their caregivers, by using community-based sentencing where possible, and provide appropriate and adequate services and facilities in prisons for the children of incarcerated mothers, including appropriate nutrition, health care, hygiene and accommodation.
H. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

53. The Committee welcomes the Education Act (2010), which made primary education free and compulsory for learners 6 to 13 years of age for a duration of 10 years; initiatives such as the Orphans and Vulnerable Children Bursary Programme, free meals in preprimary and primary schools and the National Policy on Integrated Early Childhood Care and Development (2013); and the increases in the availability of preschool places and in the number of primary and secondary schools.

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

Children in street situations

57. The Committee is concerned that orphanhood and the breakdown of extended families have increased the number of children living in street situations, and that there are neither specific policies regarding children in street situations nor specialized personnel working with such children.

58. With reference to its general comment No. 21 (2017) on children in street situations, the Committee recommends that the State party:
   (a) Collect data on children in street situations and use that data to develop and inform a specific policy and plan of action to address the situation;
   (b) Provide professional support, in particular personnel with specialized skills in psychology and social work, to the organizations working with children in street situations;
   (c) Ensure that support for family reintegration or placement in alternative care is provided with full respect for the child's best interests and giving due weight to their autonomous views, in accordance with their age and maturity.
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### UPR Consideration

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<td><a href="https://www.ohchr.org/EN/HRBodies/UPR/Pages/LSIndex.aspx">https://www.ohchr.org/EN/HRBodies/UPR/Pages/LSIndex.aspx</a></td>
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### Hague Intercountry Adoption

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### 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
- **ICCRP**: 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
- **UN**: United Nations
- **UPR**: Universal Periodic Review