Consideration of reports submitted by States parties under article 44 of the Convention of the Rights of the Child & Committee on the Rights of the Child, Concluding observations

### Article 33

**USE, PRODUCTION & TRAFFICKING OF DRUGS**

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

### AFGHANISTAN

<table>
<thead>
<tr>
<th><strong>REPORT BY THE GOVERNMENT OF AFGHANISTAN</strong></th>
<th><strong>CONCLUDING OBSERVATIONS BY THE COMMITTEE ON THE RIGHTS OF THE CHILD</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Description: CRC/C/AFG/1</td>
<td>Description: CRC/C/AFG/CO/1</td>
</tr>
<tr>
<td>Committee on the Rights of the Child</td>
<td>Committee on the Rights of the Child, Fifty-sixth session, 17 January–4 February 2011</td>
</tr>
<tr>
<td>Consideration of reports submitted by States parties under article 44 of the Convention of the Rights of the Child, Initial report of States parties due in 1996</td>
<td>Consideration of reports submitted by States parties under article 44 of the Convention of the Rights of the Child; 8 April 2011</td>
</tr>
</tbody>
</table>

#### Definition of the Child

**Consumption of alcohol/substance abuse**

84. “In the Islamic Republic of Afghanistan the use, production, and trade in narcotics and alcoholic drinks are prohibited. Under article 349 of Afghanistan’s Penal Code, a person who uses narcotics or alcoholic substances shall be sentenced to 3 to 6 month’s imprisonment and or pay a fine of 3 to 6 thousand Afghanis or both. However, if the person is a juvenile he/she will be dealt with under the Juvenile Code (2005) which emphasizes the rehabilitation of children in conflict with the law.”

*(Section III. Definition of the Child; Consumption of alcohol/substance abuse; paragraph 84)*

#### Special Protection Measures

**Children in situations of exploitation**

Drug abuse

326. “In accordance of article 7 of the Constitution the Government is committed to eliminating the cultivation and trafficking of narcotics. Afghanistan has ratified the eight international conventions on banning the production, trafficking, cultivation, and
use of intoxicating materials, including the 1971 Convention on Psychotropic Substances.

327. "Afghanistan is the world’s largest producer of opium, contributing to 92 per cent of the world’s supply of heroin and morphine. Narcotic cultivation is a major challenge for Afghanistan. In 2006, the Government adopted the Law on Combating Narcotics and the Ministry of Counter Narcotics (MoCN) has been created as the coordinating, monitoring and evaluation agency for combating narcotics and implementation of the law. The MoCN is in charge of the National Counter Narcotics Strategy working with relevant administrative agencies and is required to take necessary measures in central and provincial agencies.

328. "Considering that Afghanistan is an Islamic country, articles 349 to 352 of the Penal Code prohibits the buying, sale of, and use of any unlawful material or substance. Anyone found in the above activity will be sentenced for three to six months or penalized to pay 3,000 to 6,000 Afs. In accordance with the Juvenile Code (2005), children’s penalty will be reduced to one third of the adult’s sentence and efforts will be undertaken for their rehabilitation. The laws of Afghanistan are silent on the buying and selling of tobacco.

329. "According to a survey conducted by the MoCN and United Nations Office on Drugs and Crimes (UNODC), there are 60,000 children addicted to narcotics. The Government has taken concerted efforts for the protection, prevention, and rehabilitation of drug addicts, including of children, through the following strategies: the National Strategy on Children at Risk; the National Strategy on Controlling Narcotics; the Strategy on Banning the Use of Narcotics; the Strategy on Rehabilitation of Drug Addicts; and the Strategy on Reduction of Harmful Substances.

330. "The MoCN, in collaboration with the MoE and concerned civil society organizations, has undertaken public awareness programmes on the harm of narcotic use. The awareness programmes focus on children and have also been included in the curriculum of schools. The MoCN and other stakeholder organizations have printed large numbers of promotional material about the harms of drug use at national level. These messages have also been broadcast through films and dramas on national television and radio on a continuous basis.”

(Section IX. Special Protection Measures; part C. Children in situations of exploitation; Drug Abuse; paragraphs 326 – 330)

Sale, trafficking and abduction

349. “Informants in the area claim child trafficking are increasing because boys in particular are considered ideal smugglers of food and illegal goods as they are more likely to be released when captured.”

(Section IX. Special Protection Measures; part C. Children in situations of exploitation; Sale, trafficking, and abduction of children; paragraph 349)

Other forms of exploitation

351. “The Constitution of Afghanistan is the highest legal mechanism for the rights of its citizens; other laws of Afghanistan, including the Law of Labor, the Juvenile Code (2005), the Temporary Penal Procedure, the Law on Combating Abduction and Human Trafficking, the Civil Code, and the Law on Combating Narcotics are adopted to provided protection to children from all forms of exploitation. Generally, these laws ensure the necessary legal protections for the

(Section IX. Special Protection Measures; part C. Children in situations of exploitation; Drug Abuse; paragraphs 326 – 330)

Sale, trafficking and abduction

72. "The Committee expresses concern that children are trafficked by criminal groups mainly within the country and into neighbouring countries for forced prostitution, begging and labour in brick kilns, carpet-making factories, the drug smuggling industry and domestic service. The Committee is also deeply concerned that some families knowingly sell their children into forced prostitution, including for bacha baazi. The Committee notes with concern that little has been done to implement the provisions of the 2008 Law on Counter Abduction and Human Trafficking and the 2004 National Plan of Action on Combating Child Trafficking, and that human trafficking convictions remain rare while victims of trafficking are punished for acts they may have committed as a direct result of being trafficked, and jailed pending resolution of their legal cases, despite their recognized victim status.

73. "The Committee urges the State party to adopt concrete measures for the full implementation of the anti-trafficking law and plan of action, and in particular ensure that perpetrators are..."
support of children from all forms of exploitation and misuse and they have taken into account the Convention principles to a large extent.”

(Section IX. Special Protection Measures; part C. Children in situations of exploitation; Other forms of exploitation; paragraph 351)

effectively prosecuted and punished if found guilty. The Committee also calls on the State party to ensure that child victims of trafficking are no longer punished and jailed for unlawful acts committed as a direct result of being trafficked, but receive protection and rehabilitation services, and that public awareness campaigns to warn at-risk populations of the dangers of trafficking are conducted. The Committee further encourages the State party to consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (known as the Trafficking Protocol).”

(Section H. Special protection measures (arts. 22, 38, 39, 40, 37(b) and (d), 30, 32-36 of the Convention); Sale, trafficking and abduction; paragraphs 72 and 73)

Children in street situations

68. "The Committee is concerned that there are significant numbers of children working in the streets in the State party, and that these children are at great risk of physical, emotional and sexual exploitation and abuse. The Committee expresses particular concern that children in street situations are often used as sex workers and introduced to intravenous drug use by criminal groups. The Committee is also concerned that children in street situations under the age of criminal responsibility have been arrested and detained by the Afghan National Police.

69. "The Committee urges the State party to collaborate closely with civil society to support local authorities in designing and implementing social inclusion strategies for children in street situations and their families."

(Section H. Special protection measures (arts. 22, 38, 39, 40, 37(b) and (d), 30, 32-36 of the Convention); Children in street situations; paragraphs 68 and 69)

Introduction

Legal mechanisms for the protection of human rights within the Islamic Republic of Afghanistan

National implementing and supporting institutions for human rights

24. "Ministry of Interior: The Ministry of Interior (MoI) is a national law enforcement agency responsible for ensuring public order and security, fighting terrorist and anti-human rights groups, organized crimes, ensuring public order and security, campaigning against narcotics, and ensuring compliance in combating the violation of laws.”

25. "General National Directorate of Security: This Directorate is a national law enforcement agency whose is responsible for ensuring the enforcement of the law, combating organized crimes and terrorism, gathering intelligence on foreigners engaged in unlawful activities, gathering intelligence on smuggling and narcotics networks, performing surveillance operations on economic crimes and sabotage, and the misuse of public property. However, there are still criticisms of mistreatment and torture of prisoners and intimidation of journalists and human rights activists by the staff of this General Directorate."

(Section I. Introduction, part E. Legal mechanisms for the protection of human rights within the Islamic Republic of Afghanistan; National implementing and supporting institutions for human rights; paragraphs 24 and 25)
<table>
<thead>
<tr>
<th>General measures of implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harmonization of national strategies, policies and mechanisms for monitoring and protecting child rights</td>
</tr>
</tbody>
</table>

**National strategies and policies**

*National Strategy for Children at Risk*

55. “This strategy was adopted in 2006 and seeks to provide a framework for the development of a network of services and programmes which protect children and support their families; establish strategic plans for the transformation from institutions into broad-based community child and family resource centres; and implement donor partnership towards building a comprehensive rights-based child protection systems. The aim is to protect children from exploitation, violence, and abuse. Various categories of children have been identified as ‘at risk’ and interventions on their behalf should be in conformity with this strategy and programmes of the MoLSAMD, other governmental agencies, and civil society actors. Through implementation of this strategy over the last three years 2,366,177 children have been protected.”

“Here, the Strategy describes ‘at-risk’ children as: Children with disabilities (mental, physical); working and street working children; children in conflict with the law; kidnapped children; trafficked children; child soldiers and other war-affected children; children deprived of parental care; girls forced into marriage or early marriage; internally displaced and returnee children; children from ethnic minority groups; children using drugs, and/or selling drugs; and children experiencing abuse (sexual, physical, emotional and neglect).”

(Section II. General measures of implementation; part C. Harmonization of national strategies, policies and mechanisms for monitoring and protecting child rights; National strategies and policies; National Strategy for Children at Risk; paragraph 55 and footnote 17)

<table>
<thead>
<tr>
<th>Family environment and alternative care</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protection from all forms of violence</td>
</tr>
</tbody>
</table>

189. “CPAN is critical in identifying, reporting, and responding to the cases of sexual abuse, physical violence, trafficking, kidnapping, baad, underage marriage, forced marriage, heavy child labor, children in conflict with the law, separation of children, misuse of drugs, and other forms of violence. In 2007 363 cases of child rights abuses were reported to CPAN. In 2008, CPAN reviewed a total of 1,459 (851 boys and 608 girls) cases of different forms of violence and took necessary measures for the referral of these cases to concerned authorities as well as providing legal support, family support, and psychological counselling. The following table presents cases which have been monitored and addressed to in 2008.”

(Section VI. Family environment and alternative care; part J. Protection from all forms of violence; paragraph 189)

Please refer to i) In Annex I.

<table>
<thead>
<tr>
<th>Rehabilitation and reintegration of victims of violence</th>
</tr>
</thead>
</table>

191. “With regard to children addicted to narcotics, under article 2 of the Law on Combating Drugs, one of the aims is to establish health centres for the treatment of poisoning, physical, and psychological rehabilitation. Another aim is to reduce further vulnerability to drugs and reintegrate children into society. The provisions of this law are broad and include children.”
### Basic health and welfare

#### Right to health and access to health services

220. “Health programmes of the MoPH include children’s nutritional health, reduction of child mortality, disability rate, breast-feeding, integrated management of child illnesses, and vaccination programmes. The programmes address problems stemming from addiction to narcotics, chronic diseases such as venereal diseases, HIV/AIDS, and providing information to parents on issues related to adulthood. Furthermore, the MoPH has expanded and strengthened reproductive health services including mother and child health, intervals between births, family counseling, and gender services.”

(Section VII. Basic health and welfare; part C. Right to health and access to health services; paragraph 220)

#### Health and health services

51. “The Committee notes with concern that in spite of efforts made by the State party, maternal and infant mortality remains among the highest in the world, and the death of most of the children who die in their early years is due to preventable diseases. The Committee is also concerned that:

d) A significant number of children use drugs or are given drugs by addicted parents who want them to keep quiet, and one third of women who do not have access to health services use narcotic drugs to treat themselves and their children, resulting in addiction;

52. “The Committee recommends that the State party give priority attention to identifying and addressing the causes of children’s poor health situation, and:

(d) Develop a comprehensive policy to prevent and end drug use among children and their parents, as well as make sure that children are not criminalized, and that any measures taken, including rehabilitation, duly takes into account the best interests of the child;

(g) Continue to seek technical cooperation from UNICEF, WHO and UNODC.”

(Section F. Basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention); Health and health services; paragraphs 51 (d) and 52(d) and (g))

### Education, recreation and cultural activities

#### Aims of Education

251. “The aim of education is to contribute to the physical, mental, emotional, religious, and moral development of children in the spirit of national solidarity, assistance, peace, patriotism, respect to elders and neighbors, and the respect of the rights of others. A new curriculum is in transition towards becoming more student focused and textbooks will emphasize the role of every child in classroom activities. The mentioned curriculum will include human rights, AIDS, narcotics, and environmentally friendly needs.”

(Section VIII. Education, recreation and cultural activities; part B. Aims of Education; paragraph 251)

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**SRI LANKA**

**REPORT BY THE GOVERNMENT OF SRI LANKA**

**Description:** CRC/C/LKA/3-4

**Committee on the Rights of the Child**

Consideration of reports submitted by States parties under article 44 of the Convention of the Rights of the Child, Third and fourth periodic report of States parties due in 2003


**CONCLUDING OBSERVATIONS BY THE COMMITTEE ON THE RIGHTS OF THE CHILD**

**Description:** CRC/C/LKA/CO/3-4

**Committee on the Rights of the Child, Fifty-fifth session,**

1 September – 13 October 2010

Consideration of reports submitted by States parties under article 44 of the Convention of the Rights of the Child; 1 October 2010

Concluding observations: Sri Lanka

**Special protection measures**

**Juvenile justice**
418. "The Committee recommends that the State party:
(a) Ensure the full implementation of juvenile justice standards and in particular articles 37, 39 and 40 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and in the light of the Committee’s 1995 day of general discussion on the administration of juvenile justice (CRC/C/46, chap. III, sect. C);
(b) Amend the Children and Young Person’s Ordinance (1939) to raise the minimum age of criminal responsibility to an internationally acceptable level and to ensure that all offenders under 18 are treated as children;
(c) Set up a system of juvenile courts across the country;
(d) Ensure that deprivation of liberty is used only as a last resort and for the shortest appropriate time period;
(e) Take effective measures, including, where appropriate, the enactment of legislation, to implement the recommendations of the Law Commission on the juvenile justice system, in particular those regarding access to legal assistance, training of professionals working with children, separation of children in conflict with the law from adults at all stages of the legal process and development of alternative non-custodial methods of rehabilitation.

**Responses to the above recommendations (a-e)**

427. "The Community Based Corrections Acts No. 46 of 1999 provides for a range of non-custodial orders for the rehabilitation of offenders which could be imposed in lieu of imprisonment. These include unpaid community work; attending educational, vocational, personal training or development programmes; and undergoing assessment and treatment for alcohol or drug addiction. This Act has not been used in respect of children in conflict with the law."

(Section IX. Special protection measures; part D. Juvenile justice; paragraphs 418 and 427)

<table>
<thead>
<tr>
<th><strong>Family environment and alternative care</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Abuse and neglect</strong></td>
</tr>
<tr>
<td><strong>Efforts to address child abuse and to strengthen the complaints system</strong></td>
</tr>
<tr>
<td>139. “In February 2008 the MoCDWE began a toll-free children’s helpline, currently operating between 8.30 a.m. and 4.30 p.m. About 130 calls were received in the first week of operation, with a subsequent decrease in the number of calls over the next two months. Calls needing an urgent response are immediately connected to the police unit of the NCPA. Others are directed to relevant authority depending on the subject matter of the complaint. The call centre operates in coordination with not only sectoral government agencies like the DPCCS, but in addition the Health Ministry and the Legal Aid Commission, but also NGOs providing counseling and drug rehabilitation services.”</td>
</tr>
</tbody>
</table>

(Section VI. Family environment and alternative care; part C. Abuse and neglect; Efforts to address child abuse and to strengthen the complaints system; paragraph 139)

<table>
<thead>
<tr>
<th><strong>General principles</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Respect for the views of the child</strong></td>
</tr>
<tr>
<td>94. “The State run Sri Lanka Broadcasting Corporation runs several children’s programmes, providing children the opportunity to</td>
</tr>
</tbody>
</table>
49. “These initiatives show that child participation is gaining ground in State programming for children. But it was the work of International Non Governmental Organizations (INGOs) and NGOs working with children that signalled a gradual shift from welfare activities to participatory development and the contribution of these groups remain vital to child participation in Sri Lanka. Non-government led child participation efforts cover a range of areas. Some of these concentrate on specific vulnerable groups, like children in slum communities and children in the plantation sector. Some have a specific focus such as the promotion of ethnic harmony by facilitating interaction among children of different ethnic groups. There are also those to combat substance abuse for purposes of peer education.”

(Section IV. General principles; part C. Respect for the views of the child; paragraphs 95-96)

<table>
<thead>
<tr>
<th>Basic Health and Welfare</th>
<th>Basic Health and Welfare</th>
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<tbody>
<tr>
<td>Adolescent health</td>
<td>Adolescent health</td>
</tr>
<tr>
<td>229. “The Committee recommends that the State party continue to strengthen its efforts to address youth suicide, drug abuse, alcoholism and tobacco use and develop a comprehensive policy on adolescent health which, inter alia, supports the implementation of the recommendations of the Presidential Task Forces, promotes collaboration between State agencies and NGOs in order to establish a system of formal and informal education on HIV/AIDS and STDs, and ensures access to reproductive health counselling and services for all adolescents. The State party should make use of the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37) and the Committee’s general comment No. 3 on HIV/AIDS and the rights of the child, in order to promote and protect the rights of children infected with and affected by HIV/AIDS.</td>
<td></td>
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<tr>
<td>230. “The Government has formulated a National Policy on the Health of Adolescents. This policy covers the subject areas of suicide, drug abuse, alcoholism and tobacco use, and will encompass many of the ongoing efforts and initiatives in relation to adolescent health as well as supporting the implementation of the recommendations of the Presidential Task Force. The Policy focuses on resource allocation for young people, youth-friendly health services, psychosocial well-being, and prevention of substance abuse, sexual health education, and nutrition, recreation, non-discrimination and gender equality. The policy also includes reproductive health with special emphasis on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS) and Sexually Transmitted Infections (STI) prevention.</td>
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</tr>
<tr>
<td>231. “It is expected that the National Strategy and Action Plan which will flow from the policy will further strengthen existing collaboration between State agencies and NGOs in STD/HIV education, as well as increase access to reproductive health services for adolescents.</td>
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</tr>
<tr>
<td>233. “Following the recommendations of the Presidential Task Force on suicide, the Penal Code was amended in 1998 to decriminalize attempted suicide. While the rate remains still too high, in</td>
<td></td>
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</table>
comparison to other countries, the suicide rate in Sri Lanka has been declining according to more recent figures. The number of youth suicides also shows a decrease, with the number of suicide victims between 8 and 20 years of age going down from 633 in 2000 — to 574 in 2001 — to 400 in 2003. Figures indicate that males are more likely to commit suicide than females in all age groups. Responding to the findings of the Presidential Task Force on drugs, alcohol and tobacco use, a National Authority on tobacco, alcohol and drug abuse prevention was recently established. A nationwide anti-alcohol and anti-tobacco campaign for young people is currently underway.”

237. “In 2004 UNICEF in collaboration with the Government conducted a National Survey on Emerging Issues among Adolescents in Sri Lanka. The objective was to obtain a profile of Sri Lankan adolescents between the ages 10-19 years, including: an assessment of their life skills; factors affecting their well-being; substance abuse; sexual behaviour and sexual abuse; vulnerability to STDs; and knowledge on reproductive health. The survey covered 29,911 school going adolescents from all the districts, and 10,079 out of school adolescents from urban, rural and estate areas.

238. “In general, about 70 per cent of adolescents showed a positive outlook in relation to many aspects of life skills. Life skills indicators improved with increasing age and socio-economic status. No gender differences were indicated in the attainment of life skills. Among school-going adolescents fear of failing examinations was the most common worry, while financial problems, parental disharmony and absence of mother from home were the other worries. For out of school adolescents, financial problems were the major worry, and the fear of not finding a job, being unable to study and parental disharmony were among others. Only 60 per cent of adolescents positively concluded that their life in general was happy. The survey indicates that families have a strong influence on Sri Lankan adolescents. Both the current smoking prevalence and alcohol use is 6 per cent for boys, and 1 per cent for girls. The smoking prevalence increases to 32 per cent in the 17–19 boys’ age group. About 2.3 per cent of school going adolescents and 4 per cent out of school ones admitted trying some form of mood-altering drug.”

(Section VII. Basic Health and Welfare; part C. Adolescent health; paragraphs 229 – 233, 237 and 238)

**Annex**

Please refer to Surveys of child health and welfare – conducted by Department of Census and Statistics/UNICEF in Seven Districts of Sri Lanka in 2003, and in Selected Northern and Eastern Districts of Sri Lanka 2004, including the summary of averages of selected indicators in Annex II.

### Annex I

i) Reported cases of abuse against children (2008)

<table>
<thead>
<tr>
<th>Months</th>
<th>Total # of cases reported</th>
<th>Boys</th>
<th>Girls</th>
<th>Age range</th>
<th>Rape</th>
<th>Sexual abuse (except rape)</th>
<th>Physical abuse</th>
<th>Trafficking</th>
<th>Child marriage</th>
<th>Children in conflict with the law</th>
<th>Children separated from family</th>
<th>Drug abuse</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
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</table>

(Annex I continued)
<table>
<thead>
<tr>
<th>Month</th>
<th>Type 1</th>
<th>Type 2</th>
<th>Type 3</th>
<th>Type 4</th>
<th>Type 5</th>
<th>Type 6</th>
<th>Type 7</th>
<th>Type 8</th>
<th>Type 9</th>
<th>Other</th>
<th>Total</th>
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<tbody>
<tr>
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<td>80</td>
<td>62</td>
<td>18</td>
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<td>0</td>
<td>2</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>1</td>
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<tr>
<td>February</td>
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<td>27</td>
<td>2</td>
<td>4</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>49</td>
</tr>
<tr>
<td>March</td>
<td>92</td>
<td>58</td>
<td>34</td>
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<td>7</td>
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<td>3</td>
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<td>April</td>
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<td>6</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>5</td>
<td>0</td>
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</tr>
<tr>
<td>May</td>
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<td>63</td>
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<td>7</td>
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<td>4</td>
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<tr>
<td>June</td>
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<td>78</td>
<td>36</td>
<td>4</td>
<td>1</td>
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<td>1</td>
<td>0</td>
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</tr>
<tr>
<td>July</td>
<td>172</td>
<td>110</td>
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<td>5</td>
<td>7</td>
<td>2</td>
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<tr>
<td>August</td>
<td>132</td>
<td>115</td>
<td>17</td>
<td>6</td>
<td>4</td>
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<td>8</td>
<td>4</td>
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<td>65</td>
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<tr>
<td>September</td>
<td>113</td>
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<td>50</td>
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<td>0</td>
<td>5</td>
<td>3</td>
<td>4</td>
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<tr>
<td>October</td>
<td>98</td>
<td>35</td>
<td>63</td>
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<td>5</td>
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<td>November</td>
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<td>89</td>
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<td>8</td>
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<td>December</td>
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<td>73</td>
<td>58</td>
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<td>2</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>4</td>
<td>0</td>
<td>82</td>
</tr>
<tr>
<td>Total</td>
<td>1459</td>
<td>851</td>
<td>608</td>
<td>0-18</td>
<td>50</td>
<td>28</td>
<td>18</td>
<td>21</td>
<td>41</td>
<td>50</td>
<td>10</td>
</tr>
</tbody>
</table>

Types of violations:
- Rape
- Sexual abuse (except for rape)
- Physical abuse
- Trafficking
- Abduction/Kidnapping
- Child marriage
- Hazardous Child labour
- Children in conflict with the law
- Children separated from family
- Drug abused
- Others

Sources: Child Protection Action Network/MoLSAMD.

(REPORT BY THE GOVERNMENT OF AFGHANISTAN (2009), CRC/C/AFG/1, Committee on the Rights of the Child Consideration of reports submitted by States parties under article 44 of the Convention of the Rights of the Child, Initial report of States parties due in 1996; Family environment and alternative care, Protection from all forms of violence; Reported cases of abuse against children)
## Article 34
### SEXUAL EXPLOITATION AND SEXUAL ABUSE

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;
(b) The exploitative use of children in prostitution or other unlawful sexual practices;
(c) The exploitative use of children in pornographic performances and materials.

### AFGHANISTAN

**REPORT BY THE GOVERNMENT OF AFGHANISTAN**

Description: CRC/C/AFG/1

Committee on the Rights of the Child
Consideration of reports submitted by States parties under article 44 of the Convention of the Rights of the Child, Initial report of States parties due in 1996

**CONCLUDING OBSERVATIONS BY THE COMMITTEE ON THE RIGHTS OF THE CHILD**

Description: CRC/C/AFG/CO/1

Committee on the Rights of the Child, Fifty-sixth session, 17 January–4 February 2011
Consideration of reports submitted by States parties under article 44 of the Convention of the Rights of the Child; 8 April 2011
Concluding observations: Afghanistan

### Special protection measures

#### Children in emergency situations

280. “The Government has ratified both the Optional Protocols of the Convention, on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography.”

(Section IX. Special protection measures; part A. Children in emergency situations; Rehabilitation of child victims of violence; paragraph 280)

### Children in situations of exploitation

#### Sexual exploitation of children


332. “Children have the right to make an oral or written complaint to the court and accordingly, the Government established the Commission for Addressing Children’s Problems in 2008 that is mandated to address the complaints of child victims of sexual violence and abuse.

333. “The Strategy on Children at Risk has been adopted to address the overall challenges facing children, including combating sexual exploitation as a priority. This strategy provides recommendations on the adoption and implementation of laws through child sensitive policies, supporting mechanisms for families, rehabilitation, and public awareness.

334. “Article 427 of the Penal Code makes sexual intercourse outside the marriage (zina) or adultery punishable by “long term” imprisonment. Those who sexually abuse children are currently jailed and sentenced according to this article, which can bring a jail sentence of six to ten years. Article 426, however, provides that zina

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shall be punished under article 427 only if it is not punished as hudud. Hudud, not defined in the Penal Code, thereby refers to another source of law (Sharia Law) for the harshest punishment of zina (including whipping and stoning).

335. "Article 429 arguably criminalizes rape by providing for punishment, not exceeding seven years of imprisonment, for anyone who "through violence, threat, or deceit violates the chastity of another". The crime of statutory rape, which protects girls under the age of consent, is unknown in Afghan law. The Penal Code does not contain provisions regarding domestic violence.

336. "Article 517 of the Penal Code provides that "a person who gives in marriage a widow or girl who is 18 years or older against her will or without her consent" shall be punished by a short term of imprisonment. Paragraph 2 of the article provides that where this is done as compensation for a wrong doing (i.e. as baad), the defendant shall be sentenced to up to two years' imprisonment.

337. "Victims of rape are often reluctant to complain to the authorities for fear of being further shamed and for being prosecuted for unlawful sexual activity. There are no facilities for forensic investigations that are essential for the collection of evidence in rape cases. Instead virginity testing is carried out on rape victims. Results of virginity tests and witness statements when they exist are currently the only supporting evidence that can be produced before the court in rape cases.

338. "According to monthly data collected by CPAN from June 2007 to June 2008, 41 cases of rape and 36 incidents of sexual abuse against children of both sexes were reported in 20 provinces. Due to taboo and stigma associated with sexual abuse in the context of the Afghan society, only a limited number of complaints are officially filed.

339. "A study conducted by the AIHRC and Save the Children Sweden-Norway, with a sample population of 186 children and adults, shows that only 29 per cent of the victims approached law enforcement agencies for a number of reasons including the lack of trust in the justice system, the fear of consequences, and the lack of family consent. 18.2 per cent of child respondents reported that they had experienced sexual harassment (59.5 per cent of the victims were girls and 35.0 per cent were boys while the rest of the interviewees had not identified themselves)."

340. "At present, there is no law on prohibition of pornography. However, the MoJ adopted a regulation on the Prohibition of Distribution, Production, and Maintaining Pornographic Material. In accordance with article 25 of the Law against Domestic and Foreign Security Crimes, a person who produces, exports, or imports written, visual or any other material which are in violations of public culture and customs for the purpose of trade, distribution or renting, shall be subject to imprisonment of one to three years. Article 25.2 states that if the actions provided in article 25.1 is for the purpose of immoral behavior, the perpetrator shall be subject to an imprisonment of one to five years.

341. "The MoIC prohibits the broadcast of any type of pornographic picture and films. To prevent and reduce the effects of negative broadcasts it has taken the following measures:
• Met with governmental and non-governmental broadcasters and journalists to explain and create an understanding on refraining from broadcasting programmes, which may have negative effects on the morale of children

• Enhanced awareness among the media, public, parents, and children themselves about broadcasts which endangers children through various means such as interviews, round table discussions and publications on the responsibility of the people, parents and media in observing the rights of the child as outlined in the Convention

• Established a Commission within the framework of the MoIC to address media violations and complaints on the content of broadcasts which negatively effects the morals of children”

(Section IX. Special protection measures; Part C. Children in situations of exploitation; Pornography; paragraphs 340 and 341)

Sale, trafficking, and abduction of children


343. “The Counter Abduction and Human Trafficking Law criminalizes human trafficking, transfer, transportation, employment, keeping, or controlling another person for the purpose of exploitation or using that person’s economic inability or compulsion through payment or receipt of money or advantage or other dishonest means to get the agreement of the victim or the person who has custody over the victim.

344. “The Government has been undertaking measures to: prevent the abduction and trafficking of human beings; support victims, especially women and children; ensure international coordination and cooperation to stem the problem; and for the speedy prosecution of abductors. The Government introduced the Counter Abduction and Human Trafficking Law in 2008 and a Commission was established in 2008.

345. “The Commission on Combating Human Trafficking and Abduction is established under the MoJ and includes representatives from the Attorney General’s Office; the MoI, the MoFA, the MoLSAMD, the MoE, the MoIC, the Ministry of Haj, MoH, the MoWA, the MoRR, the General Directorate of Security, AIHRC, and representatives of civil society organizations. The Commission, through the different ministries and agencies mentioned above, are responsible for the prevention, protection, rehabilitation and repatriation of victims.

346. “Article 17 of the Counter Abduction and Human Trafficking Law prohibits the prosecution of victims of abduction and human trafficking. Article 18 provides for the reintegration of children with their parents/legal custodian, and if they are not available, it requests for maintenance of the child in social services institutions. Article 19 requires the security and investigation agencies to immediately send the victims of abduction and trafficking to medical centres for treatment. However, this Commission presently has no coherent reporting system on human trafficking cases and the MoI is in the process of developing a database. Currently, female victims, trafficked for the purpose of forced prostitution, are criminalized and imprisoned.

347. “In line with the Counter Abduction and Human Trafficking Law, the Government has established border control and monitoring centres in Islam, Qala, Nimroz, and Torkham border crossings. It has
used diplomatic channels with neighboring countries to get cooperation and assistance.

348. “According to a 2008 IOM Study undertaken in Kabul and 9 border provinces of the country, from the 82 interviewees interviewed, 20 (24.4 per cent) were victims of trafficking and 43 (52.4 per cent) were victims of abduction. The other 19 (23.2 per cent) were people unlawfully smuggled to neighboring countries. From among the trafficked, seven were children (four boys and three girls). According to the 2008 figures of the MoI, 71 children from different provinces were abducted and security agencies were able to save 49 children (32 boys and 17 girls), while the remaining 22 children (20 boys and two girls) are to date untraceable.

349. “Informants in the area claim child trafficking are increasing because boys in particular are considered ideal smugglers of food and illicit goods as they are more likely to be released when captured. Women and young girls, particularly widows, are also reportedly being forced into prostitution or baby selling so as to buy food for the family.

350. “However, the exact figures or even an approximation of the actual number of trafficked children is difficult due to the poor understanding of trafficking and confusion in the identification of ‘trafficked’ children. A lack of coordination of work between agencies contributes to the overlapping of reports and numbers.”

(Section IX. Special protection measures; Part C. Children in situations of exploitation; Sale, trafficking, and abduction of children; paragraphs 342 – 350)

<table>
<thead>
<tr>
<th>Children in street situations</th>
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<tbody>
<tr>
<td>68. “The Committee is concerned that there are significant numbers of children working in the streets in the State party, and that these children are at great risk of physical, emotional and sexual exploitation and abuse. The Committee expresses particular concern that children in street situations are often used as sex workers and introduced to intravenous drug use by criminal groups. The Committee is also concerned that children in street situations under the age of criminal responsibility have been arrested and detained by the Afghan National Police.”</td>
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<th>Protection of witnesses and victims of crimes</th>
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<tr>
<td>76. “The Committee expresses concern that children are trafficked by criminal groups mainly within the country and into neighbouring countries for forced prostitution, begging and labour in brick kilns, carpet-making factories, the drug smuggling industry and domestic service. The Committee is also deeply concerned that some families knowingly sell their children into forced prostitution, including for bacha baazi. The Committee notes with concern that little has been done to implement the provisions of the 2008 Law on Counter Abduction and Human Trafficking and the 2004 National Plan of Action on Combating Child Trafficking, and that human trafficking convictions remain rare while victims of trafficking are punished for acts they may have committed as a direct result of being trafficked, and jailed pending resolution of their legal cases, despite their recognized victim status.”</td>
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</tbody>
</table>
"The Committee urges the State party to adopt concrete measures for the full implementation of the anti-trafficking law and plan of action, and in particular ensure that perpetrators are effectively prosecuted and punished if found guilty. The Committee also calls on the State party to ensure that child victims of trafficking are no longer punished and jailed for unlawful acts committed as a direct result of being trafficked, but receive protection and rehabilitation services, and that public awareness campaigns to warn at-risk populations of the dangers of trafficking are conducted. The Committee further encourages the State party to consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (known as the Trafficking Protocol). The Committee also recommends that the State party adopt adequate legal provisions and regulations to ensure that all child victims, such as child victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking, and child witnesses of such crimes are provided with the protection required under the Convention, and fully take into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 )."

(Section H. Special protection measures (arts. 22, 38, 39, 40, 37(b) and (d), 30, 32-36 of the Convention); Protection of witnesses and victims of crimes; paragraph 76)

<table>
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<th>General measures of implementation</th>
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<tr>
<td>Harmonization of national strategies, policies and mechanisms for monitoring and protecting child rights</td>
</tr>
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**Child Protection Action Network**

60. "CPAN holds monthly meetings in each of the provinces and addresses child protection issues or problems that have been identified or referred by the community or SMCs. These problems are then referred to related agencies and are followed up in subsequent meetings. Between the periods of 2007 to 2008 the network has addressed 1,959 reported cases of child sexual abuse, children in conflict with the law, separated children, physical violence against children, hazardous labor, and other child protection issues."

(Section II. General measures of implementation; part C. Harmonization of national strategies, policies and mechanisms for monitoring and protecting child rights; Child Protection Action Network; paragraph 60)

**Family environment and alternative care**

**Adoption**

180. "The GoA has not ratified the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption but has ratified the Optional Protocol to the Convention on the sale of Children, child prostitution, and child pornography."

(Section VI. Family environment and alternative care; part H. Adoption; paragraph 180)

**Protection from all forms of violence**

185. "The Juvenile Code (2005) was adopted for the purpose of correction and the rehabilitation of child violators of the law. According to article 7 of the law, the punishment of children in an extreme and degrading manner is not allowed, even if it is deemed necessary for their correction or rehabilitation. In the laws of
Afghanistan there are no exceptions allowed for physical or psychological violence against children. Currently, the Government is working on the formation of a commission which will investigate sexual violence against women and children. There are also efforts to review and amend the Penal Code of the country to include provisions to address violence against children.

189. "CPAN is critical in identifying, reporting, and responding to the cases of sexual abuse, physical violence, trafficking, kidnapping, baad, underage marriage, forced marriage, heavy child labor, children in conflict with the law, separation of children, misuse of drugs, and other forms of violence. In 2007 363 cases of child rights abuses were reported to CPAN. In 2008, CPAN reviewed a total of 1,459 (851 boys and 608 girls) cases of different forms of violence and took necessary measures for the referral of these cases to concerned authorities as well as providing legal support, family support, and psychological counselling. The following table presents cases which have been monitored and addressed to in 2008."

Please refer to i) in Annex I.

(Section VI. Family environment and alternative care; part J. Protection from all forms of violence; paragraphs 185 and 189)

### Basic health and welfare

**Right to life, survival and development**

209. "In Afghanistan early marriage is widespread. The general statistics indicate that 48 per cent of all marriages fall under ‘early marriage’. Based on the above, it is assumed that the fertility rate of girls under 18 years of age is high. Since 2007, the MoPH has set up a gender department to review and undertake research on sexually motivated violence and it is foreseen as an important step in identifying interventions to reduce early marriages."

(Section VII. Basic health and welfare; part A. Right to life, survival and development; paragraph 209)

### Education, recreation and cultural activities

**Right to education**

243. “Studies conducted by concerned civil society organizations indicate the existence of different kinds of violence against children in schools including beatings, insulting individuals and groups, sexual abuse (especially towards boys), and peer violence for which the government has taken measures.”

(Section VIII. Education, recreation and cultural activities; part A. Right to education; Violence in schools; paragraph 243)

61. “The Committee recommends that the State party: (f) Eradicate sexual harassment and abuse of children inside and outside schools through information campaigns, enforcement of the law, and the provision of help lines and shelters;”

(Section G. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention); Education, including vocational training and guidance; paragraph 61 (f))

### Ratification of international and regional human rights instruments

77. “The Committee recommends that the State party promptly submit its initial reports under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography. It also
encourages the State party to accede to all core human rights instruments, including the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families, the International Convention on the Rights of Persons with Disabilities and its Optional Protocol, and the International Convention for the Protection of All Persons from Enforced Disappearance, and to consider acceding to the 1996 Hague Convention No. 34 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children.”

(Section I. Ratification of international and regional human rights instruments; paragraph 77)

Follow-up measures and progress achieved by the State party

4. “The Committee also welcomes the ratification by the State Party of the following international human rights treaties: b) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 19 September 2002;”

(Section II. Follow-up measures and progress achieved by the State party; paragraph 4(b))

PAKISTAN

REPORT BY THE GOVERNMENT OF PAKISTAN

Description: CRC/C/PAK/3 - 4

Committee on the Rights of the Child
Consideration of reports submitted by States parties under article 44 of the Convention of the Rights of the Child, Third and fourth periodic reports of States parties due in 2007
Pakistan (Ratification: 1990) Submitted: 2009

Special protection measures

Children in situations of exploitation, including physical and psychological recovery and social reintegration

Sexual exploitation and sexual abuse

625. “The NCCWD is committed to ensure protective environment for children where children are protected from all forms of exploitation and abuses including sexual abuse. A National Child Protection Policy has been drafted and is now under approval by the Federal Cabinet. National Plan of Action for Children was approved in June 2006. National Plan of Action against Child Sexual Abuse, approved by the government is attached to the National Plan of Action for Children. A National Child Protection Policy has been drafted and is now under approval by the Federal Cabinet.

626. “Civil Society organizations, in support of government initiatives, have undertaken the following activities: 1. Creating awareness at community, children and policy level - it is estimated that collectively such information has reached around 500,000 persons including children across the country.

2. Direct services including legal aid, counseling, and rehabilitation is functional in 20 districts across Pakistan.

3. Hospital Child Protection Committees have been established in

Special protection measures

Sexual exploitation and abuse

93. “The Committee is concerned that — despite recent measures taken in this respect — sexual exploitation and abuse of children is widespread, affecting increasingly boys and children in rural areas. It reiterates the concern expressed in its previous concluding observations about the absence of legislation clearly prohibiting child sexual abuse and sexual exploitation and the lack of a clear definition of the term in the legislation. The Committee regrets that despite awareness-raising and sensitization projects, negative societal attitudes towards women and children, including stigmatization, often mean that these cases are not reported and that when they are reported, police do not systematically intervene. The Committee is further concerned at the lack of data and analysis on the issue of child sexual exploitation and abuse.

94. “The Committee recommends that the State party review its legislation and promptly adopt legislative measures in order to clearly define and expressly outlaw sexual abuse and sexual
seven major hospitals for identification of child victims of violence and abuse, case management, and rehabilitation.

4. Sahil also developed a Code of Ethics for Reporting on CSA and shared over 3,000 copies with editors of the newspapers, journalists and journal public.

5. Through research and advocacy 10,000 pornographic websites have been blocked by the Telecommunication Authority.

6. 20 researches have been conducted on different child protection issues.

7. Civil Society Organizations are imparting personal health and protection education at limited number of schools in the main cities. They have also done some pioneering work on the sensitization of police officials on CRC and child abuse related issues.

627. "The Government has taken the following initiatives:

1. The Federal Government has established NCPC in Islamabad for providing services for the protection of children from all forms of abuses.

2. The Government of Punjab has established CPWB in Punjab for providing services for protection of children from all forms of abuse.

3. NCCWD designed and disseminated a Code of Ethics for Media on reporting of children issues, and awareness of print and electronic journalists on sensitized reporting of incidents of sexual violence.

628. "Pakistan Penal Code and Hadood Ordinances of 1979 can be used to prosecute some child sexual abuse cases. The Pakistani Criminal Justice System does not deal with sexual offences against children any differently than sexual offences against adults. Similarly, the abuse of children or sexual abuse not involving penetration could be dealt with under section 511 of the PPC "whoever attempts to commit an offence punishable by this code with imprisonment for life or imprisonment, or to cause such an offence to be committed, and as such attempt does any act towards the commission of offence, shall, where no express provision is provided by this code for the punishment of such attempt, be punished with imprisonment of any description provided for the offence, for a term which my extend to one half of the longest term of imprisonment provided for that offence or such fine as is provided for the offence, or with both". Court decision in CSA case "

629. "In a case, State Vs Abdul Malik, PLD 2000 Lah 449, Lahore High Court has observed: "As proponent of Islamic faith which lays special stress on the welfare of family and child, as a member of the United Nations and in accord with the afore-referred mandate, it is our religious, moral and constitutional duty to bring the required legislative and structural changes to honor our commitments to the rights of child and family. There is a need to suitably amend the Penal Law with a view to make certain acts/wrong against the children punishable. There is need to create socio economic institutions to fully realize the objectives of the International Convention. There is a need to give a new and fair deal to the child." Programs and Services for victims of CSA

630. "NCCWD, in coordination with CSOs set up a Core Group on CSEC and CSA that deals with CSEC comprehensively. The Core Group through consultative process, with the active involvement of children, developed a draft NPA on CSEC and CSA.

631. "Researches have been conducted on sexually abused and sexually exploited children and the prevalence of sexual abuse and exploitation by NCCWD in collaboration with United Nations Economic and Social Commission for Asia and the Pacific. Similarly, Save the Children Sweden has conducted a situation analysis of commercial sexual exploitation of children in Pakistan, with the active involvement of NCCWD. UNICEF has also conducted a KAP study on Child Protection Rights and Responsibilities which will be helpful in exploitation of children. It recommends that the State party undertake studies on sexual abuse and exploitation in rural and urban areas and from a gender perspective to enable it to understand the extent, scope and root causes of these practices, adopt adequate measures and policies to prevent the stigmatization and ostracism of women and children who report cases of sexual exploitation and abuses, and contribute to changing attitudes. The Committee also recommends that cases of abuse of children, including sexual abuse, be properly investigated and that perpetrators be duly prosecuted. Measures should also be taken to provide victims with support services for their physical and psychological recovery and social reintegration, in a gender-sensitive manner."

(Section D. Main subjects of concern and recommendations; part 9. Special protection measures; paragraphs 93 and 94)
devising strategies to cope with child sexual abuse and exploitation in
the country.

632. “Sahil, an Islamabad based non-governmental organization
regularly monitors child sexual abuse cases in the country through
monitoring 53 national daily newspapers. According to Sahil’s
statistical report ‘Cruel Numbers’ i.e. 2,447 cases were reported
during the 2006, including 1,794 females and 653 males. The data
shows that 80 percent of the victims have suffered one assault. Sahil
also provided counseling facilities to victims of CSA.

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of cases</th>
<th>Confirmed CSA cases</th>
<th>Grand Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>50</td>
<td>20</td>
<td>74</td>
</tr>
<tr>
<td>2005</td>
<td>56</td>
<td>24</td>
<td>80</td>
</tr>
<tr>
<td>2006</td>
<td>54</td>
<td>15</td>
<td>69</td>
</tr>
<tr>
<td>2007</td>
<td>31</td>
<td>20</td>
<td>51</td>
</tr>
<tr>
<td>Total</td>
<td>191</td>
<td>79</td>
<td>274</td>
</tr>
</tbody>
</table>

633. “It is not easy to document the actual incidence or prevalence of
child abuse. It is always difficult to obtain information on sensitive and
highly stigmatized issues, and even more difficult when the victims
are children who cannot narrate their woes. Until recent past, the
issue of child sexual abuse and exploitation was not accepted as a
problem of Pakistani society. The common perception was that being
an ideological nation-state following Islamic ideals; the society was
some how immune to immorality and even if there was a problem of
CSA/CSEC, its magnitude was very small. Given the sensitivity of the
issue in Pakistan, the development of organizations and government
mechanisms is a leap forward from a mode of denial to one of
acceptance.

634. "At a large public ceremony on the occasion of Universal
Children’s Day 2003, the President of Pakistan signed a pledge to
ensure all rights to the Pakistani children, including protection from
abuse and exploitation. The Federal Government declared 2004 as
the Year of Child Rights and Welfare in Pakistan and a number of
activities were conducted to raise awareness on child rights and
issues surrounding child protection.

635. “IEC material on CSA/CSEC has been developed and printed by
many NGOs such as Rozan, Sahil, Sach, LHRLA, SPARC, Vision and PPA.
NCCWD has developed and printed “Code of Ethics for Media on
Reporting of Children’s issues”. It has also formed Media Groups to
improve the coverage of child rights related issues.

636. "NCCWD conducted a national campaign on “A World Fit for
Children”, where the issue of HIV/AIDS was linked to child sexual
abuse. NCCWD, Members of the Core Group on CSA, and other NGOs
have conducted many seminars, symposia and workshops on CRC in
collaboration with UNICEF, Save the Children Sweden and other donor
agencies. Civil Society Organizations are imparting personal health
and protection education at schools. They have also done some
pioneering work on the sensitization of police officials on CRC and
child abuse related issues.

637. ”Pakistan Paediatrics Association (PPA) and Save the Children
Sweden conducted a study on “Exposure of Children to pornography
at the Internet cafés”. Pakistan Telecommunication Authority warned
the Internet Café owners to follow a code of conduct. Seminars have
been conducted on the issue of exposure of children to pornography
for Internet service providers, café owners and media in all provincial
capitals.

638. “Rozan, an Islamabad based NGO, has helped address the issue
of community and child sensitive law enforcement by providing training to police through police academies and individual mentoring. This program called Rabta helps police at all levels to develop their emotional health, self-awareness and life skills. The course includes sensitization on violence against women and children, gender and human rights, as well as role-playing on how to interact with children reporting crimes, particularly CSA. The National Police Academy Council has integrated the Rabta lessons into their national curriculum. This is a big step towards a child-friendly police and should help encourage reporting of CSA in the long-term.

639. “Save the Children Sweden, in 2005, launched a pilot program to establish Child Protection Committee at a hospital in Lahore to develop institutional models of multi-disciplinary management of child abuse and exploitation cases and serve as a training unit for other health facilities in the province. During 2006, the program was replicated in five other major hospitals in the country these included: Civil Hospital Karachi, Lyari; General Hospital, Karachi; Nishtar Medical College, Multan; and District Headquarters Hospital, Sialkot. These committees have established a reference system to identify and manage cases of child victims of physical, sexual and psychological violence. Through linkages with other government and civil society organizations, child victims of abuse and their families are also provided legal support, where required.

640. “At these hospitals more than 277 health professionals, including doctors, psychiatrists, nurses and paramedical staff and social workers have been trained in identification of cases of sexual abuse, physical and psychological violence and their appropriate management. Since the establishment of Hospital Child Protection Committees in these hospitals, six case conferences were held. These included two cases of gang rape and two cases each of physical and sexual abuse. The Committees have also managed 8 cases of Child Sexual Abuse.

641. “In Balochistan, PCCWD in collaboration with UNICEF, SEHER supported by Save the Children Sweden and other NGOs have done impressive work on awareness raising and sensitization of bar associations, teachers, journalists, garage union, religious leaders and local government representatives about CRC and child abuse. PCCWD Balochistan, after holding a congregation of religious leaders, printed a “Declaration of Religious Leaders on Child Rights Protection”. The congregation appealed to the masses of all sects to ensure the rights of the child and their protection. All religious leaders, scholars and Madrassah heads were requested to sensitize masses about child rights and their protection in Friday Prayers.

642. “In one of SCS’s supported program for the most vulnerable children in the periphery of Lahore, a total of 1,750 children at risk were given life skills training to protect themselves from abuse and exploitation. Similarly 1,174 child victim of abuse (40% girls) reintegrated in their families through psychosocial support services.

643. A Manual on Psychosocial Recovery and Rehabilitation of Victims of CSA/CSEC has been developed by NCCWD in collaboration with Rozan and other members of the Core Group and UNICEF. LHRLA, PPA and other members of the Core Group have organized training events for a limited number of professionals.

645. “It is realized that there is a need to establish a structured “child protection system”, based on child rights framework. The draft “National Child Protection Policy” is a step in the right direction, and could be the foundation stone for the future child protection system. An adequate budgetary allocation to child protection services and mechanisms is required.
CSOs have established help lines and are providing services to deal with legal and psychological needs of children including victims of CSA. The help lines have received a tremendous response from the general public.

Section VIII. Special protection measures (arts. 22, 30, 32-36, 37 (b)-(d), 38, 39 and 40); part c) Children in situations of exploitation, including physical and psychological recovery and social reintegration (art. 39); (iii) Sexual exploitation and sexual abuse (art. 34); paragraphs 625 – 646

Sale, trafficking and abduction (art. 35)

The NCCWD, in collaboration with ILO conducted Rapid Assessment on Trafficking in Children for Labour & Sexual Exploitation, for combating child trafficking in Pakistan.

Sale and trafficking

The Committee welcomes the significant efforts made during the reporting period to combat trafficking in persons, such as the promulgation of the 2002 Prevention and Control of Human Trafficking Ordinance, the establishment of the special Anti-Trafficking Units and of the Inter-Agency Task Force on Human Trafficking. The Committee notes with concern, however, that the State party remains a significant source, destination and transit country for children trafficked for the purposes of commercial sexual exploitation and forced and bonded labour. It also expresses concern at the growing number of children trafficked internally, sometimes sold by their own parents or forced into marriage, sexual exploitation or domestic servitude.

96. “The Committee urges the State party:
(a) To take all measures to ensure the protection of children from international and internal trafficking and sale;
(b) To strengthen efforts to address the root causes of sale and trafficking, including gender-based discrimination, poverty, early marriages, and the lack of access to education and vocational training;
(c) To provide comprehensive social and psychological assistance to child victims of sale and trafficking for their recovery and social reintegration;
(d) To establish a system for collecting and disaggregating data on the sale and trafficking of children;
(e) To carry out awareness-raising activities in order to make both parents and children aware of the dangers of sale and trafficking; and
(f) To strengthen national and regional strategies and programmes on the prevention and suppression of sale and trafficking, and ensure that these strategies take into account the commitments made at the three World Congresses against Sexual Exploitation of Children in 1996, 2001 and 2008.”

Children living or working on the street

Trafficking in persons report 2005

UNICEF has established 13 drop-in centers/child protection centers and education and counseling centers and are functional for street children, working children on the streets and children victims of commercial sexual exploitation. In these centers, children receive non formal education, psycho social support, counseling, legal aid, personal hygiene education and facilities.

Children in street situations

91. “The Committee notes with satisfaction the adoption of the Destitute and Neglected Children Act in Punjab province, but regrets that its implementation is limited to the city of Lahore. Nevertheless, the Committee reiterates its concern, expressed in its previous concluding observations, at the increasing number of children in street situations throughout the country and the vulnerability of these children to violence, torture, sexual abuse and exploitation, and drug abuse, and at the lack of a systematic and comprehensive strategy to address the situation and protect these children.

92. “The Committee recommends that the State party:
(a) Undertake a systematic assessment of children in
street situations in order to develop and implement a comprehensive strategy, which should address the root causes, in order to prevent children from leaving families and schools for the street;

(b) Ensure that children in street situations are provided with adequate protection and assistance, nutrition and shelter as well as with health care and educational opportunities in order to support their full development;

(c) Fully implement the Destitute and Neglected Children Act throughout the Province of Punjab, and draw from the province’s experience in order to develop similar legislation and programmes in other parts of the country; and

(d) Respect the right of children in street situations to be heard when developing programmes and measures designed to protect and assist them.”

(Section D. Main subjects of concern and recommendations; part 9. Special protection measures; Children in street situations; paragraphs 91 and 92)

### Children in situations of emergency

#### Refugees children

**Measures for unaccompanied and separated child asylum-seekers**

499. "Theatre for Development (TFD) and Mime is an effective tool to address sensitive issues that can not be discussed openly due to cultural restrictions. In TFD and Mime a group of performers presents a drama on serious issues within the communities. During the reporting period, many serious issues i.e. Domestic violence, child sexual abuse and sexual exploitation of women etc, were identified and addressed. In 2004, 8 TFDs and 2 Mime Theatres were arranged. 1056 refugees (women, men and children) attended TFDs and 395 refugees participated in Mime Theatre.

**Child labour among refugee children**

508. "Children working as labourers are especially vulnerable to physical, emotional and sexual abuse and exploitation. Some services of awareness raising and counseling are also being provided through the drop in centers.”

(Section VIII. Special protection measures (arts. 22, 30, 32-36, 37 (b)-(d), 38, 39 and 40); part (a) Children in situations of emergency (i) Refugee children (art. 22); paragraphs 499 and 508)

#### Protection of witnesses and victims of crimes

101. “The Committee also recommends that the State party ensure, through adequate legal provisions, procedures and regulations, that all child victims and/or witnesses of crimes, e.g. child victims of abuse, domestic violence, sexual and economic exploitation, abduction and trafficking and witnesses of such crimes, have effective access to justice and are provided with the protection required by the Convention, and that it take fully into account the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime annexed to Economic and Social Council resolution 2005/20.”

(Section D. Main subjects of concern and recommendations; part 9. Special protection measures; Protection of witnesses and victims of crimes; paragraph 101)

### Civil rights and freedoms

**Follow-up to the United Nations Study on Violence against Children**
With reference to the United Nations Secretary-General’s Study on Violence against Children (A/61/299), the Committee recommends that the State party:

(a) Take all necessary measures to implement the recommendations of the United Nations Study on Violence against Children, taking into account the outcome and recommendations of the Regional Consultation for South Asia, held in Pakistan from 19 to 21 May 2005. In particular, the Committee recommends that the State party pay particular attention to the following recommendations:

(i) To prohibit all violence against children;
(ii) To promote non-violent values and awareness-raising;
(iii) To ensure accountability and end impunity;
(iv) To address the gender dimension of violence against children; and
(v) To develop and implement systematic national data collection and research;

(b) Use the recommendations of the Study as a tool for action in partnership with civil society and, in particular, with the involvement of children to ensure that all children are protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and time-bound actions to prevent and respond to such violence and abuse;

(c) Provide information concerning the implementation by the State party of the recommendations of the Study in the next periodic report; and

(d) Seek technical assistance from the Special Representative of the Secretary-General on violence against children, UNICEF, OHCHR and the World Health Organization (WHO).

<table>
<thead>
<tr>
<th>General measures of implementation</th>
<th>General measures of implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Training programs to combat violence against children and child labour</td>
<td>The Committee’s previous recommendations</td>
</tr>
<tr>
<td>27. “Sahil, a non governmental organization works exclusively on child sexual abuse and exploitation. A significant improvement was the close coordination between Sahil with the Government. Especially with the Department of Education which allowed Sahil to conduct its child protection training based on its Training Manual. This training is based on the story-cum-coloring book Meri Hifazat a book for primary school children that teaches the art of saying ‘NO’ and making them believe that &quot;its ok to say no&quot; when they are in a susceptible situation. During January 2004-April 2007 a total of 2,974 schools were covered and 5,215 teachers and 698 parents were trained on child rights in general and child sexual abuse in particular.</td>
<td></td>
</tr>
<tr>
<td>28. “UNESCAP Training Module on Psychosocial and Medical Services for Sexually Abused and Sexually Exploited Children and Youth has been adapted by Rozan, in collaboration with the NCCWD, and UNICEF. Two batches of 25 participants each of Paramedics and Health Professionals have been trained as Master Trainers.”</td>
<td>6. “The Committee notes that some of the concerns and recommendations made upon the consideration of the State party’s second periodic report (CRC/C/15/Add.217) have been addressed. However, it regrets that many of its concerns and recommendations have been insufficiently or only partly addressed.</td>
</tr>
<tr>
<td>New laws introduced</td>
<td>7. “The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the second periodic report that have not yet been implemented or sufficiently implemented, including those related to the harmonization of laws with the Convention, improved coordination of the national and the local levels, the establishment of a monitoring mechanism, resource allocations for children, data collection, its cooperation with non-governmental organizations (NGOs), the definition of the child, violence against and abuse of children, including sexual abuse, the right to education, child labour and juvenile justice, and to provide adequate follow-up to the recommendations contained in the present concluding observations.”</td>
</tr>
<tr>
<td>41. “Similarly, following the approval of the National Child Protection Policy, a Child Protection Bill will be introduced which will bring</td>
<td>(Section D. Main subjects of concern and recommendations; part 1. General measures of implementation (articles 4, 42 and 44,</td>
</tr>
</tbody>
</table>
positive changes, in accordance with the recommendations of the UN Committee, in various child protection related matters including increase in minimum age for criminal liability, prohibition of corporal punishment, criminalization of sexual abuse, violence and exploitation of children, prohibition of harmful traditional practices and establishment of institutions for protection and rehabilitation of children in need of care. The same Child Protection Policy is under the consideration of the Federal Cabinet after which the Child Protection Bill will be drafted in accordance with the framework of the Child Protection Policy.”

**Independent national human rights institution**

55. “The National Plan of Action 2006 is a comprehensive document prepared in consultation with all the relevant stakeholders from grass roots to the top, and the main stakeholders to the plan of action including children from different walks of life (Annex I). Requirements of all regional and international commitments were given due consideration in this NPA. The child protection issues specially recommendations of Second World Congress against Child Abuse and Commercial Sexual Exploitation “Yokohama Global Commitments” were also covered in the NPA.

78. “In the first phase the system will gather and disseminate information on five areas of Child Protection, including Juvenile Justice, Child Trafficking, Sexual Exploitation, Violence against Children, and Family Environment & Alternative Care and more indicators will be included gradually in the second phase.”

**Cooperation with CSOs, including NGOs and children’s and youth groups**

98. “NCCWD is also working closely with the Thematic Groups on Child Sexual Abuse/Commercial Sexual Exploitation of Children and Child Trafficking where mostly National and International NGOs and UN Agencies are represented.”

**General principles**

149. “Steps have been undertaken to forge alliances for children and ensure their participation in policy formulation and implementation of plans concerning children at national and sub-national levels:

- Children actively participated at provincial and national workshops organized to design and draft the National Plan of Action for Children
- Consultations with children were held to review the mid term progress on Yokohama commitment against commercial sexual exploitation of children
- Children participated in the development of National Plan of Action against Child Sexual Abuse and Exploitation, at national and provincial levels
- A Network of NGOs, under the name of “Working Group against Child Sexual Abuse and Exploitation” is doing research, advocacy and capacity building work on child protection at national level
- Child friendly version of the National Plan of Action against Child Sexual Abuse and Exploitation have been developed and disseminated to children
- NCCWD held a number of consultations with children during the process of Country report preparation at provincial and national levels
- The NCCWD and several NGOs have launched awareness raising programs on CRC, Child Participation etc. directly targeting at children
Family environment and alternative care

**Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)**

**National Child Protection Policy**

239. “To address and prevent violence, abuse and neglect, exploitation and discrimination affecting children and to create a protective environment for children which gives highest priority to prevent children from getting affected by violence, abuse, exploitation, neglect and discrimination through a secure family life backed and supported by protective law and regulations, and which has the capacity to respond to victims of violence, abuse and exploitation by providing them with care and support through rescue, relief, rehabilitation and reintegration services, the Draft National Child Protection Policy is focusing, as a priority, on the following:

(a) Making legal provisions for:
   a. Definition of a child as under 18 years of age.
   b. Definition of child sexual abuse and sexual exploitation with penalties.
   c. Revising the minimum age of criminal responsibility from 7 years to 12 years.
   d. Definition of internal trafficking of children with penalties.
   e. Eliminating Child domestic work.

**Data on child abuse and neglect**

241. “Even in the most developed countries, it is not easy to document the actual incidence or prevalence of child abuse. It is always difficult to obtain information on sensitive and highly stigmatized issues, and even more difficult when the victims are children who cannot narrate their woes. Until recent past, the issue of child sexual abuse and exploitation was not accepted as a problem of Pakistani society. The common perception was that being an ideological nation-state following Islamic ideals; the society was some how immune to immorality and even if there was a problem of CSA/CSEC, its magnitude was very small. Given the sensitivity of the issue in Pakistan, the development of NPA is a leap forward from a mode of denial to one of acceptance. IEC material on CSA/CSEC has been developed and printed by Rozan, Sahil, LHRLA, SPARC, World Vision and PPA.”

**(Section V. Family environment and alternative care (arts. 5, 9-11, 18, paras. 1 and 2; 19-21, 25, 27, paras. 4 and 39) (i) Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39); paragraphs 239 and 241)**

Family environment and alternative care

**Abuse and neglect**

56. “The Committee welcomes the adoption of the 2006 National Plan of Action against Child Sexual Abuse and notes that the draft National Child Protection Policy includes a definition of child sexual abuse and sexual exploitation and foresees penalties, but regrets that it has not been adopted yet. The Committee is deeply concerned at reported cases of violence, abuse, including sexual abuse, and neglect of children in the State party, and at the lack of studies on the prevalence of this problem and of effective measures to combat it, especially when it occurs within the family.

57. “In light of article 19 of the Convention and in line with its previous recommendations (CRC/C/15/Add.217), the Committee recommends that the State party:

(a) Adopt, as a matter of urgency, the draft National Child Protection Policy and amend outdated legislation to prohibit all forms of physical and mental violence, including sexual abuse of children in the family and in institutions;

(b) Establish effective mechanisms to receive, monitor and investigate reports of cases of child abuse, including intervention and referral where necessary, and, when required, prosecute perpetrators in a manner that is child sensitive and ensures the privacy of the victims;

(c) Provide facilities for the care, recovery and reintegration of victims in a gender-sensitive manner;

(d) Carry out awareness-raising and public education campaigns and any other appropriate measures to better protect children;

(e) Undertake studies on the prevalence of violence, and collect and analyse data on child abuse and neglect for the development of targeted policies and strategies; and

(f) Seek assistance from, inter alia, UNICEF and WHO.”

**(Section D. Main subjects of concern and recommendations; 5. Family environment and alternative care (articles 5, 18 paragraphs 1–2), 9–11, 19–21, 25, 27 (paragraph 4) and 39 of the Convention; Abuse and neglect; paragraphs 56 and 57)**

Education, leisure and cultural activities

80. “The Committee takes note of the efforts of the State party against the madrasas involved in militancy and sectarianism through the 2002 Madrasa Registration Ordinance, but regrets that there is still a large number of unregistered madrasas and that the introduction of secular subjects in the curricula has only been partially implemented. The Committee also regrets that the aims of education outlined in article 29 of the Convention, including the development and respect of human rights, tolerance and peace, are not duly respected. Furthermore, the Committee is deeply concerned at reports of violence, ill-treatment, corporal punishment, sexual abuse and illegal detention within madrasas and of madrasas being used for military training, as well as instances of recruitment of children to participate in the armed conflict and terrorist activities.”
81. “The Committee recommends that the State party:
(a) Ensure the effective implementation of the Madrasa Registration Ordinance through the establishment of adequate monitoring mechanisms and the linkage of resource allocation to concrete implementation measures;
(b) Take concrete action to eliminate teaching religious or sectarian intolerance; promote human rights, human rights education, including children rights, peace, tolerance and dialogue between different religions and beliefs (article 29 of the Convention); establish a timeline for the introduction of secular subjects at all madrasas; and streamlining the education given in madrasas in order to ensure their compatibility with regular public education;
(c) Ensure the protection of children from maltreatment within madrasas through the establishment of an adequate monitoring mechanism;
(d) Take effective measures to ensure that madrasas are not misused for recruitment of children below the age of 18 years by armed groups or for the involvement of children in armed conflict and hostilities; and
(e) Take into account the Committee’s general comment No. 1 (2001) on the aims of education.”

(Optional Protocols to the Convention on the Rights of the Child; paragraph 102)

102. “The Committee recommends that the State party consider ratifying the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.”

(Introduction; paragraph 102)

Annex I

i) Reported cases of abuse against children (2008)
<table>
<thead>
<tr>
<th>Months</th>
<th>Total of cases reported</th>
<th>Boys</th>
<th>Girls</th>
<th>Age range</th>
<th>Rape</th>
<th>SE (except for rape)</th>
<th>Physical abuse</th>
<th>Trafficking</th>
<th>Abduction/Kidnapping</th>
<th>Child marriage</th>
<th>Labour</th>
<th>Children in conflict with law</th>
<th>Children separated from family</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>80</td>
<td>62</td>
<td>18</td>
<td>0-18</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>1</td>
<td>30</td>
<td>12</td>
<td>0</td>
</tr>
<tr>
<td>February</td>
<td>87</td>
<td>60</td>
<td>27</td>
<td>0-18</td>
<td>2</td>
<td>4</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>49</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>March</td>
<td>92</td>
<td>58</td>
<td>34</td>
<td>0-18</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>7</td>
<td>4</td>
<td>3</td>
<td>1</td>
<td>28</td>
<td>13</td>
<td>3</td>
</tr>
<tr>
<td>April</td>
<td>159</td>
<td>68</td>
<td>91</td>
<td>0-18</td>
<td>6</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>5</td>
<td>0</td>
<td>71</td>
<td>30</td>
<td>1</td>
</tr>
<tr>
<td>May</td>
<td>117</td>
<td>54</td>
<td>63</td>
<td>0-18</td>
<td>12</td>
<td>7</td>
<td>1</td>
<td>0</td>
<td>5</td>
<td>4</td>
<td>1</td>
<td>37</td>
<td>11</td>
<td>1</td>
</tr>
<tr>
<td>June</td>
<td>114</td>
<td>78</td>
<td>36</td>
<td>0-18</td>
<td>4</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>60</td>
<td>36</td>
<td>1</td>
</tr>
<tr>
<td>July</td>
<td>172</td>
<td>110</td>
<td>62</td>
<td>0-18</td>
<td>7</td>
<td>2</td>
<td>7</td>
<td>0</td>
<td>5</td>
<td>7</td>
<td>2</td>
<td>84</td>
<td>34</td>
<td>2</td>
</tr>
<tr>
<td>August</td>
<td>132</td>
<td>115</td>
<td>17</td>
<td>0-18</td>
<td>6</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>8</td>
<td>4</td>
<td>0</td>
<td>65</td>
<td>30</td>
<td>0</td>
</tr>
<tr>
<td>September</td>
<td>113</td>
<td>63</td>
<td>50</td>
<td>0-18</td>
<td>4</td>
<td>1</td>
<td>0</td>
<td>5</td>
<td>3</td>
<td>4</td>
<td>0</td>
<td>60</td>
<td>21</td>
<td>0</td>
</tr>
<tr>
<td>October</td>
<td>98</td>
<td>35</td>
<td>63</td>
<td>0-18</td>
<td>3</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>43</td>
<td>15</td>
<td>10</td>
</tr>
<tr>
<td>November</td>
<td>164</td>
<td>75</td>
<td>89</td>
<td>0-18</td>
<td>4</td>
<td>0</td>
<td>3</td>
<td>8</td>
<td>4</td>
<td>15</td>
<td>2</td>
<td>61</td>
<td>44</td>
<td>1</td>
</tr>
<tr>
<td>December</td>
<td>131</td>
<td>73</td>
<td>58</td>
<td>0-18</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>4</td>
<td>0</td>
<td>82</td>
<td>25</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,459</strong></td>
<td><strong>851</strong></td>
<td><strong>608</strong></td>
<td><strong>0-18</strong></td>
<td><strong>50</strong></td>
<td><strong>28</strong></td>
<td><strong>18</strong></td>
<td><strong>21</strong></td>
<td><strong>41</strong></td>
<td><strong>50</strong></td>
<td><strong>10</strong></td>
<td><strong>670</strong></td>
<td><strong>279</strong></td>
<td><strong>9</strong></td>
</tr>
</tbody>
</table>

**Types of violations**

- **Rape**
- **Sexual abuse (except for rape)**
- **Physical abuse**
- **Trafficking**
- **Abduction/Kidnapping**
- **Child marriage**
- **Hazardous Child labour**
- **Children in conflict with the law**
- **Children separated from family**
- **Drug abused**
- **Others**

**Sources:** Child Protection Action Network/MoLSAMD.

**Annex II.**

**I. General measures of implementation**
i) Statistical data on training provided on the Convention for Professionals working with and for children.

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Category</th>
<th>Punjab</th>
<th>Sindh</th>
<th>Balochistan</th>
<th>NWFP</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Law enforcement agencies</td>
<td>1 850</td>
<td>60</td>
<td>100</td>
<td>60</td>
<td>2 070</td>
</tr>
<tr>
<td>2</td>
<td>Social workers</td>
<td>700</td>
<td>500</td>
<td>100</td>
<td>200</td>
<td>1 500</td>
</tr>
<tr>
<td>3</td>
<td>Teachers, parents, religious leaders</td>
<td>1 000</td>
<td>500</td>
<td>200</td>
<td>200</td>
<td>1 900</td>
</tr>
<tr>
<td>4</td>
<td>Media personnel</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td>5</td>
<td>Health care personnel</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>80</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>3 570</td>
<td>1 080</td>
<td>420</td>
<td>680</td>
<td>5 750</td>
</tr>
</tbody>
</table>

Source: UNICEF-Pakistan.

Similarly, Curriculum Wing, Ministry of Education, has developed Human Rights Education Curricula through consultative processes supported by the Norwegian and Canadian governments. Law, Justice and Human Rights Division in cooperation with Norway (NORAD) and Government of Switzerland worked jointly with the Ministry of Education on a project “Human Rights Mass Awareness for Education”. The most important step taken in this direction is the incorporation of the main concepts related to child rights into curriculum and teachers training materials. The materials produced have been incorporated in the relevant subjects taught at school levels. Textbooks contain messages of human rights together with articles of the Universal Declaration of Human Rights. During January 2004-April 2007 Sahil NGO covered a total of 2,974 Schools and trained 5,215 teachers and 698 parents covering UN Convention on the Rights of the Child in general and child sexual abuse in particular.

ii) Sexual exploitation, abuse and trafficking (art. 34)

States parties should provide data disaggregated as described in paragraph 1, above, as well as by types of violation reported on the:

(a) Number of children involved in sexual exploitation, including prostitution, pornography and trafficking Studies have shown that 15-25 % of all children in Pakistan endure some form of child sexual abuse. SPARC: 2006.

(b) Number of cases of commercial sexual exploitation, sexual abuse, sale of children, abduction of children and violence against children reported during the reporting period.

<table>
<thead>
<tr>
<th>Nature of violence/abuse</th>
<th>2003</th>
<th>2004</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rape</td>
<td>413</td>
<td>311</td>
<td>1431</td>
</tr>
<tr>
<td>Torture/injury</td>
<td>350</td>
<td>298</td>
<td>1218</td>
</tr>
<tr>
<td>Sodomy</td>
<td>314</td>
<td>231</td>
<td>1300</td>
</tr>
<tr>
<td>Trafficking</td>
<td>67</td>
<td>73</td>
<td>266</td>
</tr>
<tr>
<td>Grand total</td>
<td>4306</td>
<td>4530</td>
<td>17123</td>
</tr>
</tbody>
</table>

Source: LHRLA

(Section Annexes; I. General measures of implementation; i) Statistical data on training provided on the Convention for Professionals working with and for children and ii) Sexual exploitation, abuse and trafficking (art. 34)
Article 35
SALE, TRAFFICKING & ABDUCTION

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

AFGHANISTAN

REPORT BY THE GOVERNMENT OF AFGHANISTAN

Description: CRC/C/AFG/1

Committee on the Rights of the Child
Consideration of reports submitted by States parties under article 44 of the Convention of the Rights of the Child, Initial report of States parties due in 1996

CONCLUDING OBSERVATIONS BY THE COMMITTEE ON THE RIGHTS OF THE CHILD

Description: CRC/C/AFG/CO/1

Committee on the Rights of the Child, Fifty-sixth session,
17 January–4 February 2011
Consideration of reports submitted by States parties under article 44 of the Convention of the Rights of the Child; 8 April 2011
Concluding observations: Afghanistan

Special protection measures

Sale, trafficking, and abduction of children


343. “The Counter Abduction and Human Trafficking Law criminalizes human trafficking, transfer, transportation, employment, keeping, or controlling another person for the purpose of exploitation or using that person’s economic inability or compulsion through payment or receipt of money or advantage or other dishonest means to get the agreement of the victim or the person who has custody over the victim.

344. “The Government has been undertaking measures to: prevent the abduction and trafficking of human beings; support victims, especially women and children; ensure international coordination and cooperation to stem the problem; and for the speedy prosecution of abductors. The Government introduced the Counter Abduction and Human Trafficking Law in 2008 and a Commission was established in 2008.

345. “The Commission on Combating Human Trafficking and Abduction is established under the MoJ and includes representatives from the Attorney General’s Office; the MoI, the MoFA, the MoLSAMD, the MoE, the MoIC, the Ministry of Haj, MoH, the MoWA, the MoRR, the General Directorate of Security, AIHRC, and representatives of civil society organizations. The Commission, through the different ministries and agencies mentioned above, are responsible for the prevention, protection, rehabilitation and repatriation of victims.

346. “Article 17 of the Counter Abduction and Human Trafficking Law prohibits the prosecution of victims of abduction and human trafficking. Article 18 provides for the reintegration of children with their parents/legal custodian, and if they are not available, it requests for maintenance of the child in social services institutions.

Special protection measures

Sale, trafficking, and abduction

72. “The Committee expresses concern that children are trafficked by criminal groups mainly within the country and into neighbouring countries for forced prostitution, begging and labour in brick kilns, carpet-making factories, the drug smuggling industry and domestic service. The Committee is also deeply concerned that some families knowingly sell their children into forced prostitution, including for bacha baazi. The Committee notes with concern that little has been done to implement the provisions of the 2008 Law on Counter Abduction and Human Trafficking and the 2004 National Plan of Action on Combating Child Trafficking, and that human trafficking convictions remain rare while victims of trafficking are punished for acts they may have committed as a direct result of being trafficked, and jailed pending resolution of their legal cases, despite their recognized victim status.

73. “The Committee urges the State party to adopt concrete measures for the full implementation of the anti-trafficking law and plan of action, and in particular ensure that perpetrators are effectively prosecuted and punished if found guilty. The Committee also calls on the State party to ensure that child victims of trafficking are no longer punished and jailed for unlawful acts committed as a direct result of being trafficked, but receive protection and rehabilitation services, and that public awareness campaigns to warn at-risk populations of the dangers of trafficking are conducted. The Committee further encourages the State party to consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (known as the Trafficking Protocol).”

(Section H. Special protection measures (arts. 22, 38, 39, 40, 37(b) and (d), 30, 32-36 of the Convention); Sale, trafficking and abduction; paragraphs 72 and, 73)

Article 19 requires the security and investigation agencies to immediately send the victims of abduction and trafficking to medical centres for treatment. However, this Commission presently has no coherent reporting system on human trafficking cases and the MoI is in the process of developing a database. Currently, female victims, trafficked for the purpose of forced prostitution, are criminalized and imprisoned.

347. “In line with the Counter Abduction and Human Trafficking Law, the Government has established border control and monitoring centres in Islam, Qala, Nimroz, and Torkham border crossings. It has used diplomatic channels with neighboring countries to get cooperation and assistance.

348. “According to a 2008 IOM Study undertaken in Kabul and 9 border provinces of the country, from the 82 interviewees interviewed, 20 (24.4 per cent) were victims of trafficking and 43 (52.4 per cent) were victims of abduction. The other 19 (23.2 per cent) were people unlawfully smuggled to neighboring countries. From among the trafficked, seven were children (four boys and three girls). According to the 2008 figures of the MoI, 71 children from different provinces were abducted and security agencies were able to save 49 children (32 boys and 17 girls), while the remaining 22 children (20 boys and two girls) are to date untraceable.

349. “Informants in the area claim child trafficking are increasing because boys in particular are considered ideal smugglers of food and illicit goods as they are more likely to be released when captured. Women and young girls, particularly widows, are also reportedly being forced into prostitution or baby selling so as to buy food for the family.

350. “However, the exact figures or even an approximation of the actual number of trafficked children is difficult due to the poor understanding of trafficking and confusion in the identification of ‘trafficked’ children. A lack of coordination of work between agencies contributes to the overlapping of reports and numbers.”

<table>
<thead>
<tr>
<th>IX. Special protection measures; C. Children in situations of exploitation; Sale, trafficking, and abduction of children; paragraphs 342 – 350</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children in situations of exploitation</td>
</tr>
<tr>
<td>Rehabilitation of child victims of violence</td>
</tr>
<tr>
<td>280. “The Government has ratified both the Optional Protocols of the Convention, on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography.”</td>
</tr>
<tr>
<td>IX. Special protection measures; C. Children in situations of exploitation; Sexual exploitation of children; paragraph 331</td>
</tr>
<tr>
<td>Sexual exploitation of children</td>
</tr>
<tr>
<td>Other forms of exploitation</td>
</tr>
<tr>
<td>351. “The Constitution of Afghanistan is the highest legal mechanism for the rights of its citizens; other laws of Afghanistan, including the Law of Labor, the Juvenile Code (2005), the Temporary Penal...”</td>
</tr>
</tbody>
</table>
Procedure, the Law on Combating Abduction and Human Trafficking, the Civil Code, and the Law on Combating Narcotics are adopted to provided protection to children from all forms of exploitation. Generally, these laws ensure the necessary legal protections for the support of children from all forms of exploitation and misuse and they have taken into account the Convention principles to a large extent. Further information can be found in section, ‘Child’s Access to Information and Role of Mass Media’.

*(Section IX. Special protection measures; part C. Children in situations of exploitation; Rehabilitation of child victims of violence; paragraphs 280, 331 and 351)*

76. “The Committee also recommends that the State party adopt adequate legal provisions and regulations to ensure that all child victims, such as child victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking, and child witnesses of such crimes are provided with the protection required under the Convention, and fully take into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 ).”

*(Section H. Special protection measures (arts. 22, 38, 39, 40, 37(b) and (d), 30, 32-36 of the Convention); Protection of witnesses and victims of crimes; paragraph 76)*

### General measures of implementation

<table>
<thead>
<tr>
<th>Harmonization of national laws</th>
</tr>
</thead>
<tbody>
<tr>
<td>48. “The Law on Counter Abduction and Human Trafficking: This Law was adopted in July of 2008 for the purpose of combating abduction and human trafficking and to support the victims of such crimes, especially women and children. This law protects the principle of immunity from harm and ensures the preservation of the child’s identity.”</td>
</tr>
</tbody>
</table>

*(Section II. General measures of implementation; part B. Harmonization of national laws; paragraph 48)*

<table>
<thead>
<tr>
<th>Harmonization of national strategies, policies and mechanisms for monitoring and protecting child rights</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>National Strategy for Children at Risk</strong></td>
</tr>
<tr>
<td>55. &quot;This strategy was adopted in 2006 and seeks to provide a framework for the development of a network of services and programmes which protect children and support their families; establish strategic plans for the transformation from institutions into broad-based community child and family resource centres; and implement donor partnership towards building a comprehensive rights-based child protection systems. The aim is to protect children from exploitation, violence, and abuse. Various categories of children have been identified as ‘at risk’ and interventions on their behalf should be in conformity with this strategy and programmes of the MoLSAMD, other governmental agencies, and civil society actors. Through implementation of this strategy over the last three years 2,366,177 children have been protected.”</td>
</tr>
</tbody>
</table>

“Where : The Strategy describes ‘at-risk’ children as: Children with disabilities (mental, physical); working and street working children; children in conflict with the law; kidnapped children; trafficked children; child soldiers and other war-affected children; children deprived of parental care; girls forced into marriage or early marriage; internally displaced and returnee children; children from ethnic minority groups; children using drugs, and/or selling drugs; and children experiencing abuse (sexual, physical, emotional and neglect).”
### Family environment and alternative care

#### Family reunification

161. “For those children who are trafficked or smuggled outside the country for unlawful purposes, in accordance with National Plan of Action against Trafficking and Kidnapping of Children adopted in 2004, the MoLSAMD is obligated to ensure the return of these children to their families. Some children are trafficked or smuggled by their families due to the dire economic situation of the family. The MoFA has been able to reunify 438 trafficked children deported from Saudi Arabia back with their families. The children and families are supported by social workers and the children were reunited after having received guarantees from families that their children would not be smuggled again.”

(Section VI. Family environment and alternative care; part D. Family reunification; paragraph 161)

#### Illicit transfer and non-return

162. “In 2008 the Law on Counter Abduction and Human Trafficking was adopted aiming to prevent and punish the crimes of abduction and trafficking of humans, especially women and children. One on the main objectives of this law was to protect the victims; observe the provisions of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; ensure mutual cooperation in countering abduction and trafficking; and to punish the perpetrators of these crimes. Decree No. 47 of the President of the Islamic Republic of Afghanistan regarding the abduction and trafficking of children attempts to address the issue in more concerted efforts by calling for a series of measures. In order to implement the provisions of this law the Commission on Combating and Trafficking of Humans, headed by the MoJ, is working with law enforcement agencies, other concerned ministries, and civil society organizations. The Commission aims to provide legal and rehabilitation support to victims of human trafficking. Actions have also been incorporated and implemented in the National Strategy for Children at Risk in cooperation with UNHCR, UNICEF, and AIHRC for border monitoring in three main vulnerable points, namely, Torkham, Islam Qala, and Zarang.”

Please refer to i) in Annex I.

(Section VI. Family environment and alternative care; part E. Illicit transfer and non-return; paragraph 162)

#### Adoption

180. “The GoA has not ratified the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption but has ratified the Optional Protocol to the Convention on the sale of Children, child prostitution, and child pornography.”

(Section VI. Family environment and alternative care; part H. Adoption; paragraph 180)

#### Protection from all forms of violence

189. “CPAN is critical in identifying, reporting, and responding to the cases of sexual abuse, physical violence, trafficking, kidnapping, baad, underage marriage, forced marriage, heavy child labor,
children in conflict with the law, separation of children, misuse of drugs, and other forms of violence. In 2007 363 cases of child rights abuses were reported to CPAN. In 2008, CPAN reviewed a total of 1,459 (851 boys and 608 girls) cases of different forms of violence and took necessary measures for the referral of these cases to concerned authorities as well as providing legal support, family support, and psychological counselling. The following table presents cases which have been monitored and addressed to in 2008.“

(Section VI. Family environment and alternative care; part J. Protection from all forms of violence; paragraph 189)

Rehabilitation and reintegration of victims of violence

190. “According to article 18 of the Law on Counter Abduction and Trafficking of Humans, if the victim is a child then he/she will be returned to the parents, and if the parents or legal custodian is not available, then the victim will be kept at a specialized rehabilitation institution. In accordance with article 19, the investigating authorities are obligated to send the victim to the hospital for treatment as quickly as possible. Further information can be found under section ‘Special Protection Measures’.”

(Section VI. Family environment and alternative care; part K. Rehabilitation and reintegration of victims of violence; paragraph 190)

Follow-up measures and progress achieved by the State party

3. "The Committee notes with appreciation the adoption of:
   (d) Law on Counter Abduction and Human Trafficking in 2008;”

4. “The Committee also welcomes the ratification by the State Party of the following international human rights treaties:
   (b) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 19 September 2002;”

5. “The Committee also welcomes the following institutional and policy measures:
   (c) The adoption of the National Plan of Action against Trafficking and Kidnapping of Children adopted in 2004;”

(Ratification of international and regional human rights instruments)

(Section II. Follow-up measures and progress achieved by the State party, paragraphs 3(d), 4(b) and 5(c))

77. “The Committee recommends that the State party promptly submit its initial reports under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography. It also encourages the State party to accede to all core human rights instruments, including the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families, the International Convention on the Rights of Persons with Disabilities and its Optional Protocol, and the International Convention for the Protection of All Persons from Enforced Disappearance, and to consider acceding to the 1996 Hague Convention No. 34 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of
Annex II.

**Surveys of child health and welfare** – conducted by Department of Census and Statistics/UNICEF in Seven Districts of Sri Lanka in 2003, and in Selected Northern and Eastern Districts of Sri Lanka 2004, including the summary of averages of selected indicators

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Target population</th>
<th>First survey</th>
<th>Second survey</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Access to safe drinking water</strong></td>
<td>Households</td>
<td>%</td>
<td>85.7</td>
</tr>
<tr>
<td>Main source of drinking water</td>
<td></td>
<td>%</td>
<td>28.7</td>
</tr>
<tr>
<td>Pipe born</td>
<td></td>
<td>%</td>
<td>5.4</td>
</tr>
<tr>
<td>Tube well</td>
<td></td>
<td>%</td>
<td>33.2</td>
</tr>
<tr>
<td>Protected well</td>
<td></td>
<td>%</td>
<td>11.2</td>
</tr>
<tr>
<td>Unprotected well</td>
<td></td>
<td>%</td>
<td>18.1</td>
</tr>
<tr>
<td>Protected spring</td>
<td></td>
<td>%</td>
<td>3.4</td>
</tr>
<tr>
<td><strong>Access to Sanitary Latrines</strong></td>
<td>All households</td>
<td>%</td>
<td>66.5</td>
</tr>
<tr>
<td>Type of latrine</td>
<td></td>
<td>%</td>
<td>70.0</td>
</tr>
<tr>
<td>Water-seal</td>
<td></td>
<td>%</td>
<td>6.1</td>
</tr>
<tr>
<td>Pour flush</td>
<td></td>
<td>%</td>
<td>15.2</td>
</tr>
<tr>
<td>Improved pits</td>
<td></td>
<td>%</td>
<td>12.1</td>
</tr>
<tr>
<td>Traditional pits</td>
<td></td>
<td>%</td>
<td>1.2</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td>%</td>
<td>5.9</td>
</tr>
<tr>
<td><strong>Use of iodized salt for cooking</strong></td>
<td></td>
<td>%</td>
<td>85.0</td>
</tr>
<tr>
<td><strong>Medial habits</strong></td>
<td></td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>Listen to radio (at least once a week)</td>
<td>Household population</td>
<td>%</td>
<td>76.2</td>
</tr>
<tr>
<td>Watch television (at least once a week)</td>
<td>10 years and above</td>
<td>%</td>
<td>70.5</td>
</tr>
<tr>
<td>Read newspaper (at least once a week)</td>
<td></td>
<td>%</td>
<td>38.5</td>
</tr>
<tr>
<td>No exposure to mass media</td>
<td></td>
<td>%</td>
<td>9.7</td>
</tr>
<tr>
<td>Receiving State assistance</td>
<td>All households</td>
<td>%</td>
<td>36.7</td>
</tr>
<tr>
<td>Samurdhi/janasaviya</td>
<td></td>
<td>%</td>
<td>1.4</td>
</tr>
<tr>
<td>Other receipt</td>
<td></td>
<td>%</td>
<td>62.6</td>
</tr>
<tr>
<td>None</td>
<td></td>
<td>%</td>
<td>63.8</td>
</tr>
</tbody>
</table>

*Children.*

(Section I. Ratification of international and regional human rights instruments; paragraph 77)
<table>
<thead>
<tr>
<th>Indicator</th>
<th>Target population</th>
<th>Unit</th>
<th>First survey 2003 districts</th>
<th>Second survey 2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indulge in smoking</td>
<td>%</td>
<td>49.9</td>
<td>45.3</td>
<td></td>
</tr>
<tr>
<td>Indulge in drugs</td>
<td>%</td>
<td>2.6</td>
<td>3.1</td>
<td></td>
</tr>
</tbody>
</table>


MALDIVES

REPORT BY THE GOVERNMENT OF MALDIVES

Description: CRC/C/MDV/3

Committee on the Rights of the Child
Consideration of reports submitted by States parties under article 44 of the Convention of the Rights of the Child, Second and third periodic reports of States parties due in 1998 and 2003

CONCLUDING REMARKS BY THE COMMITTEE ON THE RIGHTS OF THE CHILD

Description: CRC/C/MDV/CO/3

Committee on the Rights of the Child, Forty-fifth session, 13 July 2007
Consideration of reports submitted by States parties under article 44 of the Convention of the Rights of the Child
Concluding observations: Maldives

Special protection measures

Children in situations or exploitation, including physical and psychological recovery and social reintegration

Sale, trafficking and abduction

650. “Please refer to paragraph 117 of the initial report.
651. Please refer to paragraph 631 of this report (below).”

Sexual exploitation and sexual abuse

630. “The Committee in its concluding observations pointed out that additional measures need to be taken to prevent sexual abuse and exploitation.

23. The Committee expresses its concern at the insufficient preventive measures, including legal ones, to avoid the emergence of child labor and economic exploitation, including sexual exploitation. The Committee is also concerned at the lack of preventive measures, including legal ones, concerning child prostitution, child pornography, trafficking and sale of children.

43. In light of article 34 of the Convention, the Committee recommends that preventive measures, including legal reform, be taken to prevent and combat the sexual exploitation of children, including through pornography, prostitution, trafficking and sale.


- The Maldives participated in the Second World Congress against

Special protection measures

Trafficking in children for exploitative purposes

95. “The Committee regrets the State party’s persistent view that trafficking in children is not an issue in the Maldives and the lack of preventive measures, including legislative measures, in this regard.

96. “The Committee urges the State party to conduct research and provide comprehensive statistical data on the extent, nature and changing patterns of trafficking in children in the Maldives. It also recommends that the State party enact a comprehensive anti-trafficking law to criminalize all forms of trafficking as defined in the Protocol to Prevent, Suppress, and Punish Trafficking Persons.

(Section D. Principal subjects of concern and recommendations; part 8. Special protection measures (arts. 22, 38, 39, 40, 37(b)-(d), 32-36 and 30 of the Convention); paragraphs 95 and 96)
the Sexual Exploitation of Children, held in December 2000;

- In January 2002, The Maldives signed the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution;
- The Optional Protocol to the Convention on the Rights of the Child on the Sale of Child Prostitution and Child Pornography was signed in May 2002.

632. “Pornography is strictly prohibited and Shariah Law prohibits any sexual activity outside of marriage for all persons. The Maldives is actively working to combat potential problems that may arise by introducing preventative measures such as increasing health and education and strengthening the role of families in child protection at the island and Atoll levels.

633. “It is generally perceived that commercial sexual exploitation is not an issue in the Maldives. Laws specifically dealing with the issue of sexual exploitation, commercial sexual exploitation and/or child pornography needs to be formulated in line with optional protocols.

634. “Currently convictions on people who commit crimes related to sexual abuse against children are very low. The main reason for this is because evidence given to courts is based on confessions and witness statements rather than forensic evidence.”

**Economic exploitation of children, including child labor**

616. “It is acknowledged that the Law 9/91 is not sufficient to prevent the emergence of child exploitation through labor and trafficking. Clearer guidelines surrounding the exploitation of children in these areas are essential in order to fully protect children’s rights. Discussions about legislation review and strengthening are currently underway as the government plans ways of implementing the optional protocols related to CRC.”

(Section VIII. Special protection measures; part C. Children in situations or exploitation, including physical and psychological recovery and social reintegration; paragraphs 616, 630 – 634, 650 and 651)

**Family environment and alternative care**


(Section V. Family environment and alternative care (arts. 5; 18, paras. 1-2; 9-11; 19-21; 25; 27, para. 4; and 39); paragraph 253)

**General principles**

174. “Additionally, all children have access to education. Child labor, child prostitution, trafficking in children and street children are not common in the Maldives. Yet, the Government recognizes that there are still several child rights and protection related issues that need to be addressed.”

(Section III. General principles; part C. The right to life, survival and development (art. 6); paragraph 174)

**Introduction**
4. “The Committee welcomes the ratification/accession of the State party to the following international instruments which positively impact the implementation of the rights of the child:

(d) The Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 10 May 2002 and on the involvement of children in armed conflict on 29 December 2004.”

(Introduction; paragraph 4(d))

Optional Protocols to the Convention on the Rights of the Child

100. “The Committee reminds the State party that its initial report under the Optional Protocol on the sale of children, child prostitution and child pornography has been due since June 2004 and the initial report under the Optional Protocol on the involvement of children in armed conflict has been due since January 2007. The Committee underlines the importance of a regular and timely reporting practice and therefore encourages their speedy submission, if possible, at the same time, to facilitate the review process.”

(Section 9. Optional Protocols to the Convention on the Rights of the Child; paragraph 100)

Annex I

i) Reported cases of abuse against children (2008)

<table>
<thead>
<tr>
<th>Months</th>
<th>Total</th>
<th>Boys</th>
<th>Girls</th>
<th>Age range</th>
<th>Rape</th>
<th>Rape for rape</th>
<th>Physical abuse</th>
<th>Trafficking</th>
<th>Abduction/Kidnapping</th>
<th>Child marriage</th>
<th>Labour</th>
<th>Children in conflict or in immediate danger of being involved in conflict or violenece</th>
<th>Other violations of children's rights</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>80</td>
<td>62</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>30</td>
<td>12</td>
<td>0</td>
<td>31</td>
</tr>
<tr>
<td>February</td>
<td>87</td>
<td>60</td>
<td>27</td>
<td>2</td>
<td>4</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>49</td>
<td>8</td>
<td>1</td>
<td>18</td>
</tr>
<tr>
<td>March</td>
<td>92</td>
<td>58</td>
<td>34</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>7</td>
<td>4</td>
<td>3</td>
<td>1</td>
<td>28</td>
<td>13</td>
<td>3</td>
<td>28</td>
</tr>
<tr>
<td>April</td>
<td>159</td>
<td>68</td>
<td>91</td>
<td>6</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>5</td>
<td>0</td>
<td>71</td>
<td>30</td>
<td>1</td>
<td>43</td>
</tr>
<tr>
<td>May</td>
<td>117</td>
<td>54</td>
<td>63</td>
<td>12</td>
<td>7</td>
<td>1</td>
<td>0</td>
<td>5</td>
<td>4</td>
<td>1</td>
<td>37</td>
<td>11</td>
<td>1</td>
<td>38</td>
</tr>
<tr>
<td>June</td>
<td>114</td>
<td>78</td>
<td>36</td>
<td>4</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>60</td>
<td>36</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>July</td>
<td>172</td>
<td>110</td>
<td>62</td>
<td>7</td>
<td>2</td>
<td>7</td>
<td>0</td>
<td>5</td>
<td>7</td>
<td>2</td>
<td>84</td>
<td>34</td>
<td>2</td>
<td>22</td>
</tr>
<tr>
<td>August</td>
<td>132</td>
<td>115</td>
<td>17</td>
<td>6</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>8</td>
<td>4</td>
<td>0</td>
<td>65</td>
<td>30</td>
<td>0</td>
<td>15</td>
</tr>
<tr>
<td>September</td>
<td>113</td>
<td>63</td>
<td>50</td>
<td>4</td>
<td>1</td>
<td>0</td>
<td>5</td>
<td>3</td>
<td>4</td>
<td>0</td>
<td>60</td>
<td>21</td>
<td>0</td>
<td>15</td>
</tr>
<tr>
<td>October</td>
<td>98</td>
<td>35</td>
<td>63</td>
<td>3</td>
<td>5</td>
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<td>3</td>
<td>1</td>
<td>43</td>
<td>15</td>
<td>18</td>
<td>7</td>
</tr>
<tr>
<td>November</td>
<td>164</td>
<td>75</td>
<td>89</td>
<td>4</td>
<td>0</td>
<td>3</td>
<td>8</td>
<td>4</td>
<td>15</td>
<td>2</td>
<td>61</td>
<td>44</td>
<td>1</td>
<td>22</td>
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<tr>
<td>December</td>
<td>131</td>
<td>73</td>
<td>58</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>4</td>
<td>0</td>
<td>82</td>
<td>25</td>
<td>1</td>
<td>14</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1459</strong></td>
<td><strong>851</strong></td>
<td><strong>608</strong></td>
<td><strong>50</strong></td>
<td><strong>28</strong></td>
<td><strong>18</strong></td>
<td><strong>21</strong></td>
<td><strong>41</strong></td>
<td><strong>50</strong></td>
<td><strong>10</strong></td>
<td><strong>670</strong></td>
<td><strong>279</strong></td>
<td><strong>9</strong></td>
<td><strong>263</strong></td>
</tr>
</tbody>
</table>
Types of violations

- Rape
- Sexual abuse (except for rape)
- Physical abuse
- Trafficking
- Abduction/Kidnapping
- Child marriage
- Hazardous Child labour
- Children in conflict with the law
- Children separated from family
- Drug abused
- Others

Sources: Child Protection Action Network/MoLSAMD.
Article 36
IMPACT OF ARMED CONFLICT & HOSTILITIES

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

SRI LANKA

REPORT BY THE GOVERNMENT OF SRI LANKA
Description: CRC/C/LKA/3-4
Committee on the Rights of the Child
Consideration of reports submitted by States parties under article 44 of the Convention of the Rights of the Child, Third and fourth periodical report of States parties due in 2003

CONCLUDING OBSERVATIONS BY THE COMMITTEE ON THE RIGHTS OF THE CHILD
Description: CRC/C/LKA/CO/3-4
Committee on the Rights of the Child, Fifty-fifth session,
1 September – 13 October 2010
Consideration of reports submitted by States parties under article 44 of the Convention of the Rights of the Child; 1 October 2010
Concluding observations: Sri Lanka

Special protection measures
Children affected by armed conflict

328. “The Committee recommends that the State party implement the plan of action for the respect of the rights of children during the reconstruction process (2003). In particular, the Committee recommends that the State party:

(a) Prioritize the demobilization and reintegration of all combatants under 18 and ensure that all armed groups reintegrated into the national armed forces adhere to the minimum age of recruitment of 18 years;

(b) Develop, in collaboration with NGOs and international organizations, a comprehensive system of psychosocial support and assistance for children affected by the conflict, in particular child combatants, unaccompanied internally displaced persons and refugees, returnees and landmine survivors, which also ensures their privacy;

(c) Take effective measures to ensure that children affected by conflict can be reintegrated into the education system, including through the provision of non-formal education programmes and by prioritizing the rehabilitation of school buildings and facilities and the provision of water, sanitation and electricity in conflict-affected areas;

(d) Seek in this regard technical assistance from, among others, UNICEF.
329. “The Committee reiterates its request to the State party for additional information on child combatants and child prisoners of war, to be included in its initial report under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

Demobilization and reintegration of child combatants

330. “A comprehensive account on this subject is found in the report of the Government of Sri Lanka on the Optional Protocol to the Convention, on Involvement of Children in Armed Conflict.

331. “The Government abides strictly with the Convention on the Rights of the Child and has never recruited children under the age of 18 years to the Sri Lanka Armed Forces. This rule still operates. All recruits have to present a birth certificate which confirms their age as being 18 years. This is a practice in all forms of government employment.

332. “In the case of (b), (c), and (d) too, the main agencies which came forward in 2002 in the aftermath of the CFA and assumed responsibility for the formulation and implementation of the Plan of Action For Children were the United Nations agencies which utilized local NGO/INGO with some government officials at local level to develop the Plan of Action rather than central Ministries responsible for child protection at national level. This strategy was probably adopted at the insistence of the LTTE.

333. “This situation kept changing with the ineffective implementation of the CFA and the non compliance of the LTTE to release child soldiers. The CFA was finally abrogated in January 2008 after several failed efforts by the government to engage the LTTE in a meaningful dialogue in peace talks.

334. “The State party found it difficult to contribute to the full implementation of the Plan of Action for Children since the focal point agency selected by UNICEF for implementation was the TRO, which was a LTTE supported NGO. UNICEF agreed to collaborate with the TRO and provide substantial resources to establish three transit Centres for child combatants who ‘surrender’. The locations were planned in the districts of Killinochchi, Trincomalee and Batticaloa. The Department of Social Welfare was involved as agreed by the LTTE only to provide training for the staff. It had been decided by UNICEF that the centres would be managed by only TRO and UNICEF staff. This arrangement changed as the numbers of children to the first centre in Killinochchi dwindled very soon after a few months. The centres in the other two districts were never opened as the LTTE did not release any child combatants they had recruited as agreed with UNICEF. Subsequently it was publicly exposed that the TRO was a “front organization” for fund raising for the LTTE in Sri Lanka and abroad, but by this time a considerable amount of resources of over US$ 1 million had been provided to them, for such rehabilitation activities. The designated government institution responsible for the rehabilitation of child combatants which was the NCPA was left out of this arrangement by UNICEF due to compliance with LTTE objections. The LTTE was antagonistic to the NCPA because of their consistent advocacy against child recruitment.

335. “The Penal Code was amended in 2006 (Amendment 16). Accordingly the engagement or recruitment of children for use in armed conflict has been criminalized (section 358A).

336. “The Action Plan for Children Affected by War was a multi-sectoral programme drawn up in 2003 during the period following the Ceasefire Agreement. It involved the participation of the
Government of Sri Lanka and the LTTE, with the prime focus being securing the release of child combatants recruited by the LTTE, preventing further recruitment, and rehabilitating former child combatants. The Action Plan included provision for psychosocial care, education, health and nutrition, income generation, and the prevention and monitoring of child rights violations. The process was brokered by UNICEF, with the Government and the LTTE signing letters with UNICEF confirming their commitment to the Action Plan. While a few children were released by the LTTE under the Action Plan, many were not. The rehabilitation of child recruits encountered problems, some of which were inherent in the manner in which the plan had been formulated. On the decision of the LTTE, Government agencies with the necessary expertise were excluded from the process, and the management of transit centres for released children was given to an organization which could not be determined as independent, but one connected directly to the perpetrators of the crime of child recruitment. The first transit centre opened in October 2003 by UNICEF took in 173 children. The other two transit centres were not opened due to lack of commitment by the LTTE to release children. The implementation of the Action Plan had to be changed. The centre which was opened was diverted to other uses when the numbers of children released became too low to justify its existence.

337. “A mass media campaign on child rights and against child recruitment was not implemented due to LTTE resistance. Other initiatives mostly according to UNICEF reports have been more successful.

338. According the reports by Save the Children, in 2003–2004 they contributed to providing Catch up Education to 2,800 children.

339. “UNICEF continues to maintain a database of underage recruitment which began in 2002. It has registered 6,273 children as having been recruited by the LTTE since 2002. Of these 1,415 cases remain outstanding, including 133 children who were under 18 years as of June 2008. The children recruited under 18 but now 18 or above are 1282. A pattern of releasing and later re-recruiting children is also apparent. The United Nations Secretary-General noted in his report on Children in Armed Conflict to the Working Group on Children and Armed Conflict that for the first time since the database was started, in February, March, June, July and August 2007 the monthly figure of children released exceeded the figure of children reported as recruited in the month. However the accuracy of this information is influenced by the growing fear of parents to report, there is information of increasing recruitment of not only children but older persons and civilians in the context of the current military efforts by the Government to control and prevent terrorism.

340. “In 2004, there was a “break away” faction of the LTTE (the Karuna group) from the LTTE. The Karuna group released an estimated 1,800 children immediately after their split from the LTTE.

341. “However, there have been reports that these children were re-recruited by the LTTE. UNICEF has recorded that there were 517 under age recruitment cases known to UNICEF as of end June 2008. These were mostly boys. The total released is 205, while 191 have run away. The total outstanding is 129 of which 66 are under 18. The Karuna faction of the LTTE subsequently became known as the TMVP and was registered as a political party. The Government is following up allegations of continued child recruitment by the TMVP as a serious issue. The limitations and negative experiences with past rehabilitation measures led the present Government to take a fresh look at the need for a new approach to the rehabilitation and reintegration of child soldiers. The elections and the establishment of a system of democracy after 20 years in the East, democracy provides hope that child recruitment will shrink as effective
rehabilitation programmes expand.

342. "UNICEF reported that they had collaborated with other INGOs in 2004 to prevent child recruitment and that they had some success. Festival time was a period when child recruitment used to rise with children being taken away from temples. Monitors present at these sites apparently helped to reduce child recruitment. In September 2006, a Commissioner General of Rehabilitation (CGR) was appointed under the Office of the President. The CGR now takes the lead in the rehabilitation of "child surrendees", who give themselves up in to government authorities.

343. "The Government has established a dedicated centre for “child surrendees”, the Ambepussa Rehabilitation Centre. Around 90 children have been through the centre, with 25 currently in residence. The CGR has developed a policy framework for the rehabilitation of "child surrendees" in collaboration with the NCPA. Accordingly they are provided with vocational training, language and literacy skills in addition to protection. They are provided with psycho social support including regular access to their parents. Some child surrendees in the east decided to be reintegrated with their parents in their own communities.

344. "Local NGOs and designated government authorities are involved in monitoring such children. Efforts are being made to involve the Probation and Child care staff in such monitoring including the NCPA coordinators. Action is also being taken to identify transit homes in each district for such children to get protection in case this is preferred to being at the main centre.

345. "The Government is finalizing an amendment to Emergency Regulations to deal with the situation of child surrendees – Emergency (Miscellaneous Provisions and Powers) Regulation No. 1 of 2005. The amendment will provide for the establishment of Protective Child Accommodation Centres and Protective Child Rehabilitation Centres, the latter to extend psychosocial support, vocational training and other services which would facilitate the successful reintegration of a child surrendees into his or her family, community and eventually society. The regulation will contain the procedure to be followed when a person under “18 surrenders” such as informing the child’s parents of guardian, Probation Officer and the NCPA area coordinator; investigation regarding the child’s circumstances; appearance before a Magistrate; preparation of reports; and accommodation.

346. "The Magistrate is required to make a determination regarding the placement of the child considering the best interests of the child and with a view to effecting family reunification or placing him or her with extended family having due regard to the safety of the child and family.

347. "The Government set up a Sri Lanka Task Force for Monitoring and Reporting on children affected by armed conflict in terms of Security Council resolution 1612 on July 2006. The Task Force secretariat is based in UNICEF and coordinates information-gathering at national level data. The Task Force will be the contact point for the global Steering Committee. Modalities for monitoring and reporting at sub-national level are still being strengthened. UNICEF is conducting a series of training workshops on Monitoring and Reporting Grave Child Rights Violations, which will involve looking at revision of monitoring techniques for documenting grave child rights violations and the establishment of a district coordination mechanism for documenting and responding to such violations. The governmental agencies which are members include the NCPA and the Human Rights Commission. One of the most important aspects which need to be strengthened in the Committee is the need for the
verification of incidents being reported. This includes greater attention to accuracy and objectivity. Another is the need to build the capacity of the only two State institutions which have serious difficulties in fully participating in the reporting process due to lack of resources to build the capacity of their institutions to record and report child related incidents to the Sri Lanka Task Force on 1612.

348. "As a follow up to Security-Council resolution 1612 and the United Nations Secretary-General’s report on children affected by the conflict, a task force meets regularly under the Secretary Ministry of Child development to discuss and follow up outstanding issues, particularly in relation to action needed. These include issues such as child recruitment and rehabilitation, access to education, birth registration and the provision of alternate care.

Psychosocial support and assistance

349. "Psychosocial support and assistance for children affected by the armed conflict have been given attention by both government and NGOs at community level. Such programmes cover child combatants released to homes as well as other children affected by the conflict living in communities.

350. "According to UNICEF and NGO sources with regard to child combatants, a needs assessment is conducted for each child immediately on release, looking into needs such as counselling, shelter, income generation and vocational training. Apparently according to their sources, such needs generally cover the wider community, and cover unaccompanied children, internally displaced persons and refugees, returnees and landmine survivors. Among initiatives to identify problems requiring a psychosocial intervention include Village Protection Committees and Children’s Clubs. Their coverage has not been determined. More generalized training appears to be given on methods to cope with the conflict situation and its consequences. The impact has not been determined.

351. "The Psychosocial Coordination Forum operating at district level in the conflict-affected areas is one mechanism to cater to the psychosocial needs of all children. This mechanism evolved over 2003–2004 but became functional from 2005 with the input of new funds from tsunami aid. The Psychosocial Forum is linked to the mental health units of government hospitals in the relevant areas. The NCPA has appointed Psychosocial Coordinators who act as focal points within DCDCs, thereby allowing for coordination and linkages among government, NGOs and the community in providing psychosocial assistance and support to children. In addition to these measures which are designed to pick up on the variety of psychosocial issues in the community and provide appropriate referral, there are also other initiatives to address specific issues, such as the Mine Action offices of the United Nations Development Fund (UNDP) which provide survivor assistance to landmine victims, and the offices of United Nations High Commissioner for Refugees (UNHCR) which support internally displaced persons, refugees and returnees.

Education

352. "The Government has taken measures to ensure that children affected by conflict are not denied their right to education throughout the entire period of the conflict. Non-formal and "catch up "education programmes have also been conducted. Infrastructure improvements include the constructing of school buildings, toilets and water supply facilities particularly in the Northern and Eastern Provinces. This also included the reactivation of School Attendance Committees. Teachers have been trained in psycho-social counseling. Due to the security situation it is difficult to obtain
accurate and reliable information on education issues from some areas.

353. "Unfortunately the LTTE uses schools, particularly in LTTE-dominated areas to indoctrinate school-going children to join the LTTE and become child combatants.

354. "A comprehensive assessment of the education sector needs in the conflict-affected areas was done in 2003. It covered physical capital stock, teachers and principals, non-formal education, peace education, school feeding programmes, and preschool education. Section VIII on "Education" in this report (above) points out that government spending on education in conflict-affected areas is proportionately very high compared to other districts. However, there were severe capacity constraints in reconstruction and supervision in districts such as Jaffna, Kilinochchi, Mullaitivu, Mannar and Vavuniya. Issues related to teacher deployment have already been dealt with, in the "Education" section, above. With the current phase of the conflict further reconstruction and development in the North would have to be reassessed in the future. Rebuilding of schools and infrastructure facilities however carry on in the East. It is expected this would be expedited with the recent election of provincial authorities.

355. "The Sri Lankan Government adopted several measures to provide extra educational support for displaced children. Catch Up Education (CUE) was one such initiative. Under the Six-Year Provincial Primary Education Plan (1999–2004) of the Northern and Eastern Province (as it then was) teachers were trained in a short orientation programme in CUE. In 2001 a CUE programme was initiated in Vavuniya, on the basis of findings and recommendations of An Appraisal of the Education System in the Vanni (LTTE-controlled) areas of Sri Lanka. This programme was expanded and the Vanni Education Rehabilitation Project (VERP) supported by German Government Assistance (GTZ) was launched in 2002.

356. "A Review of CUE in Sri Lanka done with UNICEF-Ministry of Education collaboration in 2003 revealed certain gaps in the CUE programmes. While CUE was found to have many advantages, just as in mainstream education, inadequate training of teachers, lack of teaching materials and lack of parent awareness were found to be problems. The Review recommended a revised system in place for CUE encompassing a Provincial Steering Committee which would decide on methods of selection of beneficiaries etc., and with clear reporting and monitoring guidelines.

357. "Learning from past experience in CUE, education authorities have with UNICEF support created a new consolidated syllabus specially designed for children who have been out of regular school for up to six months. This was done after a careful examination of existing school curricula to identify key competencies which children are required to achieve during an academic year and to make a successful transition to the next grade. Aware of the need for sensitivity to the emotional impact of the conflict on children, their families and teachers, the new curriculum contains a strong psychosocial component.

358. "The Human Rights Commission’s National Protection and Durable Solutions for Internally Displaced Persons (NPDS/IDP project) have recently completed a study on the Right to Education of IDPs.

359. "The study assesses the situation in six conflict-affected districts, with about 361,060 displaced persons of whom nearly 30 per cent are school-age children, representing 2 per cent of the total student population of the country. The study identifies several
360. "It signals the need for better management of the preschool system by the Provincial Councils and more financial and other resources for the management and supervision of preschools. In primary and secondary education issues highlighted are temporary closure of schools and schools being used as IDP accommodation; high dropout rate due to financial constraints; and child labour and child military recruitment.

361. "The study revealed that a number of schools were temporarily closed and some others were occupied by displaced persons, interrupting the education of thousands of children and causing the relocation of hundreds of teachers from their original schools. With the Government taking control of the East measures were quickly put in place with the assistance of INGOs to bring normalcy to the lives of the displaced. In several affected administrative Divisions children are back in schools with furniture, books and uniforms provided by the Ministry of Education.

362. "Where children are affected by the disruption to infrastructure facilities such as water and electricity, the Ministry of Resettlement is putting in place measures to restore these facilities under the Emergency Assistance Programme to the Resettled IDPs in Batticaloa.

363. "There are indications that in areas of severe teacher shortage, schools may be resorting to the use of volunteers, at a time when the national policy of the government is to put a stop to the use of untrained teachers. In a bid to address some of these issues, the Eastern Province Education Department is hoping to obtain UNICEF assistance to enhance the quality of education in the East with targeted teacher training programmes including psychosocial interventions for displaced teachers. In Trincomalee the Japan International Co-operation Agency (JICA) is supporting a project to Improve School Management to Enhance Quality of Education with Special Reference to Science and Mathematics (ISMEQUE). In more Northern areas the security situation makes it harder to maintain normalcy in schooling. Security concerns particularly regarding travel to and from school have resulted in some children dropping out of school.

364. "As the absence of birth certificates was identified as a major obstacle to displaced children gaining admission to schools on relocation, the National Policy on Admissions to Schools was revised to remedy this situation. The policy makes special provision for admission to schools after displacement, by stating that it is not necessary to have a birth certificate for school entry. The school should accept a letter from the village head (the lowest administrative unit in the country) and a certification by the IDP camp that the child has been affected by a disaster, natural or man-made. An affidavit can be submitted to confirm the date of birth.

365. "A Needs Assessment of the Asian Development Bank, World Bank and World Food Programme (WFP) in 2003 showed 50,000 school aged children as out of school in the North and East, with a 15 per cent dropout rate. Measures have been taken by both government and NGOs to address this situation. Under the WFP's Food for Education concept which recognizes poverty and lowering of socio-economic status of displaced people as a main cause of school drop-out, about 22,000 children from Grades 1–9 get mid-day meals.

366. "The Mid-Day Meal Programme under the Government’s vision document Mahinda Chintana also provides mid-day meals to
selected schools. Government officials regularly visit these schools to ensure implementation and reduce further dropouts.

Additional information

367. "A profiling of protection concerns of children displaced due to the armed conflict commissioned by Save the Children was carried out in three districts – Jaffna in the North, Batticaloa in the East and Anuradhapura in the North Central Province. It looked at children displaced since April 2006 who were living in IDP camps, from the perspective of the children themselves, parents/careers and service providers. The study found that the primary impact of the conflict on children was psychological.

368. “Fear of armed personnel and explosives, loss or separation of loved ones, loss of hope for the future, inability to plan, mental strain with related behavioural changes such as withdrawal and difficulty in concentration, were some of the most important impacts. Adults raised economic issues as the second most important area of concern, with absence of livelihood possibilities and losses suffered in the process of displacement being highlighted. Adults saw education as the next most affected area. Discrimination by the host community was an issue brought up by all informant groups. A need for accountability and order to reduce impunity was articulated across the districts. Informants pointed to the Civil Affairs Office in the district as a good service provider, noting that fire arms were not carried by officers within the premises and that the officers spoke Tamil, making it a relatively friendly and approachable place.

369. “It is interesting that children found happiness mostly in school and school-related activities, with play and recreational activities, and family, coming next. Children felt cared for and protected by the family, and many also felt cared for by service providers. With regard to knowledge of service availability and access, the level of knowledge was low. While there was some awareness that abuse should be reported, people did not know the processes for doing so. There was also a lack of knowledge of services specific to displacement such as rehabilitation.

370. "The most recent development in this area is an inter-agency initiative on children affected by armed conflict, supported by UNICEF. A workshop was held in March 2008 by the participation of the MoCDWE, DPCCS and NCPA, district-level officials and NGOs working on this issue. The purpose of the workshop was to review and harmonize existing child protection strategy for these children and establish the basis for the definition of minimum standards of practice across all State and non-State actors and agencies.

371. “Working groups have begun to formulate standards and guidelines in eight thematic areas: advocacy strategy; community awareness/participation/protection; protective/interim care and case management; school reintegration, psychosocial support, gender and other cross-cutting issues; vocational training/livelihoods; government structures; and coordination structures/referral mechanisms. Models of best practice will be developed in each area.

372. “As follow up, at national level there will be a consultation with the government to define coordination mechanisms at national and district level, to develop a referral mechanism model and to identify capacity building needs. At district level, the workshop conclusions will be shared with relevant child protection stakeholders in order to identify steps to develop best practices model, to recommend to the national level actions and support needed, and to participate in the elaboration of operational guidelines.”
Comprehensive child labour monitoring system

400. "At sub-national level, the recently reconstituted DCDCs (discussed in “Coordination” under “General Measures of Implementation”, above) are expected to play a key role in monitoring. The amalgamation of the different committees into one body reflects the closely inter-related nature of different aspects of children’s rights such as education, health and welfare, economic exploitation, sexual exploitation, and children affected by armed conflict.”

(Section IX. Special protection measures; part A. Children affected by armed conflict; paragraphs 328 – 372 and 400)

Children affected by the tsunami

430. "A massive outpouring of international assistance supported by relatively strong infrastructure for most of the country and a good system of social services meant that in many ways Sri Lanka’s recovery from the tsunami was reasonably successful. A quick and effective response from health services meant that there were no epidemics or serious physical health consequences. Psychosocial support for tsunami survivors was put in place in many areas, although the quality of such services was not consistent given the influx of NGOs of differing degrees of expertise and cultural awareness. Housing reconstruction and livelihood recovery were the two most serious post-tsunami challenges. Despite initial complications relating to access and equity, the restoration of livelihoods has progressed. The rate of housing reconstruction was slow in the first year or so, with wide regional disparities, but much of the housing is now complete. The rate of reconstruction was lowest in the East, exacerbated by the heightening of the ethnic conflict and the resultant further displacement. It is hoped that under the new Eastern Reawakening plans of the government and the election of the Provincial Council the position of the East as an underserved region will gradually diminish.

442. "A recent study was conducted by UNICEF to examine the legal and social protection measures for tsunami-affected children in Jaffna (in the North) and in Trincomalee, Batticaloa and Ampara (in the East). The study found that 372 Fit Persons Orders had been issued in these districts for tsunami-affected children. The situation regarding these children was difficult to verify in some cases due to subsequent displacement which some had suffered due to the conflict. The study produced a number of findings which should inform future interventions geared towards child protection in the context of the North East. Even greater monitoring than in other parts of the country may be needed for tsunami-affected children in the North East, due to findings inter alia that a significant number of children in respect of whom Fit Person Orders were granted are not living with such Fit Person but with (other) relatives. The study made several recommendations:

(a) Two or more Probation Office units in each district, greater sharing of information between Probation Officers and Child Rights Promotion Officers, and more accountability by Probation Officers;

(b) Increasing awareness on the CYPO in order to ensure standard procedures and clear criteria in the granting of Fit Person Orders;

(c) Assessment of capacity building needs including in the areas of documentation, record maintenance and data management, gender sensitivity, and poverty and livelihood issues; and

(d) Mechanism to improve coordination of psychosocial interventions.
443. “Once this report is finalized, the MoCDWE will work in collaboration with UNICEF, Save the Children and local NGOs towards the implementation of its recommendations.”

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<th>Introduction</th>
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<td>3. “The Committee reminds the State party that the present concluding observations should be read in conjunction with its concluding observations adopted on the State party’s initial report to the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/LKA/CO/1) on 1 October 2010.”</td>
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<th>Follow-up measures and progress achieved by the State party</th>
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<td>4. “The Committee notes with appreciation the positive developments related to the implementation of the Convention, such as the adoption of:</td>
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<td>• The Penal Code (Amendment) Act No. 16 of 2006 which, inter alia, makes it a penal offence to engage and recruit a child for use in armed conflict and in child labour, child trafficking and child pornography;</td>
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<th>Factors or difficulties impeding the implementation of the Convention</th>
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<td>6. “The Committee regrets that the nearly 30 years of civil war and armed conflict that ended in May 2009 and the catastrophic tsunami of December 2004 continue to have negative impacts on the situation of children, especially in the affected regions, and hamper progress in the implementation of the rights of all children under the Convention.”</td>
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<td>17. “Legislation was passed in a number of areas to strengthen children’s rights and enhance their protection. These included the following:</td>
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<td>(c) The Penal Code (Amendment) Act No. 16 of 2006 strengthened the law against child trafficking including that by electronic media. The new section 360C adopts the wide definition of trafficking in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons. The new section 358A has criminalized outstanding worst forms of child labour as stipulated in the International Labour Organization (ILO) Convention No. 182: debt bondage and serfdom, forced or compulsory labour, slavery and engagement or recruitment of children in armed conflict. (The former three apply to all persons, not only children);”</td>
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| 13. “The Committee welcomes as positive the importance accorded by the new National Plan of Action for Children (2010-...
2015), inter alia, to addressing geographical disparities and meeting the needs of care and protection of children in conflict-affected areas, as well as the efforts made by the State party to improve the overall coordinating mechanism of the plan involving the National Planning Department of the Ministry of Finance and Planning. The Committee encourages the State party to strengthen its efforts to provide specific budget allocation, adequate coordination and follow-up mechanisms for the full and effective implementation of the National Plan of Action for Children (2010-2015), including its monitoring and evaluation.

Independent monitoring

14. "The Committee notes with concern that the National Human Rights Commission was downgraded from A to a B status by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights in December 2007 because of concerns relating to the appointment procedure of commissioners and its lack of independence from political influence. The Committee is concerned that the National Human Rights Commission lacks the necessary human, technical and financial resources to carry out its responsibilities effectively. The Committee further regrets that its recommendation to the State party to consider the establishment of a bureau for children’s rights within the Commission to enhance access for children has not been followed up.

15. "The Committee urges the State party to take the necessary measures to ensure the independence of the National Human Rights Commission in conformity with the Paris Principles. Drawing attention to its General Comment No. 2 on the role of independent national institutions in the promotion and protection of the rights of the child (CRC/GC/2002/2), the Committee also calls upon the State party to ensure that the National Human Rights Commission is provided with the necessary human, financial and technical resources to carry out its responsibilities effectively. It further urges the State party to consider establishing either a bureau for children’s rights within the Commission or an Ombudsman for Children. The State party should ensure that the Bureau or the Ombudsman for Children has adequate human, technical and financial resources and is accessible to all children and has the power to receive, investigate and address complaints by children, in particular those affected by conflict.

Allocation of Resources

16. "While taking note of the process initiated in 2007 to collect disaggregated data on expenditure for children, the Committee regrets that the system is not yet functional and that insufficient information has been provided to enable the Committee to properly assess the allocation of resources for children in line with art. 4 of the Convention. The Committee also notes with concern that:

(b) The State party has not yet conducted an assessment of the budget needs in relation to establishment of social services in the districts affected by armed conflict and the tsunami;

17. "The Committee urges the State party, taking into account article 4 of the CRC and the Committee’s recommendations during its Day of General Discussion in 2007 on "Resources for the Rights of the Child - Responsibility of States", to:

c) Conduct a comprehensive assessment of the budget needs related to establishment of social services in the districts affected
by armed conflict and tsunami and establish clear allocations for these areas that progressively address the disparities in indicators related to children’s rights;

Cooperation with civil society

26. "The Committee expresses serious concern at the reported growing pattern of intimidation of non governmental organizations (NGOs) in the State party, including threats, harassment, physical attacks and arrests and about restrictions placed on their work which greatly restrict their capacity to monitor the situation of children and to provide support services to children especially in conflict-affected areas. The Committee also expresses concern that the NGOs Secretariat responsible for the registration of NGOs has been placed under the authority of the Ministry of Defence with stringent regulations which may not be conducive to NGO participation in humanitarian work. It is further concerned about the views expressed by the State party in its written replies and reiterated by the State party delegation during the dialogue that NGOs do not have any barrier to their work as long as they adhere to government policies.

27. “Underlining the crucial role played by civil society organizations in the promotion and protection of child rights, the Committee urges the State party to take concrete steps to facilitate and give legitimate recognition to human rights defenders and their work, including those who report child rights violations for appropriate State party action, to ensure that NGOs can safely carry out their functions in a manner consistent with the principles of a democratic society. To this aim, the Committee further urges to remove unnecessary barriers and control over the work of non governmental organizations in favour of children. The Committee further urges the State party to systematically involve community, civil society, and children’s organizations, throughout all stages of implementation of the CRC.”

(Section D. Main areas of concern and recommendations; part1. General measures of implementation (arts. 4, 42 and 44, paragraph 6 of the Convention); paragraphs 13–16(b), 17 (c), 26 and 27)

General principles

Right to life, survival and development

32. “The Committee expresses serious concern that insufficient efforts have been made by the State party to investigate the death of hundreds of children during the five last months of the conflict as a result notably of alleged shelling and aerial bombardments of civilians, hospitals, schools and humanitarian operations and deliberate deprivation of food, medical care and humanitarian assistance. The Committee is also concerned that high levels of malnutrition and poverty undermine the right to survival and development of many children in the State party, especially in the conflict affected and disadvantaged areas.

33. “The Committee strongly urges the State party:
(a) To ensure that prompt, independent and impartial investigations are conducted and that those responsible for the killings of children are duly prosecuted and sanctioned with appropriate penalties; and
(b) Take the necessary measures to fight the deprivations of malnutrition and poverty which impact on the life, survival and full development of children.”

(Section D. Main areas of concern and recommendations; part2. General principles (arts. 2, 3, 6 and 12 of the Convention);
Civil rights and freedoms

Protection of privacy
38. “The Committee expresses concern that the right to privacy of child victims of exploitation and abuse, children in conflict with the law and children formerly involved in armed conflict are not always respected by the media. The Committee is also concerned that insufficient measures have been taken by the State party to protect the right to privacy of such children.

39. “The Committee urges the State party to establish mechanisms in cooperation with the private sector to ensure that all materials broadcasted in the media respect children’s right to privacy, including the adoption of a code of conduct and/or self-regulation by the media. The State party should ensure that appropriate human rights training, including child rights, is given to media personnel and all professionals dealing with child victims and offenders, paying particular attention to children’s right to privacy. The Committee further urges the State party to ensure that child victims and children in conflict with the law accompanied by uniformed officers are no longer transported by public transport to courts.”

Basic health and welfare

Health and health services
52. “While noting the State party’s remarkable achievements in reducing infant, child and maternal mortality and continuous efforts to provide universal access to maternal and child health care services, the Committee expresses concern that the proportion of GDP devoted to health has been decreasing since 2007. The Committee also notes with concern that although the State party suffers no significant food shortages and provides extensive, free maternal and child health services, maternal under-nutrition continues to be a major challenge, malnutrition affects nearly one-third of children and fourteen per cent of children under five suffer from acute malnutrition due mainly to the unequal distribution of services in the regions. The Committee is further concerned over the considerable variations in children’s health status depending on the regions where they live, with children living in the plantation sector or in conflict affected areas being particularly disadvantaged.

53. “The Committee recommends the State party to continue to:
(a) Prioritize the allocation of financial and human resources to the health sector with a special emphasis on primary health care, in order to ensure equal access to quality health services by all children including children living in the plantation sector and conflict affected areas;
(b) Strengthen its efforts to improve the health situation of all children, including through the implementation of the Integrated Nutrition Programme throughout the State party and the establishment of a national nutrition committee to coordinate nutritional interventions at all levels;
(c) Improve the quality of nutritional education and counseling services and determine the particular regions, districts and groups of children for priority intervention;
(d) Continue to seek technical cooperation from UNICEF and WHO.

HIV/AIDS
58. "The Committee notes that although the State party is categorized as a low HIV/AIDS prevalence nation, several factors, notably internal and external migration, past armed conflicts, tourism, low use of condoms and increase in commercial sex put the country at risk of the spread of HIV. The Committee is also concerned that only 17.3 percent of young women have comprehensive knowledge of HIV/AIDS.

59. "In light of its General Comment No. 3 (2003) on HIV/AIDS and rights of child and International Guidelines on HIV/AIDS and Human Rights, the Committee urges the state party to strengthen its efforts to prevent the spread of HIV/AIDS by notably increasing awareness about HIV/AIDS among adolescents, particularly among the most disadvantaged groups. The Committee also recommends that children be actively involved in the formulation of HIV prevention strategies.

Right to an adequate standard of living

60. "While noting the existence of a large number of social protection systems to support poor families and the fact that overall poverty has declined in recent years, the Committee nevertheless expresses concern that a large proportion of the State party’s families and children continue to live in extreme poverty, especially in rural areas and tea plantations which undermines their development. The Committee is also concerned that disadvantaged families are excluded from poverty alleviation programmes due to shortcomings in their management and coordination and that they rarely meet the needs of children and families who require them most as such families often have no knowledge of the existing support programmes and services. While noting that programmes are being implemented to address water supply needs, the Committee expresses concern that access to safe water and sanitation for slum dwellers, internally displaced persons (IDPs) and marginalized populations still has to be addressed.

61. "The Committee recommends that the State party ensure that poverty alleviation and social protection programmes are adequately targeted to the poorest families and implemented in a more child-centered and equitable manner with special attention to most disadvantaged groups, including children and families living in rural areas, child workers and children in single-parent households. Special efforts should be made to inform families living in poverty and those caring for children of migrant mothers of the available support programmes and services in order to increase their access. The Committee further recommends that the State party to strengthen its efforts to address the water supply needs in the conflict affected districts.”

Section D. Main areas of concern and recommendations; part 6. Basic health and welfare (arts. 6, 18 (para.3), 23, 24, 26, 27 (paras.1-3) of the Convention); paragraphs 52, 53, 58 – 61

Family environment and alternative care

Abuse and neglect

Efforts to address child abuse and to strengthen the complaints system

138. "The act also improves an obligation of a person who provides a service by computers to prevent such computer facilities being used for sexual abuse against a child. It also criminalizes the soliciting of a child for the purpose of sexual abuse of a child and the recruitment of a child for armed conflict. One of the principle features of the
2006 legislation is the inclusion of psychosocial or mental trauma in the definition of injuries for the purposes of awarding compensation to the victim of certain offences.

(Section VI. Family environment and alternative care; part C. Abuse and neglect; paragraph 138)

<table>
<thead>
<tr>
<th>Education, leisure and cultural activities</th>
<th>Education, leisure and cultural activities</th>
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</thead>
<tbody>
<tr>
<td><strong>The legal framework</strong></td>
<td><strong>Education, including vocational training and guidance</strong></td>
</tr>
<tr>
<td>Additional information on the reforms and adequate material resources for their implementation to principals, teachers and parents in rural and conflict-affected areas</td>
<td>62. “The Committee commends the State party for the significant progress achieved over the years in the areas of school enrolment, literacy and gender equality. The Committee also welcomes the adoption of the Education Sector Development Framework and Programme (2006-2010) which focuses mainly on improving equity in access to education and the quality of education as well as the National Policy on Early Childhood Care and Education (ECCE) adopted in 2005. Nevertheless, the Committee is concerned that:</td>
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<td>260. “Comprehensive information regarding the Education Reforms was provided to all stakeholders. Booklets were prepared and disseminated to principals, teacher guides distributed, workshops held, guidance provided to Zonal education officers and others, and leaflets distributed at community level.</td>
<td>(a) In spite of the need for school infrastructure, especially in conflict affected areas where schooling has been disrupted for thousands of displaced children, public investment in education is at a relatively modest level and lower than the South Asian average;</td>
</tr>
<tr>
<td>261. “Despite these efforts evaluations of the reforms now finds that there were gaps in dissemination of information which had a negative effect on implementation. While the competencies, skills and learning outcomes of the revised primary school curriculum are clearly specified, understanding of these achievement levels among principals and teachers has been reported to be rather limited. Similarly the capacities of principals and teachers to translate these primary school achievement levels into effective teaching strategies in schools and classrooms were found to be weak.</td>
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<td>262. “The experience of the education reforms has also underlined the need for especially effective communication of policies which appear controversial but are important for the overall reform endeavour. The school rationalization programme is an example. The strategy was to address the problem of high-cost small schools by amalgamating and consolidating them with larger schools in their neighborhood.</td>
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<td>263. “This programme was in operation in 1998–2002 and achieved 75 per cent of its target, but was temporarily suspended due to opposition. The multiple textbook policy, designed to widen choice and improve quality, was another illustration, where the controversy created delayed implementation for several years.</td>
<td></td>
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<tr>
<td>264. “In such cases, the inability of central and provincial education authorities to explain and communicate the policies effectively damaged the chances of successful implementation of the reforms.</td>
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<tr>
<td>Material resources</td>
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<td>265. “The Government has prioritized the provision of resources for the implementation of the reforms. The Ministry of Education has prepared a set of norms for the provision of physical facilities to schools. The requirements of schools are identified according to these norms. The Ministry uses the annual School Census as a method of collecting data on facilities available in schools in order to assess their requirements. Financial constraints mean that shortfalls in physical resources continue to exist.</td>
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<td>266. “In 2005 the Ministry of Education classified Government schools in the country into five groups – more congenial, congenial, not difficult, difficult, and very difficult. They were classified according to seven criteria: (a) Availability of basic facilities (drinking water, electricity, telephone, library);</td>
<td></td>
</tr>
</tbody>
</table>
(b) Availability of usable equipment (duplciators, photocopier, computers);

(c) Availability of basic usable sanitary facilities;

(d) Availability of building spaces (classrooms, labs etc.);

(e) Availability of minimum spaces (principal’s office, staff room, store room);

(f) Availability of teachers (adequacy, qualifications);

(g) Location (distance to bus routes and railway station).

267. “The table below shows the regional variations in the facilities for schools, with the Western Province having the best indicators and the Northern and Eastern, North Central and Uva the worst.

<table>
<thead>
<tr>
<th>Classification of schools according to level of difficulty by province</th>
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<tbody>
<tr>
<td>Please refer to Annex I, Table i)</td>
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</table>

268. "The Government has adopted a two-pronged policy to attack the persistent regional disparities in the education system. The two main components of the policy are progressive central government financing, with favourable treatment for poor Provinces and Regions; and special policy measures to promote equity of education access, quality and opportunity. The latter includes a norm-based cost resource allocation mechanism to distribute public resources to schools equitably. This formula was pilot tested in 1999 and introduced throughout the country from 2000. It has been very successful in reducing disparities between schools with similar characteristics from 1:300 in 1996 to about 1:15 by 2002.

269. “Progressive policies have meant that the central government share of financing provincial education is 100 per cent in the Northern and Eastern Provinces in contrast to 45 per cent-50 per cent in the more affluent Western Province. The Northern and Eastern Provinces as those with greater numbers having, low education outcomes, benefit from the highest proportion of government expenditure per student on education. The richest province with the best education outcome which is the Western Province has the lowest proportion of government expenditure per student on education. Other poor and disadvantaged provinces such as Uva and North Central also benefit from large central government grants for education which enable them to invest more resources on education, far exceeding that which could be financed solely through provincial budgets. Despite these progressive policies, significant variations in student performance among urban, rural and estate children persist. This therefore indicates wide disparities when it comes to providing resources for curriculum implementation.

270. “There have been successive initiatives to develop small schools in disadvantaged locations, so that small rural schools could provide greater access to basic education for particularly the more disadvantaged living in remote rural areas. But certain deficiencies in planning and sustainability of interventions have prevented the achievement of significant results. At the same time the number of small schools has increased. The number of schools with less than 51 students has risen from 1,253 (12.4 per cent) in 1997 to 1,549 (16.0 per cent) in 2006. It was originally planned to create a network of primary feeder schools around a secondary school with better facilities. This plan was approved by Cabinet but has yet to be implemented.

63. “The Committee recommends that the State party, taking into account its general comment No. 1 (CRC/GC/2001/1) on the aims of education:

(a) Ensure adequate funding of the public education system and urgently develop a comprehensive education plan for conflict affected areas in the North and East of the country with clear budgetary allocations for its full implementation and monitoring;

(f) Provide suitable vocational or second chance education for dropouts, especially in conflict affected areas;”

(Section D. Main areas of concern and recommendations; part 7. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention); Education, including vocational training and guidance; paragraphs 62(a) and 63 (a) & (f))
271. “For information on provision of material resources for implementation of the education reforms in conflict-affected areas, see section IX (A) “Children affected by armed conflict” under “Special Protection Measures”.

Trained teachers in rural and conflict-affected areas

275. “The teacher requirement of each school is calculated by reference to a circular with a “ready reckoner”. The circular provides criteria for the calculation of deficits and excesses in any school, with the required number of teachers being calculated on the basis of enrolment in different Grades. The average overall student teacher ratio is about 22:1. Teacher transfers need to be approved and new teacher recruits distributed among the provinces on the basis of the circular. But external factors such as interference by politicians and officials mean that the regulations are not strictly adhered to. There are also bureaucratic delays in teacher appointment and deployment, particularly for the North and the East.

276. “Educationists advise the implementation of a strict policy or procedure to ensure that every school receives the quota of teachers in order to eradicate regional and sector-wise disparities. Some initiatives towards this end are described below.

277. “Although circulars prescribe that schools with 45 or less students are entitled to three teachers, there are still schools with less than three teachers, usually in remote areas.

278. “The number of schools with less than three teachers has decreased from 440 in 2006 to 385 in 2007. While there are more teachers than the overall teacher requirement, the Government continues to face the conundrum of insufficient teachers in remote areas and large surpluses of teachers in some urban schools. Excesses and deficits of teachers are also found within the same district. Shortage of teachers is particularly serious in the subjects of Science, Mathematics and English. This situation has persisted despite government attempts to encourage teachers to go to remote areas by payment of incentives of ten per cent of salary for difficult areas and 15 per cent for very difficult areas (see above for classification of schools).

279. “Low teacher salary is an important factor which affects all teachers in general, and more so, to underprivileged areas. Teacher salaries have been declining in real terms over the past 25 years. Education policymakers believe that teacher status, motivation and work attitudes have deteriorated through the years, and highlight the need to re-motivate and improve the attitudes of teachers.

280. “The Government has recently come up with further measures to improve teacher deployment and also teacher absenteeism which is an additional problem, especially in remote areas. A package of new incentives includes quicker promotion; preferential access to children of these teachers to popular schools; construction of teachers’ quarters in disadvantaged areas; and permitting teachers to cash in unutilized leave. Lack of finances has prevented the effective implementation of these incentives. Another important measure is to shift from the teacher recruitment system to school-based recruitment or direct recruitment to schools instead of the current centralized transferable service. This requires amendment to legislation on teacher recruitment.

281. “There are several programmes currently initiated by the Government to reduce regional disparities in education arising from the lack of qualified and competent teachers in regional schools. Teacher Villages (“Guru Gammana”) are being established in 25
selected areas to address the problem of teacher shortage in remote areas. 325 regional schools are being selected for improvement under the Isuru Schools Improvement Project. A three-month teacher education certificate course has been initiated in local universities for newly recruited graduates, and the Peradeniya Teachers’ College in the Central Province is being upgraded to a Centre for Excellence in English for conducting degree and certificate courses in English.

282. “A Government policy in the 1990s to recruit teachers according to ethnic proportions, while intended to promote non-discrimination, aggravated the problem of uneven distribution of teachers since there were more vacancies in Tamil medium schools.

283. “When it emerged that this left Tamil medium schools the worst affected in terms of teacher shortage, the Government stopped the policy.

284. “The Government has taken several steps aimed at improving teacher training and reducing the number of untrained teachers. 17 National Colleges of Education (NCOEs) have been set up since 1998. They provide all persons (other than graduates) joining the teachers’ service a three-year pre-service teacher education programme and certification. This has led to a gradual reduction in the number of untrained teachers. Figures for 2007 indicate that 95.8 per cent of the teachers in government schools are either graduates or trained teachers. Ninety-four Teacher Centres (TCs) have been established, one in each education zone, for continuing professional development for teachers. A national Teacher Educator Service has also been established to provide academic staff in NCOEs and TCs. The table below shows the latest picture regarding graduate, trained and untrained teachers in schools by Province.”

(Section VIII. Education, leisure and cultural activities; part A. The legal framework; paragraphs 260 – 284)

Other developments in education

306. “In terms of non-formal education, aimed at assisting in particular children who drop out of school, there is the Non-Formal Education Division of the Ministry of Education. Investigations are carried out at village level and thereafter if necessary at Divisional level to find out why children have dropped out of school and to decide on remedial measures. For more details on the system to track school attendance, please see section VIII (A) above. A specific focus of non-formal education is devising appropriate schemes for conflict-affected areas, where the need for such education is greater with the disruption education caused by war. Programmes of Catch Up Education exclusively focusing on the North East will be referred to in section IX (A) on “Children affected by armed conflict”, below.”

(Section VIII. Education, leisure and cultural activities; part D. Other developments in education; paragraph 306)
### Special protection measures

**Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)**

532. “Under the Pakistan National Service Ordinance 1970 the age of enlistment in the armed forces is eighteen years with the possibility to begin two years earlier for training. There is no compulsory conscription and only persons over the age of 18 years can take part in hostilities.

533. “Similarly, the Government is taking strict measures to stop recruitment of children by non-State actors. Madrassah reforms have also been initiated by the Government to streamline and regulate the Madrassahs that were the major source of children going into armed conflict.

534. “The National Plan of Action for Children 2006 has a goal to protect children from the impact of armed conflict and ensure compliance with international humanitarian law and human rights. There is no special program for the reintegration and recovery of children who have participated in hostilities.

535. “According to the NPA special rehabilitation centers for orphans and special children of the armed conflict will be established where children will be provided with proper health care and formal vocational education training for their rehabilitation.”

(Section VIII. Special protection measures; part (ii) Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39); paragraphs 532 – 535)

### Special protection measures

**Children in armed conflict**

86. “The Committee continues to be gravely concerned over reports of forced underage recruitment and training of children by non-State actors for armed actions and terrorist activities, including suicide attacks. Furthermore, the Committee is concerned over the lack of preventive measures, including awareness-raising, and physical and psychological recovery for children affected by armed conflict, in particular those who were recruited, trained and took part in terrorist activities.

87. “The Committee urges the State party:

(a) To take all possible measures, including intensive awareness-raising campaigns, to prevent and prohibit the recruitment of children and their use in armed actions and terrorist activities, including suicide attacks;

(b) To provide physical and psychological recovery measures for all children affected by armed conflict and those who have taken part in hostilities; and

(c) To consider ratifying the Rome Statute of the International Criminal Court as well as the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol I and Protocol II) of 1977.”

(Section D. Main subjects of concern and recommendations; part 9. Special protection measures; Children in armed conflict; paragraphs 86 and 87)

### Refugee children

82. “The Committee welcomes the generosity of the State party in hosting the world’s largest and longest-lasting refugee population over the past three decades and takes note of the repatriation since March 2002 of more than 3.4 million Afghans refugees. The Committee remains concerned, however, at the harsh living conditions in refugee camps, where a large number of children live, and at the lack of access to health services, education and basic services such as water and sanitation. The Committee also expresses concern that the internal armed conflict is turning political and public opinion against the non-citizens, particularly Afghans, leading to discrimination and abuse by local communities. The Committee is concerned at reports of harassment and extortion of refugees by the police.

83. “The Committee recommends that the State party:

(a) Pursue its policy of generous hosting of refugees and not force Afghan refugees to return to areas of conflict in Afghanistan;

(b) Make all appropriate efforts to improve the living conditions of refugee families and children in refugee camps and elsewhere within the country and ensure that refugee children have access to basic services without discrimination, including health care and education;

(c) Continue and strengthen the Programme for Refugee Affected and Hosting Areas (2009–2014) aimed at reducing
“asylum fatigue” and promoting peaceful coexistence between the host community and the refugee population;

(d) Ensure that refugee children are registered at birth and receive appropriate protection, including unaccompanied and separated children, and in this regard, pursue cooperation with relevant United Nations agencies, including UNHCR, UNDP and UNICEF, as well as with NGOs; and

(e) Taking into account the UNHCR Guidelines on Protection and Care of Refugee Children, develop national legislation on refugee protection and asylum-seekers, including on refugee status determination in accordance with international refugee law and standards, and consider ratifying international instruments, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and the Convention relating to the Status of Stateless Persons of 1954.”

(Section D. Main subjects of concern and recommendations; part 9. Special protection measures; Refugee children; paragraphs 82 and 83)

### Factors and difficulties impeding the implementation of the Convention

5. “The Committee recognizes the difficulties facing the State party, namely serious economic challenges due to soaring increases in food and oil prices and inflationary pressures, catastrophic drought conditions and natural disasters hampering the economy and threatening the right to survival and development of the child, the armed conflict and terrorist activities that are taking place in some regions and have displaced large population, and the high number of refugees hosted by the State party, which all seriously impede progress towards full realization of children’s rights enshrined in the Convention.

(Section C. Factors and difficulties impeding the implementation of the Convention; paragraph 5)

### General principles

#### Right to life, survival and development

35. “The Committee is deeply concerned at the violations of the right to life, survival and development as a result of the prevailing internal armed conflict, population displacements, poor health and sanitation facilities, severe malnutrition and related illnesses.

36. “The Committee urges the State party to make every effort to reinforce protection of the right to life, survival and development of all children within the State party through policies, programmes and services that target and guarantee implementation of this right.”

(Section D. Main subjects of concern and recommendations; part 3. General principles; Right to life, survival and development; paragraphs 35 and 36)

### Basic health and welfare

#### Standard of living

Committee is concerned that the rates of relative and extreme poverty remain very high, particularly among children, and that indicators on adequate housing, nutrition, water and sanitation, and sewage remain alarming. The Committee is also concerned at the impact of the global economic crisis, natural disasters and conflicts on the standard of living of Pakistani children, in particular internally displaced and refugee children. It notes with concern that a high percentage of the population currently faces severe food shortages and that half of the population lives below or just at the poverty line.

77. “In accordance with article 27 of the Convention, the Committee recommends that the State party:
   (a) Strengthen its efforts to reduce the rates of poverty and extreme poverty among the population, in particular with regard to alleviating the effects of the food and energy crisis, and to invest in a social protection system that would prevent people from falling back into poverty;
   (b) Pay special attention to families and children in the development of its poverty reduction strategies, which should include targeted measures protecting children from the harmful impact of poverty on their development, health and education;
   (c) Provide, with the assistance of UNHCR, access to clean water, adequate sanitation, food and shelter in all regions and communities of the country, including to the internally displaced and the refugee population;
   (d) Assist children in acquiring vocational skills and finding occupations respecting the age limits set by ILO Convention No. 138;
   (e) Encourage participation of parents and children in the development of poverty-alleviation strategies; and
   (f) Seek international cooperation and assistance from UNICEF and the World Bank.”

(Section D. Main subjects of concern and recommendations; part 6. Basic health and welfare (articles 6, 18 (paragraph 3), 23, 24, 26, 27 (paragraphs 1–3) of the Convention) Standard of living; paragraphs 76 and 77)

Education, leisure and cultural activities

79. “The Committee recommends that the State party:
   b) Set up clear implementation plans for achieving universal free primary education by 2015 by raising the age of compulsory education to the minimum age for admission to employment; prioritizing policies, funding and actions in all districts, especially districts with the lowest enrolment rates; and giving special attention to the enrolment of all girls and children affected by the armed conflict, including internally displaced and refugee children;
   (f) Prioritize the construction and reconstruction of school infrastructure throughout the country, in particular in earthquake-affected areas, rural and remote areas and regions affected by the armed conflict, through the provision of sufficient resources to local authorities;

80. “The Committee takes note of the efforts of the State party against the madrasas involved in militancy and sectarianism through the 2002 Madrasa Registration Ordinance, but regrets that there is still a large number of unregistered madrasas and that the introduction of secular subjects in the curricula has only been partially implemented. The Committee also regrets that the
The aims of education outlined in article 29 of the Convention, including the development and respect of human rights, tolerance and peace, are not duly respected. Furthermore, the Committee is deeply concerned at reports of violence, ill-treatment, corporal punishment, sexual abuse and illegal detention within madrasas and of madrasas being used for military training, as well as instances of recruitment of children to participate in the armed conflict and terrorist activities.

81. “The Committee recommends that the State party:

(a) Ensure the effective implementation of the Madrasa Registration Ordinance through the establishment of adequate monitoring mechanisms and the linkage of resource allocation to concrete implementation measures;

(b) Take concrete action to eliminate teaching religious or sectarian intolerance; promote human rights, human rights education, including children rights, peace, tolerance and dialogue between different religions and beliefs (article 29 of the Convention); establish a timeline for the introduction of secular subjects at all madrasas; and streamlining the education given in madrasas in order to ensure their compatibility with regular public education;

(c) Ensure the protection of children from maltreatment within madrasas through the establishment of an adequate monitoring mechanism;

(d) Take effective measures to ensure that madrasas are not misused for recruitment of children below the age of 18 years by armed groups or for the involvement of children in armed conflict and hostilities; and

(e) Take into account the Committee’s general comment No. 1 (2001) on the aims of education.”

Optional Protocols to the Convention on the Rights of the Child

102. “The Committee recommends that the State party consider ratifying the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.”

Annex I.

i) Classification of schools according to level of difficulty by province

<table>
<thead>
<tr>
<th>Province</th>
<th>Very difficult</th>
<th>Difficult</th>
<th>Not difficult</th>
<th>Congenial</th>
<th>More congenial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Western</td>
<td>0.5</td>
<td>04</td>
<td>12</td>
<td>28</td>
<td>55.5</td>
</tr>
<tr>
<td>Central</td>
<td>07</td>
<td>17</td>
<td>30</td>
<td>20</td>
<td>26</td>
</tr>
<tr>
<td>Southern</td>
<td>05</td>
<td>14</td>
<td>17</td>
<td>26</td>
<td>38</td>
</tr>
<tr>
<td>North and East</td>
<td>38</td>
<td>14</td>
<td>13</td>
<td>19</td>
<td>16</td>
</tr>
<tr>
<td>North Western</td>
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<td>23</td>
<td>21</td>
<td>22</td>
<td>21</td>
</tr>
</tbody>
</table>
Percentage of schools according to classification

<table>
<thead>
<tr>
<th>Province</th>
<th>Very difficult</th>
<th>Difficult</th>
<th>Not difficult</th>
<th>Congenial</th>
<th>More congenial</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Central</td>
<td>24</td>
<td>27</td>
<td>13</td>
<td>19</td>
<td>17</td>
</tr>
<tr>
<td>Uva</td>
<td>08</td>
<td>15</td>
<td>37</td>
<td>22</td>
<td>18</td>
</tr>
<tr>
<td>Sabaragamuwa</td>
<td>04</td>
<td>25</td>
<td>22</td>
<td>25</td>
<td>24</td>
</tr>
</tbody>
</table>

Source: DMR Branch, MoE.