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# Convention on the Rights of the Child

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## Committee on the Rights of the Child

Fifty-seventh session

30 May – 17 June 2011

### Consideration of reports submitted by States parties under article 44 of the Convention

#### Concluding observations: Cuba

1. The Committee considered the second periodic report of Cuba (CRC/C/CUB/2) at its 1626<sup>th</sup> and 1627<sup>th</sup> meetings (see CRC/C/SR.1626 and 1627), held on 8 June 2011, and adopted, at its 1639<sup>th</sup> meeting, held on 17 June 2011 (see CRC/C/SR.1639), the following concluding observations.

#### I. Introduction

2. The Committee welcomes the submission of the second periodic as well as the written replies to its list of issues (CRC/C/CUB/Q/2/Add.1). However, the Committee regrets the unusual delay in submission of the report. The Committee appreciates the constructive dialogue with a high level and multisectoral delegation, which allowed the Committee to gain a better understanding of the situation of children in the State party.

#### II. Follow-up measures and progress achieved by the State party

3. The Committee notes with appreciation the adoption of the following legislative measures notably:

- a) The adoption of Instruction 187/07 (2008), which provides that the views of children over 7 years old will be heard in court proceedings on parental authority involving them;
- b) The adoption of Decree-Act No. 234 (Working Women's Maternity Act) in 2003, which contains provisions to guarantee and facilitate medical care during pregnancy, pre-natal and post-natal rest, breastfeeding, care for children and specialized treatment of children with disabilities.

4. The Committee welcomes the ratification or accession of:

- a) The Optional Protocol on the involvement of children in armed conflict, in 2007;

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- b) The Optional Protocol on the sale of children, child prostitution and child pornography, in 2001;
  - c) The Convention on the Rights of Persons with Disabilities, in 2007;
  - d) The Convention for the Protection of All Persons from Enforced Disappearance, in 2009; and
  - e) The Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Inter-Country Adoption, in 2007.

### **III. Factors and difficulties affecting the implementation of the Convention**

5. The Committee notes that the effects of the embargo are reflected in the difficult economic and social situation prevailing in the country, which has had repercussions on children's enjoyment of their rights, in particular in the socioeconomic field, impeding the full implementation of the Convention.

### **IV. Main areas of concern and recommendations**

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

##### **Legislation**

6. While the Committee takes note of the information provided by the delegation regarding the efforts of the State party to undertake a revision of its domestic legislation to harmonize it with the Convention, it reiterates its concern about the national legislation in force in the State party, which was enacted before the Convention, in particular the Family Code (1975), the Child and Youth Code (1978) and the law on Adoption, Alternative care settings and Foster Families (Decree-Act No. 76 of 1984). The Committee is further concerned that the State party is experiencing difficulties in adopting new or amended legislation, including the draft Family Code.

**7. The Committee recommends that the State party strengthen efforts to conduct a comprehensive review of all legislation affecting children and take all necessary measures to harmonize its legislation, in particular the Child and Youth Code, with the principles and provisions of the Convention. The Committee urges the State party to take the necessary steps to adopt and implement the draft Family Code.**

##### **Coordination**

8. The Committee notes that within the National Assembly there is a permanent Commission on Children, Youth and Equal Rights for Women, which is the body responsible to design the national policies and strategies on children and also to carry out legislative initiatives related to children. Nevertheless, the Committee is concerned about the absence of a mechanism with full authority and capacity for coordinating the actions of all ministries and other agencies of the State party responsible for the implementation of the Convention, as well as the lack of cooperation amongst the national, provincial and municipal authorities in monitoring the implementation of children's rights across the country.

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9. **The Committee recommends that the State party establish an appropriate national mechanism with full capacity and authority and sufficient human, technical and financial resources to effectively coordinate and evaluate all activities related to children's rights carried out by the various ministries and other agencies of the State party. The Committee further recommends that the State party take all necessary measures to ensure that the national, provincial and municipal authorities cooperate in the monitoring and implementation of the Convention in the State party.**

#### **National Plan of Action**

10. While noting the existence of a national plan of action for children (2004 – 2010), which was mentioned by the delegation during the dialogue, the Committee is concerned at the lack of concrete information on the steps taken by the State party to either extend this plan of action beyond 2010, or to elaborate a new comprehensive national plan of action for childhood and adolescence. Furthermore, the Committee takes note of the various sectoral plans and programmes in place in the State party, in particular on health care, disabilities and education. However, it is concerned at the lack of information on the interconnectedness between these plans of action and programmes and their relationship to the national plan of action, if any.

11. **The Committee recommends that the State party, in consultation and cooperation with relevant partners, including local authorities, civil society and children, adopt and implement a national plan or policy which covers all areas of the Convention and its two Optional Protocols and which should be the main document of reference for all other sectoral plans and programmes. The Committee further recommends that the State party provide the necessary and adequate human, technical and financial resources to implement and monitor such plan. In this regard, the Committee recommends that the State party take into account the outcome document of the special session of the General Assembly on Children, "A world fit for children" (2002) and its mid-term review (2007).**

#### **Independent monitoring**

12. The Committee is aware that the mandate of the Office of the Public Prosecutor in the State party includes the protection of children and adolescents and their representation in judicial and non-judicial proceedings. The Committee is however concerned that as the Office of the Public Prosecutor is a component of the judicial system, its mandate and role are not in conformity with the Paris Principles relating to the status of national institutions for the protection and promotion of human rights, in particular the rights of the child, which require the establishment of a separate and independent national mechanism.

13. **The Committee recommends that the State party take all necessary measures to establish a separate independent national mechanism, in full accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), to ensure comprehensive and systematic monitoring of children's rights. Drawing attention to its general comment No. 2 on the role of independent human rights 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 this national mechanism be provided with the necessary human, financial and technical resources to ensure its independence and efficacy.**

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## Data Collection

14. The Committee takes note of the efforts currently undertaken by the State party to strengthen its Statistical Information System on the Rights of Children and Adolescents, in particular the development of a statistical application using the DevInfo 6.0 platform. However, it regrets the lack of disaggregated data on a number of specific areas covered by the Convention, such as children in alternative care institutions, children in conflict with the law and children deprived of their liberty, as well as children engaged in prostitution.

**15. The Committee encourages the State party to strengthen its efforts in setting up a comprehensive data collection system with the support of its partners and to analyze the data collected as a basis for assessing progress achieved in the realization of child rights and to help design policies and programmes to implement the Convention. The data should be disaggregated by age, sex, geographic location, ethnicity and socio-economic background to facilitate an analysis of the situation of all children.**

## Dissemination and training

16. The Committee takes note of the establishment of 16 children's and adolescents centres of information (CRDNA) throughout the territory of the State party with a view to raising awareness on the rights of the child among the public at large and children in particular. The Committee also notes the efforts of the State Party to provide training to professionals working for and with children on the rights of the child and on the main legislation in force in the State party related to children, in particular the Family Code and Child and Youth Code. However, the Committee remains concerned that because the principles of the Convention are not fully integrated in the legislation currently in force in the State party, as previously mentioned, there is a low level of awareness amongst the public at large, children and professionals working for and with children on the status of the child as a rights holder, in line with the Convention.

**17. The Committee recommends that the State party take the necessary steps to ensure that the dissemination and promotion of the rights of the child, as well as its awareness raising efforts among the public at large and children, are in line with the principles of the Convention. The Committee also recommends that the State party take all necessary measures to provide adequate and systematic training on children's rights, with an emphasis on the status of the child as a rights holder to all professional groups working for and with children, including law enforcement officials, teachers, health workers, social workers and personnel working in all forms of alternative care.**

## Cooperation with civil society

18. The Committee takes note of the information provided during the dialogue about the existence of over 2,200 registered civil society organizations in Cuba. However, the Committee is concerned that civil society organizations are often viewed as being strictly linked with the government, including the Federation of Cuban Women, the Cuban National Union of Jurists and the José Martí Pioneers Organization. The Committee is further concerned that Cuban civil society is not fully independent and has not been sufficiently involved or consulted in policy formulation and programme development on children as well as in the reporting process to the CRC.

**19. The Committee recommends that the State party consider civil society and civil society organizations as partners within the joint national efforts towards the implementation of the Convention and to fully respect their independence in the elaboration and formulation of their own views.**

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### **Child rights and the business sector**

20. The Committee notes the information provided by the delegation which indicates that all business initiatives from abroad are framed within the national legislation of the State party, and that it is compulsory for foreign corporations wishing to invest in Cuba to have a national business partner legally responsible for any violations of the national legislation. However, the Committee remains concerned that children may be affected by the stringencies of the national economy and consequently, be engaged in child labour, sexual exploitation and prostitution, particularly within the tourism industry.

**21. The Committee recommends that the State party continue to be vigilant about the compliance of its national law by local and foreign corporations throughout its territory. The Committee further encourages the State party to give due consideration to experiences from around the world in the application of, *inter alia*, the UN Business and Human Rights Framework to the operations of private and public corporations, particularly in respect of child rights. The Committee urges the State party to ensure that children are protected from any form of economic and sexual exploitation, particularly within the tourism industry, and that those responsible for engaging children in those activities are appropriately prosecuted.**

### **B. Definition of the child (art. 1 of the Convention)**

22. The Committee is concerned that under the legislation of the State party, the age of majority is 16 years, in particular with respect to the minimum age of marriage, the age of criminal responsibility, the protection against corruption of minors and the protection against night work. The Committee is further concerned at the information provided by the delegation indicating that the State party is not envisaging to withdraw its declaration to article 1 of the Convention because of the ongoing revision of its legislation in order to harmonize it with the Convention.

**23. The Committee calls upon the State party to prioritize the revision and amendment, as appropriate, of existing legislation, *inter alia*, the Family Code, the Penal Code and the Labour Code in order to raise the age of majority to 18 years in conformity with the Convention and to consider withdrawing its declaration to article 1 of the Convention, even though the revision of the relevant legislation is not yet accomplished.**

### **C. General principles (arts. 2, 3, 6 and 12 of the Convention)**

#### **Discrimination**

24. The Committee welcomes the initiatives taken by the State party to combat the patriarchal attitudes and deep-rooted gender stereotypes regarding the roles and responsibilities of women and men in the family, but is concerned that such attitudes are still widespread and persistent, leading to domestic violence against women and children.

**25. The Committee encourages the State party to continue and strengthen its awareness-raising and public education campaigns to combat gender stereotypes in the family.**

#### **Best interests of the child**

26. While the Committee acknowledges the reference made by the State party in its report that the principle of the best interests of the child is incorporated in the

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administrative and judicial components of the national legislation, the Committee is concerned that the principle of the best interests of the child is not duly integrated in the State party's legislation as it does not fully consider children as persons entitled to individual rights, in conformity with article 3 (1) of the Convention.

**27. The Committee recommends that the State party take all the necessary steps to ensure that the principle of the best interests of the child is duly incorporated in its legislation, including in the draft Family Code. The Committee urges the State party to strengthen its efforts to ensure that the principle of the best interests of the child is appropriately integrated and consistently applied in all administrative and judicial proceedings as well as in all policies, programmes and projects relevant to and with an impact on children. The legal reasoning of all judicial and administrative judgments and decisions should also be based on this principle.**

#### **Respect for the views of the child**

28. While welcoming the adoption of Instruction 187/07 (2008), which provides that the views of children over 7 years of age will be heard in family proceedings on parental authority in the State party, the Committee is concerned at the lack of information on whether the children's views are systematically sought and taken into consideration with regard to other decisions that might affect them, including judicial and administrative proceedings, policy-making processes, as well as in schools and care institutions.

**29. The Committee requests the State party to provide information in its next periodic report on the measures taken to ensure the full respect for the views of the child and to consider ways of ensuring that children's views are given due consideration in judicial and administrative proceedings as well as within families, schools, social institutions and in child care facilities, in accordance with the provisions of article 12 of the Convention. In this regard, the Committee would like to draw the State party's attention to its general comment No. 12 (2009) on the right of the child to be heard.**

### **D. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)**

#### **Name and nationality**

30. The Committee is concerned that children born abroad from Cuban parents who are outside the categories to transmit nationality, provided in article 29 of the State party's Constitution, are at risk of being left in a stateless situation.

**31. The Committee recommends that the State party take the necessary measures to ensure the right of the child to a nationality, including by reviewing and amending its national legislation in order to provide safeguards against statelessness. The Committee also reiterates the recommendation made by the Committee on the Elimination of Racial Discrimination (CERD/C/CUB/CO/14-18, para. 19) to the State party to ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

#### **Freedom of expression, association and peaceful assembly**

32. The Committee takes note that children have the possibility to form associations in the State party. However, it remains concerned that the protection of the rights to freedom

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of expression, association and peaceful assembly are restricted by articles 53 and 62 of the Constitution of the State party.

**33. The Committee recommends that the State party undertake all necessary measures to expand the protection of the rights of freedom of expression, association and peaceful assembly, in particular by considering amending articles 53 and 62 of the Constitution with the view to ensuring that children fully enjoy the exercise of their rights in compliance with the provisions of the Convention.**

#### **Access to appropriate information**

34. The Committee is aware of the existing economic difficulties and lack of technological competence in the State party which restrict the access of the public at large and children in particular to an adequate internet service. The Committee is concerned that these limitations can impede children's access to information and material from a diversity of national and international sources aimed at promoting the child's development and physical and mental health.

**35. The Committee encourages the State party to take appropriate measures to ensure children's access to information and materials from all available national and international sources, especially those aimed at the promotion of the child's social, spiritual and moral well-being and physical and mental health, in line with articles 13 and 17 of the Convention.**

#### **Corporal punishment**

36. While taking note that the provision on "adequate and moderate" punishment will be removed from the new Draft Family Code, as indicated during the dialogue, the Committee is concerned that provisions allowing for such punishment against children by their parents and guardians (arts. 86 and 152 of the Family Code) are still in force in the State party. The Committee is further concerned that corporal punishment is often used at school and in social institutions as a measure of "discipline".

**37. The Committee recommends that corporal punishment, in any form, be explicitly banned and that the State party conduct public awareness campaigns and provide information on alternative non-violent forms of discipline, parental guidance and counselling with the view to eliminating all forms of corporal punishment against children. The Committee urges the State party to prioritize the adoption of the draft Family Code. In this regard, the Committee draws the State party's attention to its general comment no. 13 (2011) on the right of the child to freedom from all forms of violence and its general comment no. 8 (2006) on corporal punishment.**

#### **Follow-up to the UN Study on Violence against Children**

38. **The Committee encourages the State party to:**

- a) Prioritize elimination of all forms of violence against children, including by ensuring implementation of the recommendations of the United Nations Study on violence against children, paying particular attention to gender;**
- b) Provide information concerning the implementation by the State party of the recommendations of the Study in the next periodic report, particularly those highlighted by the Special Representative of the Secretary General on Violence against children, namely:**

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i) The development in each State of a national comprehensive strategy to prevent and address all forms of violence against children;

ii) The introduction of an explicit national legal ban on all forms of violence against children in all settings; and

iii) The consolidation of a national system of data collection, analysis and dissemination, and a research agenda on violence against children.

c) Cooperate with and seek technical assistance from the Special Representative of the Secretary General on violence against children, UNICEF, the Office of the High Commissioner for Human Rights (OHCHR) and the World Health Organization (WHO), and other relevant agencies, inter alia, ILO, UNESCO, UNHCR, UNODC, as well as NGO partners.

**E. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)**

**Family environment**

39. The Committee takes note of the data provided by the State party with respect to children living in different types of alternative care. However, the Committee is concerned about the lack of detailed information on issues such as numbers of children living in institutions, coordination within the care system, whether the periodic review of the alternative care placement is a regular practice, and whether foster care opportunities, as an alternative type of placement of children without parental care, are provided and preferred over institutional care.

40. **The Committee encourages the State party to adopt a well defined national policy on the alternative care system, including on the allocation of appropriate human, technical and financial resources to ensure the provision of adequate care and protection of children deprived of their family environment, as well as measures to prevent separation of children from their families and to develop foster care opportunities as opposed to institutional care.**

41. While noting recent developments in the State party which indicate that a reform allowing Cubans to travel abroad as tourists is under discussion, the Committee is concerned at longstanding travel restrictions for nationals of the State party, which have resulted in the involuntary separation within many Cuban families, thus imposing restrictions to the right of children to live with their parents.

42. **The Committee encourages the State party to prioritize the reforms under discussion and to consider lifting travel restrictions of Cubans for purposes different from tourism, in particular for family reunification of separated families. The Committee recommends that the State party ratify the three Hague Conventions (Convention on the Recognition and Enforcement of Decisions relating to the Maintenance Obligations, Convention on the Law Applicable to Maintenance Obligations, and Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children).**

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## **F. Basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)**

### **Children with disabilities**

43. The Committee acknowledges the efforts undertaken by the State party to guarantee the rights of children with disabilities, in particular with regard to their access to education. Nonetheless, the Committee is concerned at the lack of information explaining the reasons for the disproportionate number of children under the special education regime (40,176) vis-à-vis the number of children under the inclusive education regime (23,161) in the State party. The Committee regrets the lack of specific information on other measures seeking to guarantee the rights of children with disabilities in other spheres, such as the adoption of specific legislation prohibiting discrimination against people with disabilities.

44. **The Committee recommends that the State party take all necessary measures to promote inclusive education of children with all forms of disabilities and invites the State party to adopt a law which prohibits discrimination against persons with disabilities, in particular children, taking into consideration the Committee's General Comment No. 9 (2006) on the rights of children with disabilities and the Convention on the Rights of Persons with Disabilities. The Committee further recommends the review of existing policies and practices in relation to children with disabilities, taking due regard of the Standard Rules on Equalization of Opportunities for Persons with Disabilities and of the Committee's recommendations adopted at its day of general discussion on children with disabilities and to provide detailed information on the measures taken in its next periodic report.**

### **Health and health services**

45. The Committee welcomes the achievements of the State party with respect to the universal provision of basic health care, as well as health care indicators, such as under five mortality and universal immunization. The Committee also welcomes the fact that the State party has the highest ratio of doctors per population in the world. Nevertheless, the Committee is concerned that :

- a) Maternal mortality in Ciego de Avila and infant and child mortality rates in Isla de la Juventud are considerable higher than in the rest of the country;
- b) A high number of infants and expectant mothers suffer from iron-deficiency anaemia;
- c) Increasing numbers of children suffer from obesity;
- d) Abortions are conducted on a high number of adolescent girls, particularly those as young as 13 years old;
- e) Traffic accidents are the foremost cause of child mortality in the State party.

46. **The Committee encourages the State party to address gaps in geographic localities which have high maternal mortality and under five child mortality rates. The Committee encourages the State party to further develop policies and programmes to adequately address health problems affecting children, such as iron-deficiency anaemia and obesity. The Committee recommends that the State party strengthen its awareness raising programmes, including campaigns on sexual and reproductive health education for adolescents, in school and out of school, with a view to providing them with access to safe contraception methods. The Committee also recommends that the State party strengthen as much as possible its efforts to reduce**

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**the number of casualties among children caused by traffic accidents, *inter alia*, by raising awareness through educational campaigns.**

#### **Breastfeeding**

47. The Committee is concerned that although all child births take place in hospitals, early initiation of breastfeeding is low; there is a decline in exclusive breastfeeding up to 6 months, and that the International Code of Marketing of Breastmilk Substitutes is not fully implemented. It is further concerned at the decline in hospitals that are certified as Baby Friendly Hospitals.

48. **The Committee encourages the State party to raise awareness of the benefits of exclusive breastfeeding, strengthen national laws to fully incorporate the International Code of Marketing of Breastmilk Substitutes and establish a permanent monitoring system. It further recommends that it strengthen its support to the Baby Friendly Hospital Initiative.**

#### **Standard of living**

49. **The Committee takes note of the recent approval of the Economic and Social Policy Guidelines by the National Assembly upon which the State Party is undertaking a comprehensive review of its economic model. The Committee calls upon the State party to take all measures to protect families and children against any detrimental impact of their living conditions which may occur as a result of the changing economic environment in the State party. In this respect, the State party is encouraged to establish an effective monitoring mechanism to detect and avoid growing disparities among families and children.**

### **G. Special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)**

#### **Economic exploitation including child labour**

50. The Committee is concerned that the State party's Labour Code does not prohibit all types of hazardous work for children and that it has not yet ratified ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

51. **The Committee recommends that the State party ratify ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and that it review its Labour Code in order to harmonize it with the provisions of ILO Convention No. 182 and the Convention on the Rights of the Child.**

#### **Sexual exploitation**

52. The Committee takes note of the provisions sanctioning the use of children in prostitution and pornography (art. 310.1, *corrupción de menores*) and the sale of children (art. 316.1) in the State party's Penal Code. However, the Committee is concerned that such provisions are limited to children under 16 years old. It is also concerned that children above 16 years who are engaged in prostitution could be placed in "re-education centres".

53. **The Committee recommends that the State party review its Penal Code with the view to extending the protection of children from child prostitution, child pornography and sale of children up to the age of 18 years, according to the**

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**Convention's definition of the child. It encourages the State party to refrain from placing in re-education centres children engaged in prostitution and to provide them with adequate recovery, social reintegration and rehabilitation services. The Committee also recommends that the State party ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.**

#### **Administration of juvenile justice**

54. The Committee takes note that according to article 16.2 of the Penal Code of the State party, the criminal responsibility age is 16 years and adolescents 16 to 18 years in conflict with the law are treated as adults, although with moderate sentences. The Committee also takes note that children under the age of 16 are not held criminally responsible and their cases are dealt by administrative authorities (*Consejos de menores*). The Committee is concerned that:

- a) Children under the age of 15 can be placed, even for petty offences, in institutional facilities (*Escuelas de Formación Integral*), without the guarantees connected to a standard criminal proceeding;
- b) Children above the age of 16 who have been sentenced are held in juvenile detention centres together with adults up to 27 years old;
- c) The juvenile justice system is not in compliance with the provisions of the Convention regarding children in conflict with the law; and there is lack of specialization on juvenile justice of the judges and other professionals working with children in conflict with the law.

55. **The Committee urges the State party to ensure that juvenile justice standards are fully implemented, in particular articles 37 (b), 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules). In particular the Committee recommends that the State party, while taking into account the Committee's general comment No. 10 (2007) on children's rights in juvenile justice:**

- a) **Undertake the legislative amendments in the Penal Law to ensure that children between 16 and 18 are treated as juvenile offenders and not as adults;**
- b) **Restructure the court system to establish specialized courts for children in conflict with the law and take the necessary steps to ensure that judges and other persons working with children in the justice system receive appropriate training on the administration of juvenile justice;**
- c) **Undertake the necessary legislative amendments to provide children under the age of 15 years with the same level of legal guarantees connected to a standard criminal proceeding;**
- d) **Refrain from placing children suspected of having committed an offence in institutional care and give due consideration to other measures including at the community level which do not entail the deprivation of a child's liberty;**
- e) **Take all necessary measures to ensure that when detention is carried out, it is done in compliance with the law and respects the rights of the child under the Convention, and that children are held in detention only as a last resort, for**

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very serious offences and for as short a time as possible and separately from adults; and

f) Make use of the technical assistance tools developed by the United Nations Interagency Panel on Juvenile Justice and its members, which include UNODC, UNICEF, OHCHR and NGOs and seek technical assistance in the area of juvenile justice from members of the Panel.

#### **Children victims and witnesses of crimes**

56. The Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all child victims (e.g. of abuse, domestic violence, sexual and economic exploitation, abduction and trafficking) and/or witnesses of such crimes are provided with protection as required by the Convention, and take full account of the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime, annexed to the Economic and Social Council resolution 2005/20 of 22 July 2005.

### **H. Ratification of international human rights instruments**

57. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the treaties to which it is not yet a party, namely the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, the International Covenant on Civil and Political Rights and its two Optional Protocols, the Optional Protocol to the Convention on the Elimination of Discrimination against Women, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

58. The Committee recommends that the State party ratify the Convention relating to the Status of Refugees (1951) and its Protocol (1967).

### **I. Cooperation with regional and international bodies**

59. The Committee recommends that the State party cooperate with the Organization of American States (OAS) towards the implementation of the Convention on the Rights of the Child and any other human rights instruments, both in the State party and in other OAS member States.

### **J. Follow-up and dissemination**

60. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the Head of State, the People's Supreme Court, the National Assembly, relevant ministries and local authorities for appropriate consideration and further action.

61. The Committee further recommends that the second periodic report and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available, including (but not

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exclusively) through the Internet to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Convention, its implementation and monitoring.

## **K. Next report**

62. The Committee invites the State party to submit its combined third to sixth periodic report by 19 March 2017. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the guidelines. In the event that a report exceeding the page limitation is submitted, the State party will be asked to review and resubmit the report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is unable to review and resubmit the report, translation of the report for purposes of examination by the treaty body cannot be guaranteed.

63. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting approved by the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3). The treaty-specific report and the common core document together constitute the harmonized reporting obligation under the Convention on the Rights of the Child.

64. The Committee also invites the State party to submit its initial report under the Optional Protocol on the sale of children, child pornography and child prostitution, overdue since October 2003.

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