

Convention on the Rights of the Child

**Adopted and opened for signature, ratification and accession by General Assembly
resolution 44/25 of 20 November 1989**

entry into force 2 September 1990, in accordance with article 49

Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) ; and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life. 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their

own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others; or
 - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

- (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
- (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
- (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development
4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
 - (a) To diminish infant and child mortality;
 - (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
 - (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
 - (d) To ensure appropriate pre-natal and post-natal health care for mothers;
 - (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
 - (f) To develop preventive health care, guidance for parents and family planning education and services.
3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.
4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
 - (a) Make primary education compulsory and available free to all;
 - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
 - (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
 - (d) Make educational and vocational information and guidance available and accessible to all children;
 - (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy

throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

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.

Article 34

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.

Article 35

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.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

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.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. 4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(a) The law of a State party; or

(b) International law in force for that State.

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute

a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights

(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any

amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.

**Convention on the Rights of the Child (CRC)
New York, 20 November 1989**

Entry into force: 2 September 1990, in accordance with article 49 (1).
Registration: 2 September 1990, No. 27531.
Status: Signatories: 140 ,Parties: 193.
United Nations, *Treaty Series* , vol. 1577, p. 3 ; depositary notifications
Text: C.N.147.1993.TREATIES-5 of 15 May 1993 [amendments to article 43
(2)] 1 ; ; and C.N.322.1995.TREATIES-7 of 7 November 1995
[amendment to article 43 (2)].

Note: The Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, was adopted by resolution 44/25 2 of 20 November 1989 at the Forty-fourth session of the General Assembly of the United Nations. The Convention is open for signature by all States at the Headquarters of the United Nations in New York.

Ratified by India on 11 December 1992

India's Declaration:

"While fully subscribing to the objectives and purposes of the Convention, realising that certain of the rights of child, namely those pertaining to the economic, social and cultural rights can only be progressively implemented in the developing countries, subject to the extent of available resources and within the framework of international co-operation; recognising that the child has to be protected from exploitation of all forms including economic exploitation; noting that for several reasons children of different ages do work in India; having prescribed minimum ages for employment in hazardous occupations and in certain other areas; having made regulatory provisions regarding hours and conditions of employment; and being aware that it is not practical immediately to prescribe minimum ages for admission to each and every area of employment in India - the Government of India undertakes to take measures to progressively implement the provisions of article 32, particularly paragraph 2 (a), in accordance with its national legislation and relevant international instruments to which it is a State Party."



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/15/Add.228
26 February 2004

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-fifth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 44 OF THE CONVENTION**

Concluding observations: India

1. The Committee considered the second periodic report of India (CRC/C/93/Add.5) at its 932nd and 933rd meetings (see CRC/C/SR.932 and 933) held on 21 January 2004, and adopted, at the 946th meeting (CRC/C/SR.946), held on 30 January 2004, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State's party second periodic report, which followed the established guidelines. The Committee also takes note of the timely submission of the written replies to its list of issues (CRC/C/Q/IND/2), which allowed for a clearer understanding of the situation of children in the State party. The Committee acknowledges that the presence of a high-level delegation directly involved with the implementation of the Convention allowed for a better understanding of the rights of the child in the State party.

B. Follow-up measures undertaken and progress achieved by the State party

3. **The Committee welcomes the many activities undertaken at the federal and State level for the implementation of the Convention, inter alia:**

(a) **The adoption of the Constitution (86th Amendment) Act, 2002 providing for free and compulsory education to all children 6-14 years old;**

(b) **The adoption of the 2003 amendment to the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994;**

(c) **The launch of a national programme for the formation of women's self-help groups, which have an important impact on children's rights;**

(d) **The extension of primary school access;**

(e) **A more comprehensive collection of data, which has demonstrated that some progress has been achieved with regard to more equal participation and education of girls and children from underprivileged social groups; and**

(f) **The establishment of free telephone "childlines".**

C. Factors and difficulties impeding the implementation of the Convention

4. The Committee acknowledges that the very large population and the high rate of growth are major impediments to the implementation of the Convention. In addition, extreme poverty, massive social inequality and the persistence of deeply discriminatory attitudes, as well as the impact of natural disasters represent serious difficulties in the fulfilment of all of the State party's obligations under the Convention.

D. Principal subject of concern and recommendations

1. General measures of implementation

Previous recommendations of the Committee

5. The Committee regrets that some of the concerns it expressed and the recommendations it made (CRC/C/15/Add.115) after its consideration of the State party's initial report (CRC/C/28/Add.10) have not been sufficiently addressed, inter alia those contained in paragraphs 13 (implementation of legislation); 15 (coordination); 17 and 19 (monitoring); 29, 31, and 33 (non-discrimination); 37 (birth registration); 39-41 (torture); 45 (violence); 47 (children with disabilities); 49 and 51 (basic health); 53 and 55 (standard of living); 57-60 (education); 64 (armed conflict); 66-71 (child labour); and 80-82 (administration of juvenile justice).

6. **The Committee urges the State party to make every effort to address the previous recommendations that have been only partly implemented or not implemented at all, and the list of recommendations contained in the present concluding observations.**

Declaration to article 32

7. In light of the State party's numerous measures to implement progressively article 32 of the Convention, the Committee has serious doubts as to the need for this declaration.

8. **In line with its previous recommendations (CRC/C/15/ADD.115, para. 66), and in light of the Vienna Declaration and Programme of Action, the Committee urges the State party to withdraw the declaration made to article 32 of the Convention.**

Legislation

9. The Committee welcomes the fact that the Convention can be invoked before the courts and that the Supreme Court has adopted various decisions based on the Convention; however, the Committee remains concerned that domestic legislation, and in particular religious and personal laws which govern family matters, are not yet fully in conformity with the provisions and principles of the Convention.

10. **In light of its previous recommendations (ibid., para. 11), the Committee recommends that the State party:**

(a) **Scrutinize carefully existing legislative and other measures, including religious and personal laws, both at the federal and state levels, with a view to ensuring that the provisions and principles of the Convention are implemented throughout the State party;**

(b) **Ensure the implementation of its legislation and its wide dissemination.**

Resources

11. While noting the efforts undertaken to increase the budget allocation for some social services, the Committee is concerned at the slow increase of the budget allocations for education and at the stagnation, or even the decrease of funds allocated to other social services.

12. **The Committee recommends that the State party:**

(a) **Make every effort to increase the proportion of the budget allocated to the realization of children's rights to the "maximum extent ... of available resources" and, in this context, to ensure the provision, including through international cooperation, of appropriate human resources and to guarantee that the implementation of policies relating to social services provided to children remain a priority; and**

(b) **Develop ways to assess the impact of budgetary allocations on the implementation of children's rights, and collect and disseminate information in this regard.**

Coordination

13. The Committee notes that the Department of Women and Child Development is the body responsible for the coordination of all activities regarding the implementation of the Convention on the Rights of the Child and that a national coordinating mechanism was constituted in January 2000, but only met once, in September 2000. The Committee is, however, of the view that greater coordination is still required among the different bodies responsible for the implementation of the Convention at the federal and state levels and between the federal Government and the states.

14. The Committee recommends that the State party strengthen its national mechanism to coordinate the effective implementation of the Convention at the federal level, between the federal and the state levels and between states, with a view to, inter alia, improving the efficiency of the implementation process and decreasing or eliminating any possibility of discrimination as a result of that process.

National Plan of Action/National Charter for Children

15. The Committee notes the existence of the 1974 National Policy for Children as well as the 1992 National Plan of Action for Children and notes the current discussions regarding the National Charter for Children to replace the Policy, as well as the drafting of a new Plan of Action for Children. The Committee is nevertheless concerned that the National Charter for Children does not adopt a child-rights-based approach and does not explicitly include all rights and principles of the Convention.

16. The Committee recommends that the State party take all necessary measures to adopt, in consultation with all relevant partners, including the civil society, a new Plan of Action for Children that covers all areas of the Convention, includes the Millennium Development Goals, and fully reflects “A world fit for children”; to allocate the necessary human and financial resources for its full implementation; and provide for a coordination and monitoring mechanism. In addition, the Committee recommends that the State party expedite the adoption of the National Charter for Children and make sure that the Charter adopts a child-rights-based approach and covers all the rights and principles of the Convention.

Independent monitoring structures

17. The Committee notes the existence of the National Human Rights Commission and welcomes the introduction of the National Commission for Children Bill, 2003 in Parliament on 10 December 2003.

18. In light of its previous recommendations (ibid., para. 19), the Committee recommends that the State party expedite, as much as possible, the establishment of an independent national commission for children in accordance with the Paris Principles relating to the status of national institutions (General Assembly resolution 48/134) and the

Committee's general comment No. 2 on national human rights institutions, to monitor and evaluate progress in the implementation of the Convention at the federal and at the state levels.

Cooperation with NGOs

19. The Committee notes the cooperation with NGOs in the area of service delivery and their involvement in the preparation of various programmes relevant to the Convention, but is concerned that this cooperation is not systematic and that there is a lack of supervision of NGOs' activities.

20. **The Committee emphasizes the important role of NGOs as partners in implementing the provisions of the Convention and, in line with its previous recommendations (ibid., para. 23) recommends that the State party involve them in a more systematic and coordinated manner in all stages of the Convention's implementation, including policy formulation, at the national, state and local levels, and in the drafting of future periodic reports. It also recommends that the State party take into account the recommendations arising from the day of general discussion held in 2002 on the theme "The private sector as service providers and its role in implementing child rights" (CRC/C/121, para. 630) and improve its supervision of private organizations delivering services by, inter alia, improving the system of registration and authorization of service providers.**

Data collection

21. The Committee notes with appreciation the efforts undertaken to improve data collection, notably through the new system to collect data regarding budget allocations and trends relating to schemes and programmes addressing all issues concerning children. However, the Committee remains concerned at the insufficient data for some areas covered by the Convention.

22. **The Committee recommends that the State party develop a system of data collection and indicators consistent with the Convention and disaggregated by gender, age, social status (Scheduled Castes and Tribes, or religious community), and urban and rural area and make it publicly available. This system should cover all children up to the age of 18 with specific emphasis on those who are particularly vulnerable. It further encourages the State party to use these indicators and data for the formulation of policies and programmes for the effective implementation of the Convention. The Committee recommends that the State party seek technical assistance from UNICEF, UNDP and UNFPA, among others.**

Training and dissemination

23. The Committee welcomes the dissemination of its previous concluding observations and the various awareness-raising campaigns, but remains concerned that children and the public at large, as well as all groups of professionals working with and for children, are not sufficiently aware of the Convention and the rights-based approach enshrined therein.

24. **In line with its previous recommendations (ibid., para. 25), the Committee recommends that the State party:**

(a) **Strengthen its efforts to disseminate the principles and provisions of the Convention, and make those efforts systematic, in order to sensitize society about children's rights through social mobilization;**

(b) **Systematically involve parliamentarians and community and religious leaders in its programmes to eradicate customs and traditions that impede the implementation of the Convention, and adopt creative measures of communications for illiterate people and for people in remote areas;**

(c) **Undertake systematic education and training on the provisions of the Convention for all professional groups working for and with children, in particular, judges, lawyers, law enforcement officials, civil servants, municipal and local workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers;**

(d) **Further promote human rights education, including the rights of the child, in primary and secondary school curricula as well as in the curricula for teacher training;**

(e) **Seek technical assistance from, among others, OHCHR, UNESCO and UNICEF.**

2. General principles

The right to non-discrimination

25. In light of article 2 of the Convention, the Committee is deeply concerned at the widely disparate levels of enjoyment of the rights in the Convention by girls, children living in certain states, rural areas and slums, and children belonging to certain castes and tribal and indigenous groups.

26. **The Committee recommends that concerted efforts at all levels be taken to address social inequalities by reviewing and reorienting policies, including increasing budgetary allocations for programmes targeting the most vulnerable groups, and that technical assistance be sought from, among others, UNICEF.**

27. The Committee is deeply concerned at persistent and significant social discrimination against children belonging to Scheduled Castes and Tribes and other tribal groups, reflected, inter alia, by the many violations of the 1989 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the low number of such violations dealt with by the courts, and the fact that a majority of the states have failed to set up the special courts provided for under this Act.

28. **The Committee recommends that the State party, in accordance with article 17 of its Constitution and article 2 of the Convention, take all necessary steps to abolish the**

discriminatory practice of “untouchability”, prevent caste- and tribe-motivated abuse, and prosecute State and private actors who are responsible for such practices or abuses. Moreover, in compliance with article 46 of the Constitution, the State party is encouraged to implement, inter alia, special measures to advance and protect these groups. The Committee recommends the full implementation of the 1989 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the 1995 Scheduled Castes and Scheduled Tribes Rules (Prevention of Atrocities) and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. The Committee encourages the State party to continue its efforts to carry out comprehensive public education campaigns to prevent and combat caste-based discrimination with a view to changing social attitudes, by involving, inter alia, religious leaders.

29. The Committee welcomes the National Plan of Action for the Girl Child and the Platform for Action, but is deeply concerned at the persistence of discriminatory social attitudes and harmful traditional practices towards girls, including low school enrolment and high dropout rates, early and forced marriages, and religion-based personal status laws that perpetuate gender inequality in areas such as marriage, divorce, custody and guardianship of infants, and inheritance.

30. **The Committee urges the State party to take all necessary measures for the implementation of the National Plan of Action for the Girl Child and encourages the enforcement of protective laws. The Committee also encourages the State party to continue its efforts to carry out comprehensive public education campaigns to prevent and combat gender discrimination, particularly within the family. Political, religious and community leaders should be mobilized to support efforts to eradicate harmful traditional practices and attitudes which still discriminate against girls.**

31. While welcoming the special temporary programmes and other activities to improve the enjoyment of rights by girls and vulnerable groups such as children belonging to Scheduled Castes and Tribes, the Committee expresses its concern at the possibility that other children in situations similar to that of those groups are not receiving the same benefits.

32. **The Committee recommends that all existing and future special temporary programmes be provided with specified goals and timetables, in order to evaluate their success and justify their continuation, expansion and dissemination. The Committee further recommends that the State party start to develop special programmes for the allocation of educational and other benefits that are based on the child’s needs and rights rather than on the basis of sex, caste or tribe, or any other characteristic that may result in unjustifiable discrimination.**

33. The Committee notes the 2003 amendment to the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, but remains deeply concerned that the sex ratio in the age group 0-6 years has worsened over the past decade.

34. In addition to its recommendations regarding gender discrimination (para. 30), the Committee strongly recommends that the State party:

(a) Take all necessary steps to ensure the implementation of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994;

(b) Further develop massive awareness campaigns, involving parents, communities, law enforcement officers, etc., and take the necessary measures, including imposing sanctions to end the practice of selective abortions and female infanticide; and

(c) Undertake gender impact studies when planning programmes relating to economic and social policies.

35. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking account of the Committee's general comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).

Respect for the views of the child

36. The Committee welcomes initiatives to increase child participation by the establishment of children's councils, associations and projects in several states and districts, but remains concerned that traditional attitudes towards children in society, especially girls, still limit the respect for their views within the family, at school, in institutions and at the community government level. The Committee further notes with regret that there are virtually no legal provisions guaranteeing children's participation in civil proceedings affecting their rights and well-being.

37. The Committee recommends that the State party:

(a) Promote, within the family, the schools, institutions, as well as in judicial and administrative proceedings, respect for the views of children, especially girls, and facilitate their participation in all matters affecting them, in accordance with article 12 of the Convention;

(b) Provide educational information to parents, teachers, government administrative officials, the judiciary, children themselves and society at large on the right of children to have their views taken into account and to participate in all matters affecting them; and

(c) Regularly review the extent to which children's views are taken into consideration, including their impact on relevant policies and programmes.

3. Civil rights and freedoms

Birth registration

38. The Committee welcomes the intention to review the birth registration system in the State party (CRC/C/93/Add.5, para. 281) but remains seriously concerned that about 46 per cent of children are not registered at birth.

39. **In line with its previous recommendation (CRC/C/15/Add.115, para. 37), the Committee recommends that the State party make greater efforts to ensure the timely registration of all births by the year 2010 as planned (CRC/C/93/Add.5, para. 284), and take training and awareness-raising measures as regards registration in rural areas. The Committee encourages steps such as the establishment of mobile registration offices and registration units in schools and health facilities, and recommends that the State party seek technical assistance from, among others, UNICEF and UNFPA.**

Right to nationality

40. The Committee is concerned that Pakistani refugee and Mohajir children residing in India (Rajasthan and Andhra Pradesh, respectively) are stateless.

41. **The Committee recommends that the State party take measures to provide these children with a nationality, in accordance with article 7 of the Convention.**

Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

42. The Committee is concerned at numerous reports of ill-treatment, torture and sexual abuse of children in detention facilities, and alleged instances of killings of children by law enforcement officials.

43. **In line with its previous recommendations (CRC/C/15/Add.115, paras. 39-41), the Committee recommends that the State party:**

(a) Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(b) Set up child-sensitive mechanisms to receive complaints against law enforcement officials regarding ill-treatment during arrest, questioning and police custody and in detention centres;

(c) Investigate and prosecute complaints in a child-sensitive manner;

(d) Strengthen its efforts to train the law enforcement personnel on the human rights of children; and

(e) In light of article 39, take all appropriate measures to ensure the physical and psychological recovery and social integration of child victims of torture and/or ill-treatment.

Corporal punishment

44. The Committee notes the decision of the New Delhi High Court of December 2000 regarding prohibition of corporal punishment in the schools under its jurisdiction, but remains concerned that corporal punishment is not prohibited in the schools of other states, in the family, nor in other institutions for children, and remains acceptable in the society.

45. **The Committee strongly recommends that the State party prohibit corporal punishment in the family, in schools and other institutions and undertake education campaigns to educate families, teachers and other professionals working with and/or for children on alternative ways of disciplining children.**

4. Family environment and alternative care

Parental responsibility

46. While noting the judgement of the Supreme Court that the mother was as much the child's natural guardian as the father (*Githa Hariharan v. Bank of India*, 18 February 1999), the Committee expresses its concern that under the law, the father still has the main responsibility with regard to the child.

47. **In line with article 18 of the Convention, the Committee recommends that the State party take all necessary measures to ensure recognition and implementation of the principle that both parents have common responsibilities for the upbringing and development of their child.**

Adoption

48. The Committee welcomes the recent ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and the emphasis put on domestic adoption, but reiterates its concern at the absence of uniform adoption law and procedures in the State party and of effective measures to monitor respect for the rights of the children concerned and to follow up adoptions within the State party and abroad. The Committee is further concerned at the lack of registration and control of adoptions carried out by non-accredited agencies.

49. **The Committee recommends that the State party:**

(a) **Review the legal framework for domestic adoption and take all necessary measures, including the adoption of new guidelines by the central authority, to implement the newly ratified 1993 Hague Convention;**

(b) **Extend to the whole territory the application of the relevant provisions of the Juvenile Justice (Care and Protection of Children) Act 2000; and**

(c) **Ensure that adoption is possible for children of all religions, in accordance with the strict regulations reflected in article 21 of the Convention.**

Violence, abuse, neglect and maltreatment

50. The Committee is concerned at the high prevalence of violence, abuse, including sexual abuse, and neglect of children within the State party, and at the lack of effective measures to combat this problem. The Committee is further concerned at outdated laws concerning sexual abuse.

51. **In light of article 19 of the Convention and in line with its previous recommendations (ibid., para. 45), the Committee recommends that the State party:**

(a) Adopt new legislative measures and amend outdated legislation to prohibit all forms of physical and mental violence, including sexual abuse of children in the family, in schools and in institutions;

(b) Carry out public education campaigns and any other appropriate measures concerning the negative consequences of ill-treatment of children;

(c) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervention where necessary;

(d) Investigate and prosecute cases of ill-treatment, ensuring that the abused child is not victimized in legal proceedings and that his/her privacy is protected;

(e) Provide facilities for the care, recovery and reintegration of victims;

(f) Train parents, teachers, law enforcement officials, care workers, judges, health professionals and children themselves in the identification, reporting and management of cases of ill-treatment, using a multidisciplinary and multisectoral approach; and

(g) Seek assistance from, among others, UNICEF and WHO.

5. Basic health and welfare

52. The Committee notes the numerous national plans and programmes initiated during the 9th and 10th five-year plans to address health issues. Nevertheless, it remains seriously concerned at the unavailability and/or inaccessibility of free, high quality primary health care; the slow decline in infant mortality; the worsening maternal mortality rates, due in part to the high increase of unattended home deliveries; the low immunization rate; the high incidence of low-birth-weight babies; the high number of children with stunting, wasting, or who are underweight; the prevalence of micronutrient deficiencies; and the low rate of exclusive breastfeeding and appropriate introduction of infant diet. The Committee further expresses its concern at the environmental pollution prevalent in some states, specifically arsenic and lead pollution, and at the lack of access to safe drinking water and adequate sanitation by a large percentage of the population. Finally, the Committee expresses its concern at the practice of traditional and modern medicine by untrained and unqualified personnel.

53. **The Committee recommends that the State party reinforce its efforts in developing effective policies and programmes to improve the health situation of children. It also recommends that the State party ensure access for all children to primary, free and quality health services; regulate and monitor traditional and modern medicinal practice; combat malnutrition; promote healthy nutrition habits, including breastfeeding; improve immunization rates; increase access to safe drinking water and adequate sanitation; and address the issue of environmental pollution effectively. Additionally, the Committee encourages the State party to pursue additional avenues of cooperation and assistance for child health improvement with, inter alia, WHO and UNICEF.**

HIV/AIDS

54. The Committee welcomes the adoption of the National AIDS Prevention and Control Policy, 2001, aiming at achieving no new infections by 2007. It also welcomes the decision to provide antiretroviral drugs to children and adults free of charge, but remains concerned at the rising number of children infected and/or affected by HIV/AIDS. It further expresses its concern at the discrimination experienced by these children in society and in the educational system.

55. **The Committee recommends that the State party:**

(a) **Increase its efforts to prevent HIV/AIDS, taking into account the Committee's general comment No. 3 on HIV/AIDS and the rights of children;**

(b) **Strengthen its measures to prevent mother-to-child transmission, inter alia by combining and coordinating them with the activities to reduce maternal mortality, and take adequate measures to address the impact upon children of the HIV/AIDS-related deaths of parents, teachers and others, in terms of children's reduced access to family life, adoption, emotional care and education;**

(c) **Strengthen its efforts to raise awareness about HIV/AIDS among adolescents, particularly those belonging to vulnerable groups, and among the population at large, notably in order to reduce discrimination against children infected and/or affected by HIV/AIDS;**

(d) **Seek further technical assistance from, among others, the Joint United Nations Programme on HIV/AIDS.**

Children with disabilities

56. The Committee notes the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and that the 2001 census took into account disability, but remains concerned at the lack of statistical data and of a comprehensive policy for disabled children, and at the existence of discrimination, which is still widespread. Concern is also expressed at the limited facilities and services for children with disabilities and at the limited number of teachers trained to work with children with disabilities, as well as the insufficient efforts made to facilitate their inclusion into the educational system and generally within society. The Committee also notes with concern that inadequate resources have been allocated to special education programmes for children with disabilities.

57. In line with its previous recommendations (*ibid.*, para. 47) and in light of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations adopted by the Committee at its day of general discussion on the rights of children with disabilities (see CRC/C/69), it is recommended that the State party:

- (a) Establish a comprehensive policy for children with disabilities;
- (b) Take effective measures to collect adequate and disaggregated statistical data on children with disabilities and use such data in developing policies and programmes to prevent disabilities and to assist disabled children;
- (c) Reinforce its efforts to develop early detection programmes to prevent and remedy disabilities;
- (d) Establish special education programmes for disabled children and include them in the regular school system to the extent possible;
- (e) Undertake awareness-raising campaigns to sensitize the public, and parents in particular, about the rights and special needs of children with disabilities, including those with mental health concerns;
- (f) Increase resources, both financial and human, for special education, including vocational training, and the support given to families of children with disabilities;
- (g) Seek technical cooperation for the training of professional staff, including teachers, working with and for children with disabilities from, among others, WHO.

Harmful traditional practices

58. The Committee is deeply concerned at the existence of harmful traditional practices such as incidents relating to dowries and to devadasis.

59. The Committee recommends that the State party:

- (a) Enforce the Dowry Prohibition Act, 1961 and the Karnataka Devadasis (Prohibition of Dedication) Act, 1982 and Rules, 1982;
- (b) Take legislative and awareness-raising measures to prohibit and eradicate all kinds of traditional practices harmful to the health, survival and development of children, boys as well as girls; and
- (c) Reinforce its sensitization programmes, with the involvement of community leaders, practitioners and the general public, to change traditional attitudes and discourage harmful practices, in particular in rural areas.

60. The Committee is concerned at the very high percentage of early and forced marriages of girls, which can have a negative impact on their health, education and social development.

61. **The Committee recommends that the State party:**

(a) **Take all necessary steps to implement the Child Marriage Restraint Act 1929;**

(b) **Strengthen educational and awareness programmes, in cooperation with NGOs and community leaders, with a view to preventing early and forced marriage; and**

(c) **Strengthen sexual and reproductive health education, mental health and adolescent-sensitive counselling services and make them accessible to adolescents.**

Adequate standard of living

62. In spite of the growth of the gross domestic product, the Committee is concerned about the widespread poverty in the State party and the still high number of children who do not enjoy the right to an adequate standard of living, including access to clean drinking water, adequate housing and latrines. The Committee is further concerned at the negative consequences of displacement and rehabilitation projects which intend to improve living conditions but which remove children from their habitat to a new environment often not prepared for children's needs.

63. **In accordance with article 27 of the Convention, the Committee recommends that the State reinforce its efforts to provide support and material assistance to economically disadvantaged families and to guarantee the right of children to an adequate standard of living. In light of its previous recommendations (ibid., para. 53), the Committee further recommends that the State party prevent any occurrence of forced relocation, displacement and other types of involuntary population movements.**

6. Education, leisure and cultural activities

64. The Committee welcomes the adoption of the Constitution (86th Amendment) Act, 2002 providing for free and compulsory education for all children aged 6-14, the continued efforts of the State party to increase girls' enrolment in school and the Midday Meal Scheme. While noting an increased enrolment rate, the Committee is seriously concerned that 60 million children do not attend primary school. The Committee is further concerned at the high, although decreasing, level of illiteracy and the striking disparities in terms of access to education, attendance at primary and secondary school and dropout rates between boys and girls. The Committee is also concerned that striking disparities regarding these rates also exist between different states, between rural and urban areas, and between the affluent and the poor and disadvantaged groups. The Committee is further concerned at the insufficient number of trained teachers, schools and classrooms, and the lack of relevant learning material, which affect the quality of education.

65. **The Committee recommends that the State party:**

(a) **Improve the education system with a view to achieving the aims mentioned in article 29, paragraph 1 of the Convention and the Committee's general comment No. 1 on the aims of education, and introduce human rights, including children's rights, into the school curricula;**

- (b) Strengthen its efforts to progressively ensure that that all girls and boys, in urban, rural and least developed areas and children belonging to Scheduled Castes and Tribes, have equal access to educational opportunities;**
- (c) Raise awareness of the importance of early childhood education and introduce it into the general framework of education;**
- (d) Encourage the participation of children at all levels of school life;**
- (e) Take the necessary measures to improve the quality of education and to ensure better efficiency in the management of education, including by decreasing the dropout rate;**
- (f) Hire more qualified teachers and provide them with more opportunities for training;**
- (g) Take all necessary measures to curb teachers' absenteeism;**
- (h) Build better infrastructure for schools; and**
- (i) Seek assistance from UNICEF and UNESCO.**

7. Special protection measures

66. The Committee welcomes the establishment of toll-free "childlines" in about 50 different cities/districts with the support of the Government, in accordance with section 32 (1) (iii) of the Juvenile Justice (Care and Protection of Children) Act 2000 and with the strong and crucial involvement of NGOs, but is concerned at the slow pace of establishment of these "childlines" in all districts of the country. The Committee is further concerned that calls for help and support from children via these "childlines" do not always receive an adequate response owing to the lack of capacity of existing services.

67. The Committee recommends that the State party provide the necessary human and financial support for the establishment and reinforcement of toll-free "childlines" in all districts of the State party and set as a target the date of the submission of its next report to the Committee. Furthermore, the Committee recommends that the State party take the necessary measures to support the existing services, in particular the NGOs, to respond adequately to the calls for help from children (or on their behalf) and, if necessary, for the establishment of new services.

Armed conflicts

68. The Committee is concerned that the situation in areas of conflict, particularly Jammu and Kashmir and the north-eastern states, has seriously affected children, especially their right to life, survival and development (article 6 of the Convention). The Committee expresses its very serious concern at reports of children who are involved in and are victims of these conflicts.

69. **In light of articles 38 and 39 of the Convention, the Committee recommends that the State party ensure respect for human rights and humanitarian law aimed at the protection, care and physical and psychosocial rehabilitation of children affected by armed conflict, notably regarding any participation in hostilities by children. The Committee calls upon the State party to ensure impartial and thorough investigations in cases of rights violations committed against children and the prompt prosecution of those responsible, and that it provide just and adequate reparation to the victims.**

Refugee children

70. The Committee welcomes the generous policy of the State party in hosting refugees and asylum-seekers, but remains concerned at the absence of legislation regarding these groups.

71. **In light of article 22 of the Convention, the Committee recommends that the State party consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and adopt comprehensive legislation to ensure adequate protection of refugee and asylum-seeking children, including in the fields of physical safety, health, education and social welfare, and to facilitate family reunification.**

Economic exploitation, including child labour

72. The Committee notes the tenth Plan for the National Child Labour Project but is extremely concerned at the large numbers of children involved in economic exploitation, many of whom are working in hazardous conditions, including as bonded labourers, especially in the informal sector, in household enterprises, as domestic servants and in agriculture. The Committee is further very concerned that minimum age standards for employment are rarely enforced and appropriate penalties and sanctions are not imposed to ensure that employers comply with the law.

73. **The Committee recommends that the State party:**

(a) **Ensure the full implementation of the Child Labour (Prohibition and Regulation) Act, 1986, the Bonded Labour (System Abolition) Act, 1976 and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993;**

(b) **Amend the Child Labour Act, 1986 so that household enterprises and government schools and training centres are no longer exempt from prohibitions on employing children;**

(c) **Promote community-based programmes for the prevention of child labour;**

(d) **Ratify ILO Conventions No. 138 concerning the Minimum Age for Admission to Employment, and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;**

(e) **Strengthen its efforts to raise awareness of the public at large, especially parents and children, of work hazards and to involve and train employers, workers and civic organizations, government officials, such as labour inspectors and law enforcement officials, and other relevant professionals; and**

(f) **Continue its collaboration with ILO/IPEC.**

Sexual exploitation of children/trafficking in children

74. The Committee welcomes the ratification of the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution; the adoption of a plan of action to combat trafficking and commercial sexual exploitation of women and children; the initiative to undertake a study, inter alia, to collect data on the number of children and women who become victims of sexual exploitation and trafficking; and the Pilot Projects to Combat Trafficking of Children for Commercial Sexual Exploitation in Destination and Source Areas, but remains concerned that the Immoral Traffic Prevention Act, 1986 does not define trafficking and limits its scope to sexual exploitation. In addition, the Committee expresses its concern at the increasing number of child victims of sexual exploitation, including prostitution and pornography. Concern is also expressed at the insufficient programmes for the physical and psychological recovery and social reintegration of child victims of such abuse and exploitation.

75. **In light of articles 34 and 35 and other related articles of the Convention, the Committee recommends that the State party:**

(a) **Extend the scope of the Immoral Traffic Prevention Act to all forms of trafficking of children and ensure that all trafficked children are always treated as victims;**

(b) **Conduct a comprehensive study to assess the causes, nature and extent of trafficking and commercial sexual exploitation of children;**

(c) **Provide sufficient human, financial and technical resources for the implementation of the National Plan of Action;**

(d) **Adopt multidisciplinary and multisectoral approaches and take measures to prevent and combat sexual exploitation and trafficking of children, including an awareness-raising campaign and educational programmes, particularly for parents;**

(e) **Ensure that perpetrators are brought to justice;**

(f) **Strengthen its policies to facilitate the reunification of child victims of trafficking with their families and provide adequate care and reintegration programmes for children who have been sexually exploited and/or trafficked, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;**

(g) Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; and

(h) Collaborate with non-governmental organizations working on these issues and seek technical assistance from, among others, UNICEF.

Street children

76. The Committee welcomes the existence of the Integrated Programme for Street Children but remains concerned at the growing number of street children in the State party, due notably to the structural situation of the State party as well as to the lack of proactive policies and programmes of prevention and for the support of the family.

77. **The Committee recommends that the State party:**

(a) Strengthen and extend its Integrated Programme for Street Children to address the large and increasing number of street children, with the aim of protecting these children, especially girls, and of preventing and reducing this phenomenon, in particular through assistance to families and the provision of adequate housing and access to education;

(b) Ensure that street children are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development, providing official documents when necessary;

(c) Ensure that these child victims of physical, sexual and substance abuse are provided with recovery and reintegration services, protection from arrest and maltreatment by the police, and effective services for reconciliation with their families and community;

(d) Collaborate with non-governmental organizations working with street children in the State party and seek technical assistance from, among others, UNICEF.

Administration of juvenile justice

78. The Committee notes the enactment of the Juvenile Justice (Care and Protection of Children) Act, 2000 but remains concerned that no minimum age of criminal responsibility is fixed in the new Act and that the minimum age of 7 years found in the Penal Code is still in force. The Committee is further concerned that the Supreme Court has decided that the date of the commission of one offence is irrelevant for determining whether the alleged offender is a juvenile (CRC/C/93/Add.5, box 8.7). The Committee is further concerned that the mechanisms to enforce the Act have not been set up in most states and that the Act does not apply to the State of Jammu and Kashmir. In addition, the Committee expresses its concern at the fact that deprivation of liberty is not used only as a measure of last resort. Finally, the Committee is deeply concerned that the Prevention of Terrorism Act, 2002 allows for the prosecution of children by special courts and that the procedure used in these cases does not respect articles 37, 40 and 39 of the Convention.

79. **The Committee recommends that the State party take all appropriate measures to implement a juvenile justice system that is in conformity with the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in this field, such 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), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, and the Vienna Guidelines for Action on Children in the Criminal Justice System.**

80. **In addition, the Committee recommends that the State party:**

(a) **Amend the Juvenile Justice (Care and Protection of Children) Act, 2000 to set a minimum age of criminal responsibility that shall be higher than that fixed in the Penal Code and reflect internationally accepted norms, and consider this age as the age when the offence was committed;**

(b) **Extend the application of the Juvenile Justice (Care and Protection of Children) Act, 2000 to the State of Jammu and Kashmir;**

(c) **Amend the Prevention of Terrorism Act, 2002 so that it fully respects articles 37, 40 and 39 and other related provisions of the Convention when it is applied to children;**

(d) **Take all necessary steps to establish, as a measure of urgency, the executing state mechanisms necessary for the full implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000;**

(e) **Strengthen training programmes on relevant international standards for all professionals involved with the system of juvenile justice;**

(f) **Strengthen rehabilitation and reintegration programmes;**

(g) **Use deprivation of liberty only as a measure of last resort; and**

(h) **Consider seeking technical assistance from, among others, OHCHR and UNICEF.**

Minorities/indigenous children

81. **The Committee is concerned at the situation of children belonging to minorities, including to the Primitive Tribal Groups, and at their limited access to social services, including health care, immunization and education, and the violation of their rights to survival and development, to enjoy their own culture and to be protected from discrimination.**

82. **In addition to its recommendation in paragraph 29, and in line with the recommendations made at its day of general discussion on the rights of indigenous children (CRC/C/133, para. 624), the Committee recommends that the State party**

implement and/or give the necessary follow-up to the recommendation made by the Standing Committee on Labour and Welfare on the Development of Primitive Tribal Groups (2002).

8. Optional Protocols

83. The Committee encourages the State party to ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

9. Dissemination of documentation

84. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and the written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations. The Committee recommends that the State party request international cooperation in this regard.

10. Periodicity of submission of reports

85. In light of the recommendation on reporting periodicity adopted by the Committee and described in its sessional reports (see CRC/C/114 and CRC/C/124), the Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention is ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. The Committee recommends that the State party submit its next periodic report on 10 July 2008, 18 months before the due date established under the Convention for the fourth periodic report, which is 10 January 2010. This report will combine the third and fourth periodic reports. Such a report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.

Committee on the Rights of the Child

Membership

| Name | Nationality | Term expires |
|----------------------------------|----------------------|--------------|
| Ms. Agnes Akosua AIDOO | Ghana | 02.2015 |
| Ms. Hadeel AL-ASMAR | Syrian Arab Republic | 02.2013 |
| Ms. Aseil AL-SHEHAIL | Saudi Arabia | 02.2015 |
| Mr. Jorge CARDONA LLORENS | Spain | 02.2015 |
| Mr. Bernard GASTAUD | Monaco | 02.2015 |
| Mr. Peter GURAN | Slovakia | 02.2013 |
| Ms. Maria HERCZOG | Hungary | 02.2015 |
| Mr. Sanphasit KOOMPRAHANT | Thailand | 02.2013 |
| Mr. Hatem KOTRANE | Tunisia | 02.2015 |
| Mr. Gehad MADI | Egypt | 02.2015 |
| Ms. Yanghee LEE | Republic of Korea | 02.2013 |
| Ms. Marta MAURAS PEREZ | Chile | 02.2013 |
| Ms. Kirsten SANDBERG | Norway | 02.2015 |
| Mr. Awich POLLAR | Uganda | 02.2013 |
| Ms. Hiranthi WIJEMANNE | Sri Lanka | 02.2015 |
| Ms Kamla Devi VARMAH | Mauritius | 02.2013 |
| Ms. Susana VILLARAN DE LA PUENTE | Peru | 02.2013 |
| Mr. Jean ZERMATTEN | Switzerland | 02.2013 |