



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined fourth and fifth periodic reports of Ethiopia\*

#### I. Introduction

1. The Committee considered the combined fourth and fifth periodic reports of Ethiopia (CRC/C/ETH/4-5) at its 1997th and 1998th meetings (see CRC/C/SR.1997 and 1998), held on 22 May 2015, and at its 2024th meeting, held on 5 June 2015, adopted the following concluding observations.

2. The Committee welcomes the submission of the combined fourth and fifth periodic reports of the State party (CRC/C/ETH/4-5) and the written replies to the list of issues (CRC/C/ETH/Q/4-5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

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

3. The Committee welcomes the ratification of/accession to:

(a) The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict in May 2014;

(b) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in March 2014;

(c) The Convention on the Rights of Persons with Disabilities (CRPD) in July 2010;

(d) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) in June 2012; and

(e) The United Nations Convention against Transnational Organized Crimes and its Protocols in July 2007.

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\* Adopted by the Committee at its sixty-ninth session (18 May – 5 June 2015).

4. The Committee also notes the adoption of the following legislative measures:
  - (a) Proclamation No. 691 of 2010 designating the Ministry of Women, Children and Youth Affairs (MOWCYA) as the main body responsible for coordinating the activities for the implementation of the Convention;
  - (b) The revised Directive on the Responsibilities and Functions of Executive Committees of the Convention on the Rights of the Child in 2009.
5. The Committee further welcomes the following institutional and policy measures:
  - (a) The National Strategy and Action Plan on Harmful Traditional Practices Against Women and Children in 2013;
  - (b) The establishment of Federal Vital Events Registration Agency and the regional states in 2013 to collect data on children;
  - (c) The Strategic Plan for an Integrated and Multi-Sectoral Response to Violence against Women and Children and Child Justice in 2011;
  - (d) The National Policy Framework for Early Childhood Care and Education (ECCE) in 2010;
  - (e) The National Women/Girls' Education Strategy 2009/10;
  - (f) The National Action Plan on Sexual Abuse and Exploitation of Children 2006-2010;
  - (g) The Youth Development Strategy Plan 2006-2015;
  - (h) The National Coordinating Body for Multi-Sectoral and Integrated Response to Violence Against Women and Children in 2008; and
  - (i) The National Action Plan for Gender Equality 2006-2010.

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

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

##### **The Committee's previous recommendation**

6. While welcoming the State party's efforts to implement some of the concerns and recommendations made upon the consideration of the State party's third report in 2006, the Committee notes with regret that some of the recommendations regarding inter alia, allocation of resources, data collection, discrimination against children in vulnerable situations, birth registration, trafficking, harmful traditional practices, and administration of juvenile justice have not fully implemented.

7. **The Committee recommends that the State party take all necessary measures to address its previous recommendations.**

##### **Legislation**

8. The Committee regrets the absence of a systematic legislative review in order to bring domestic laws into compliance with the Convention and is concerned that a comprehensive Children's Code has not yet been adopted.

9. **The Committee reiterates its previous recommendation (CRC/C/ETH/CO/3) and recommends that the State party bring domestic law into full compliance with the**

**Convention, and design and adopt a comprehensive Children's Code which will incorporate all the provisions of the Convention.**

#### **Coordination**

10. The Committee notes that the Ministry of Women, Children and Youth Affairs (MOWCYA) is responsible for coordinating the implementation of the Convention and welcomes the commitment of the State Party to coordinate and monitor the implementation of the Convention through the establishment of regional Bureaus of Women, Children and Youth Affairs (BOWCYA), as well as national, regional, zonal, and woreda level CRC Executive Committees. However, the Committee regrets the absence of information on the coordination among different bodies and on the human, technical and financial resources provided to these BOWCYA and CRC Executive Committees. The Committee regrets also the absence of information on training programmes for the staff of MOWCYA, BOWCYA and CRC Executive Committees.

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

(a) **Continue its efforts to strengthen coordination and collaboration between the different institutional bodies at national, regional, zonal and woreda levels to ensure consistency and efficiency of the implementation of policies;**

(b) **Provide those institutional bodies with the sufficient human and financial resources in order to efficiently carry out their mandate and mission, and develop and implement continuous training programmes on human rights, particularly children's rights, for their respective staff; and**

(c) **Take all measures to strengthen physical and geographical accessibility to such mechanisms for all children, especially those in vulnerable situations.**

#### **Allocation of resources**

12. The Committee, while welcoming the increasing budgetary allocations to the education and health sectors, regrets the lack of information and data relating to the budget specifically allocated to children belonging to the most vulnerable groups of society, including children of ethnic minorities and indigenous populations, children with disabilities, children in street situations, children affected by and/or infected with HIV/AIDS and children living in poverty in rural and remote areas.

13. **In the light of its day general discussion in 2007 on "Resources for the Rights of the Child – Responsibility of State", the Committee recommends that the State party:**

(a) **Ensure the allocation of adequate human, technical and financial resources in all areas affecting children, by paying particular attention to children belonging to vulnerable groups of the population and with the aim to eliminate regional disparities in the implementation of the Convention; and**

(b) **Establish a clear, comprehensive and participatory budgeting process, with specific indicators and mechanisms to monitor and evaluate the adequacy and efficiency of the distribution processes.**

#### **Data Collection**

14. **The Committee reiterates its previous recommendations that the State party develop and implement a comprehensive framework of data collection which will cover all areas of the Convention and will be disaggregated by age, sex, disability, geographic location, ethnic origin and socio-economic background in order to**

facilitate analysis on the situation of all children, particularly those in situations of vulnerability.

#### **Independent monitoring**

15. While welcoming the establishment of desks and regional offices for children in both the Ethiopian Human Rights Commission (EHRC) and the Institute of Ombudsman, the Committee regrets the absence of information on their human, technical and financial resources in order to ensure that they discharge their mandate in an efficient and independent manner, as well as on the number of complaints received and investigations conducted. The Committee is also concerned that children can only lodge a complaint through their parents or guardians, a situation which is particularly problematic when family members are the perpetrators of children's rights violations.

16. **In the light of its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party:**

(a) **Ensure the proper functioning of the EHRC and the Institute of Ombudsman in compliance with the Paris Principles relating to the Status of National Institutions, and guarantee their independence in discharging their mandates of monitoring and investigating cases of human rights violations against children;**

(b) **Take all appropriate measures, including through awareness-raising programmes, in order to ensure that all children are fully informed about their rights as well as about independent complaint mechanisms that may protect those rights and may provide children with remedies; and**

(c) **Ensure that children can independently access those complaints mechanisms and institutions.**

#### **Dissemination, training and awareness-raising**

17. The Committee notes with satisfaction the efforts made by the State party in disseminating the Convention through its publications and public events, and welcomes the incorporation of children's rights training in the regular trainings of the Ethiopian Federal Police university colleges and training institutions. However, the Committee remains concerned that the general awareness of the existence and importance of the Convention remains low, particularly in rural and remote areas and among vulnerable groups of the society.

18. **The Committee recommends that the State party strengthen measures regarding dissemination of and training on CRC for all relevant professional groups in several local languages and undertake child rights awareness-raising initiatives to reach vulnerable groups, including those living in rural and remote areas.**

#### **Cooperation with civil society**

19. The Committee is seriously concerned at the highly restrictive environment for NGOs and civil society organizations, through the imposition of administrative barriers to registration, low thresholds of foreign financial support for local NGOs, and the strict delimitation of authorized activities for international NGOs by prohibiting their involvement in numerous areas affecting children such as child sexual abuse and exploitation, FGM/C and other harmful traditional practices, the rights of children with disabilities, and of children in conflict with the law. The Committee also deeply regrets information on the State party's interference in the work of the Charities and Societies Agency (CSA), the heavy restrictions imposed on NGOs and civil society organizations in

accessing conflict-affected regions, detention centers and alternative care institutions, as well as the cases of harassment, arrest and prosecution of human rights activists.

20. **The Committee strongly recommends that the State:**

(a) **Repeal the Charities and Societies Proclamation No. 621/2009 that put significant obstacles to the work of international NGOs for the promotion and protection of all human rights, including children's rights, and those that impose restrictions on the funding of local NGOs from foreign sources;**

(b) **Take all appropriate measures to ensure that human rights and humanitarian organizations and agencies are provided with unhindered access to conflict-affected areas, prisons, police stations, and alternative care institutions; and**

(c) **Ensure that international and national NGOs can operate freely and that instances of intimidation and harassment of human rights defenders and civil society activists are promptly and independently investigated, and those responsible for such abuses are held accountable.**

#### **Children's rights and the Business sector**

21. While acknowledging the positive steps taken by the State party to enhance development and combatting poverty, through the implementation of the 2005-2010 Plan for Accelerated and Sustained Development to End Poverty (PASDEP) and the Growth Transformation Plan 2010-2014, the Committee is concerned about the adverse impact of large-scale investments and development projects on children's rights. In particular, the Committee is concerned about the forced relocation of indigenous families, including Anuak and Nuer, taking place in mid-2010, particularly in the regions of Gambella, Benishangul-Gumuz, Somali and Afar, due to agricultural planning strategies and investments.

22. **In the light of its general comment No. 16 (2013) on the impact of the business sector on children's rights, the Committee recommends that the State party:**

(a) **Ensure that the elaboration and implementation of development strategies and projects involve regular consultations with the affected populations, in particular indigenous, pastoral and semi-pastoral families and their children, the rights and needs of which should always take precedence over financial gain;**

(b) **Prevent and halt all relocation plans which do not enjoy the consent of the affected populations, and ensure that for those relocations which are voluntary, the affected populations are provided with adequate and suitable living conditions; and**

(c) **Develop and implement a comprehensive framework on business conduct in order to ensure that business activities do not have adverse impact on human rights or endanger environmental and other standards, in particular those relating to children and women, and impose sanctions and provide remedies when violations occur.**

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

### **Non-discrimination**

23. While welcoming the positive steps taken by the State party to combat discrimination such as the National Action Plan for Gender Equality 2006-2010, the Committee expresses concern at the continuous discrimination of girls, children with

disabilities, children belonging to ethnic minorities, children in poverty and street situations and children living with HIV/AIDS and with noma.

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

(a) **Eliminate gender discrimination in all sectors, particularly in terms of access to education and health, address significant regional disparities in the promotion and protection of the rights of girls and adolescents, and pay particular attention to girls with disabilities, as well as girls suffering physical and sexual abuse;**

(b) **Guarantee the respect and protection of the rights of children belonging to ethnic minorities and indigenous populations, investigate cases of violence and intimidation, particularly in conflict-affected regions, as well as cases of forceful relocation of children and their families from their traditional lands, ensure that perpetrators are held accountable and provide effective remedies to victims; and**

(c) **Eliminate the de facto discrimination of all children with disabilities, including children with mental disabilities, as well as children living with noma, and children living with HIV/AIDS, and ensure their full inclusion in all spheres of life, and particularly in education and health care.**

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

25. The Committee welcomes the efforts made by the State party to ensure that the right of the child to have his or her best interests taken into account as a primary consideration is respected through the development of training programmes and the establishment of child friendly benches and special investigation and prosecution teams. However, the Committee remains concerned that the best interests of the child are not adequately considered with respect to decisions concerning adoption and family reunification processes and legal proceedings, alternative care and early marriage.

26. **In light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party ensure that this right is appropriately integrated and consistently applied in all policies, programmes and projects that have an impact on children, as well as in all legislative, administrative and judicial proceedings and decisions, in particular with respect to decisions concerning notably adoption and family reunification processes, alternative care.**

#### **Rights to life, survival and development**

27. While the Committee notes that the State party is making efforts to tackle poverty, it is seriously concerned about the high rates of poverty affecting children especially in rural areas, resulting in deprivation of children's right to survival and development.

28. **The Committee urges the State party to effectively implement a multidimensional approach to reducing child poverty, including by eliminating serious gaps in basic social services for children in the most vulnerable situations, as well as stimulate more informed dialogue on improving the effectiveness and efficiency of national expenditures on children, particularly for children in vulnerable situations, and on tackling inflation, which has undermined poverty reduction and overall economic development efforts.**

29. The Committee is deeply concerned about the reports of excessive use of force, arbitrary arrests and detentions by the federal forces during the April 2014 demonstrations in the town of Ambo in Oromia, causing death and physical injuries to a number of children, in particular children belonging to ethnic minority groups.

30. The Committee urges the State party to fully investigate all violations committed against children during the events of April 2014 and publicly report on its findings. It further recommends that the State party ensure that perpetrators of such violations are brought to justice, and that victims are provided with adequate redress and reparations.

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

31. While noting the positive steps taken by the State party to implement the principle of respect for the views of the child, such as the children parliaments and the child rights clubs, the Committee remains concerned that traditions and cultural attitudes continue to limit the full implementation of the right of the child to be heard. Furthermore, the Committee notes with concern that except for the specific provision in the Revised Family Code concerning the adoption process, there is no information on other legal provisions guaranteeing the respect of the right of the child to be heard in schools, judicial and administrative proceedings, alternative care settings, and in the family, and there is no reference to programmes and initiatives for children in vulnerable situations.

32. **In the light of its general comment No.12 (2009) on the right of the child to be heard, the Committee recommends that the State party take all appropriate measures to:**

(a) **Ensure the incorporation of this right into all laws, policies and programmes relating to children, particularly relating to education, healthcare, alternative care and administration of justice;**

(b) **Guarantee that children and youth are actively consulted and involved in the elaboration and implementation of policies and programmes affecting them, and pay particular attention to the active involvement of children in vulnerable situations, including children with disabilities, minority children, refugee children, and children in street situations; and**

(c) **Develop awareness-raising programmes, including campaigns to promote the meaningful and empowered participation of all children in judicial proceedings, in the school, community, family and alternative care settings.**

### **D. Civil rights and freedoms (arts. 7, 8, and 13-17)**

#### **Birth registration**

33. While welcoming the adoption of the Registration of Vital Events and National Identity Card Registration Proclamation No. 760/2012 and the establishment of structures responsible for coordinating and supporting the registration and implementation of birth registration pilot projects, the Committee remains concerned about the high rate of unregistered children and that only 5 percent are reported to be registered in rural areas.

34. **The Committee urges the State party to:**

(a) **Adopt as a matter of priority a comprehensive birth registration policy and provide all the necessary human, financial and technical resources for its effective implementation, especially in rural areas; and**

(b) **Continue engaging with development agencies and donors to mobilise the adequate technical and financial resources, and undertake an assessment on the barriers to birth registration and data collection.**

#### **Freedom of opinion and expression**

35. While noting the existence of different media in the State Party, the Committee is concerned that the diversity of ethnic, social and cultural expression is not guaranteed to all children in the State party. The Committee is also concerned about the negative impact of the 2009 Anti-Terrorism Act on the rights of the child to freedom of expression.

36. **The Committee urges the State Party to ensure freedom of expression for all children without discrimination. The Committee also urges the State party to repeal all provisions of the 2009 Anti-Terrorism Act which infringe on the rights of the child to freedom of expression.**

#### **Freedom of thought, conscience and religion**

37. While noting the peaceful and harmonious co-existence of several religious communities in the State party, the Committee is however concerned about the recent clashes that occurred between religious communities which resulted in the deaths of and injuries to many children.

38. **The Committee urges the State Party to take all necessary measures to prevent the re-occurrence of tensions between religious communities and to investigate these events with a view to prosecuting the perpetrators and providing compensation to child victims and their families.**

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

39. While noting the existence of several clubs, associations and centres of children and young people, the Committee is concerned that these clubs and associations are controlled by the Government. The Committee is also deeply concerned about the brutal repression of peaceful meetings of children and young people which took place in Addis Ababa in 2014, resulting in several deaths.

40. **The Committee recommends that the State Party guarantee that children enjoy their rights to freedom of association and assembly without undue interference from the State. The Committee also urges the State Party to investigate these violent events, to prosecute perpetrators and to provide compensation to the victims and their families.**

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

#### **Corporal punishment**

41. While welcoming the promotion of positive forms of discipline through the elaboration of awareness-raising and training programmes, targeting particularly professionals working with and for children, the Committee is concerned that the law does not expressly prohibit corporal punishment in the home and in the institutional child and day care centres where adults exercise parental authority over children. The Committee is also concerned that corporal punishment is still widely practiced and accepted in schools, the home and other settings.

42. **With reference to the Committee's general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, and general comment No. 13 (2011) on the rights of the child to freedom from all forms of violence, the Committee recommends that the State party:**

(a) Prohibit expressly all forms of corporal punishment in all settings, including in the home and alternative care, by revising the relevant provisions of the Revised Family and Criminal Codes; and

(b) Further develop programmes promoting positive forms of discipline, in the home, in schools, alternative care, and other institutions, by focusing particularly on children in vulnerable situations, including children with disabilities, children in street situations, children deprived of parental care, children living in poverty, children in conflict with law.

#### **Sexual Exploitation and abuse**

43. The Committee notes as positive the adoption of national action plans, the establishment of multisectoral coordination bodies to combat violence against women and children and child sexual abuse, as well as the creation of a specialized investigation unit and the development and implementation of awareness-raising and training programmes. However, the Committee remains deeply concerned at the high levels of child sexual abuse in the State party, and at the absence of information on specific strategies and initiatives targeting children at particular risk of becoming victims of sexual abuse. The Committee is also concerned at the large proportion of girls who experience forced sexual initiation, particularly within the context of early marriage and sexual harassment, and it regrets the significantly low reporting rates of child abuse, including sexual abuse, the absence of mechanisms to assess and monitor the extent of such violations, lack of prosecution and conviction and the lack of adequate rehabilitation and reintegration services for victims.

44. **The Committee urges the State party to:**

(a) Further develop and implement awareness-raising programmes, including campaigns, in close collaboration with international donor, agencies, civil society and NGOs, in order to prevent and eliminate gender-based violence, including sexual abuse and exploitation, and pay particular attention to the issue of forced sexual initiation;

(b) Design and implement strategies and programmes combating sexual exploitation and abuse of children and targeting specifically children in vulnerable situations, including girls, children in street situations, refugee children, children with disabilities, in school, family-like and alternative care settings, and extend those strategies and programmes particularly to rural and remote areas;

(c) Ensure that the institutional bodies responsible for the monitoring, investigation and prosecution of cases of sexual violence and abuse are provided with adequate human, technical and financial resources in order to effectively discharge their respective mandates and are easily accessible by child victims;

(d) Establish an efficient system of data collection to monitor and assess the extent of the problem; and

(e) Provide all professional groups working with and for children, including teachers, judges, health professionals and care workers with adequate training, carry out sensitization programs for children to detect the risks of sexual violence and establish specialized centres for rehabilitation and reintegration of victims of sexual violence and abuse, particularly in the rural and remote areas.

#### **Freedom of the child from all forms of violence**

45. While welcoming the positive steps taken by the State party to address the issue of child abuse and neglect, notably through the elaboration and implementation of training and educational programmes, the Committee is deeply concerned that violence against children

still persists in the school, home and alternative care settings, and deeply regrets the absence of information on the number of investigations and prosecutions of such cases.

46. **In the light of its general comment No. 13 (2001) on the right of the child to freedom from all forms of violence, the Committee recommends that the State party take urgent measures in order to:**

(a) **Protect all children from all forms of physical and mental violence, in particular, girls, children with disabilities, refugee children, children living in street situations, in poverty, in rural and remote areas;**

(b) **Establish effective procedures and mechanisms to receive, monitor and investigate cases of child abuse and neglect, to ensure proper prosecution of perpetrators and to guarantee that abused children are not victimized in legal proceedings;**

(c) **Eliminate violence against children, in particular girls, in school and on the way from/to school, through the establishment of specialized school protection committees with the participation of students and teachers;**

(d) **Train teachers, law enforcement officials, care workers, judges and health professionals, on how to effectively identify, report and manage ill-treatment and abuse cases;**

(e) **Engage closely with NGOs and local communities for the elaboration and implementation of educational programmes to eliminate the cultural acceptance of child abuse and neglect, and to raise awareness about legal protection measures;**

(f) **Further strengthen the framework of prevention, physical and psychological rehabilitation and reintegration of child victims, notably through the establishment of specialized centres and shelters, and to ensure that adequate human, technical and financial resources are made available; and**

(g) **Cooperate with the Special Representative of the Secretary General on violence against children, UN Special rapporteurs, and other relevant United Nations institutions.**

#### **Harmful practices**

47. While acknowledging the commitment of the State party to eliminate harmful traditional practices through legislative reforms and awareness-raising campaigns, the Committee is seriously concerned that the relevant legal provisions prohibiting and criminalizing such practices are not adequately enforced, as shown by the very high number of children, particularly girls, subjected to FGM/C in all its forms (cliteridectomy, excision, infibulation, cauterization, scraping), as well as forced, early and promissory marriages and marriages by abduction, and the lack of criminal proceedings against those performing those practices.

48. **In light of its previous recommendation (CRC/C/ETH/CO/3, para.60) and its general comment no. 18 on harmful practices, the Committee urges the State party to:**

(a) **Intensify programmes targeting FGM/C practices, particularly in the regions of high prevalence, and strengthen its efforts to eliminate social pressure and behaviours that perpetuate this practice, through targeted sensitization campaigns at the local level;**

(b) **Strictly enforce the existing legislation prohibiting harmful traditional practices, and ensure that the perpetrators of such practices will be prosecuted and convicted;**

- (c) Criminalize marital rape and prosecute and punish such acts;
- (d) Lift all legal and policy barriers which prohibit civil society organizations from working on FGM/C prevention and awareness-raising;
- (e) Strictly, widely and uniformly enforce the provision in the Revised Family Code setting 18 years of age for marriage for both girls and boys; and
- (f) Combat negative attitudes against and stigmatisation of girls and boys who are not married at a young age, and provide support to civil society and community organizations' initiatives in their efforts to raise awareness about the negative effects of forced and early marriage as well as provide support to victims of such practices.

**F. Family environment and alternative care (arts. 5, 9-11, 18 (paras. 1 and 2), 20-21, 25 and 27 (para. 4))**

**Children deprived of a family environment**

49. While acknowledging the steps taken by the State party to address extreme poverty, particularly in rural and remote areas, and to establish a regulatory framework on alternative child care, the Committee remains deeply concerned at the significantly high number of children deprived of family environment and at the absence of a national strategy and action plan focusing on alternative family and community-based options for children deprived of a family environment. The Committee also regrets the absence of detailed statistical information on children placed in different types of alternative child care, including community based care services, and particularly regarding children in vulnerable situations.

50. Drawing the State party's attention to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex) of 20 December 2009, the Committee recommends that the State party:

- (a) Support single-parent and vulnerable families and develop policies and tools for the purpose of reducing reliance on institutional care;
- (b) Elaborate and develop a comprehensive strategy on family and community-based alternative care for children deprived of family environment while giving due weight to the child's best interests;
- (c) Ensure regular and systematic evaluation of placement of children in alternative care and the quality of the provided services, and establish accessible channels for reporting, monitoring and remedying maltreatment of children;
- (d) Provide adequate human, technical and financial resources to alternative care institutions and child protection services, in order to facilitate children's rehabilitation and reintegration; and
- (e) Develop a disaggregated data collection system on children placed in alternative care institutions, as well as on children reunified with their family.

**Adoption**

51. The Committee remains concerned at the lack of disaggregated statistical information on inter-country and domestic adoptions and the absence of an independent central authority competent to oversee child providers and adoption agencies, and to monitor and report on domestic and inter-country adoptions. Although the Committee notes the delegation's comments that no adoptions have taken place of children while in utero, it

is concerned about the provision of the Family Code which allows for the adoption of children who are “merely conceived”.

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

(a) **Develop and implement a comprehensive framework on domestic and inter-country adoptions, by paying particular attention to the child’s best interests;**

(b) **Ensure that the views of child are always heard and respected in adoption cases;**

(c) **Take appropriate measures in order to enhance the supervision and oversight of child providers and adoption agencies;**

(d) **Encourage family and community-based domestic solutions instead of inter-country adoptions;**

(e) **Repeal the provision of the Family Code which allows for the adoption of children who are “merely conceived;” and**

(f) **Ratify the 1993 Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Inter-country adoption.**

**G. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) and 33)**

**Children with disabilities**

53. While welcoming the ratification of the Convention on the Rights of Persons with Disabilities and the commitment expressed by the State party to address the issue of rehabilitation and integration of persons with disabilities, the Committee remains deeply concerned at the persistence of negative attitudes and discrimination against children with disabilities, and at the fact that the vast majority of children with disabilities are deprived of education and face obstacles in accessing appropriate social and healthcare services. The Committee is also concerned at the lack of reliable disaggregated data, and the absence of specific information on initiatives and programmes for the rehabilitation and reintegration of children with disabilities, particularly for those children suffering from multiple and intersecting forms of discrimination.

54. **In the light of article 23 of the Convention and of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability and specifically recommends that it:**

(a) **Take urgent measures to elaborate and implement specific programmes for children and youth with disabilities aimed at enhancing their social inclusion, and ensure in particular their access to quality inclusive education, vocational training, social and health services;**

(b) **Undertake, in close collaboration with NGOs and local communities, awareness-raising programmes, including campaigns, on eliminating discrimination against children with disabilities, and particularly against children with disabilities who suffer from multiple forms of discrimination, such as girls, children living in poverty, in rural and remote areas, children living with HIV/AIDS, children in street situations, children members of ethnic minorities and indigenous populations, and refugee children;**

(c) **Establish a data collection system on children with disabilities, focusing on the type of disability, in order to facilitate the elaboration, development and implementation of relevant policies and programmes; and**

(d) **Design and develop training programmes for all professional groups working with and for children and youth with disabilities, including teachers, law enforcement officials, care workers, judges and health professionals.**

#### **Health and health services**

55. The Committee welcomes the increase in the allocation of resources, the reduction of maternal, infant and under-five mortality rates, the extension of immunization coverage and breastfeeding as well as the reduction of malaria. The Committee remains, however, concerned that the per capita spending on basic health is well below the internationally accepted levels, and deeply regrets the persistence of regional disparities in the provision of health services, and that malnutrition, infant, under-five, prevalence of noma and maternal mortality rates remain high.

56. **The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party:**

(a) **Raise the annual per capita expenditure on health and eliminate regional disparities in the provision of health services, including prenatal and postnatal care, immunization coverage, and the management of communicable diseases and malaria;**

(b) **Implement and apply the OHCHR Technical Guidance on the application of human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under five years of age (A/HRC/27/31) and pay particular attention to rural and remote areas in the combat against infant, under-five and maternal mortality;**

(c) **Effectively address malnutrition in terms of stunting, wasting and low weight, particularly in rural and remote areas, continue the programme of salt iodization, develop public awareness programmes on food diversity consumption of nutritious food and benefits of breast-feeding and engage with World Health Organization (WHO) and the United Nations Children's Fund (UNICEF) in this respect;**

(d) **Provide training to health professionals to detect ulcerative gingivitis, the first signs of noma;**

(e) **Develop and implement policies to improve health infrastructures, and intensify training programmes for all health professionals, including the pastoralist health extension workers.**

#### **HIV/AIDS**

57. While commending the State party for its efforts to combat HIV/AIDS and particularly the mother to child transmission (PMTCT), through the expansion of HIV counselling and testing services and the development of awareness-raising programmes, including campaigns, the Committee remains concerned that HIV/AIDS still remains a major challenge, particularly in the urban areas and for children in vulnerable situations, including orphans, children in street situations, and children living in poverty and in single parent and child headed households. The Committee also regrets the absence of information concerning the allocation of resources to institutional structures mandated for the management of HIV/AIDS.

58. In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party:

(a) Take all appropriate measures to address geographic disparities regarding HIV infection and access to treatment, by enhancing free access to neonatal care, vaccination, prevention of transmission of HIV/AIDS from mother to child and anti-retroviral therapy;

(b) Further develop and implement programmes and strategies to combat HIV/AIDS for specific categories of children, including girls, children in single parent households, orphans and children in street situations, who are most vulnerable to sexual exploitation and abuse;

(c) Ensure that the established institutional mechanisms responsible for coordinating HIV/AIDS policies and strategies are provided with the adequate human, technical and financial resources in order to effectively discharge their mandates;

(d) Improve access to quality, age-appropriate HIV/AIDS, sexual and reproductive health services, by giving due weight to the best interests of the child; and

(e) Engage closely with international donors and agencies, including UNAIDS and UNICEF, for technical assistance and the development and implementation of programmes and initiatives.

#### **Adolescent health**

59. While welcoming the 2007 National Adolescent and Youth Reproductive Health Strategy, and the development of awareness-raising programmes, including campaigns, on adolescent health and drug and alcohol consumption, the Committee regrets the absence of information on specific programmes targeting vulnerable adolescents and teenagers, particularly those in street situations, orphans, pregnant teenagers, and those living in poverty and in single-parent households. The Committee also regrets the insufficient available information on reproductive and mental health services for adolescents as well as institutional coordination in implementing and evaluating adolescent health programmes and policies.

60. In the light of its general comment No.4 (2003) on adolescent health, the Committee recommends that the State party:

(a) Design and implement programmes of sex and reproductive health education for adolescents, in school and out-of-school settings, with a view to reducing the prevalence of teenage pregnancies;

(b) Eliminate the barriers in terms of access to adequate mental and reproductive health services, by paying particular attention to vulnerable teenagers and adolescents, including pregnant teenagers and adolescent mothers, orphans, adolescents in street situations, living in poverty and in single parent households;

(c) Ensure the adequate allocation of human, technical and financial resources for the implementation of the National Adolescent and Youth Reproductive Health Strategy, and establish a specialized body within the Federal Ministry of Health responsible for coordinating and monitoring the implementation of adolescent health programmes and policies; and

(d) Strengthen the capacity of health services at all levels to deliver quality adolescent-sensitive services, including developmental, mental, and reproductive health counselling services, and make them known and accessible to all adolescents.

## H. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)

61. The Committee welcomes the increase in the enrolment rates at primary school level, the development of educational and training programmes for teachers, in particular womenteachers, the measures to promote girls' access to education, as well as the development and delivery of alternative basic education programmes in the rural, pastoral and semi-pastoral regions. However, the Committee is concerned about:

- (a) The lack of national legislation on free and compulsory education;
- (b) The persistent regional disparities in enrolment rates and the high number of school aged children, particularly girls, who remain out of school, as well as the high drop-out rates, the significant low enrolment rates in pre-primary education and secondary education;
- (c) The scarcity of school facilities to accommodate children's education needs, especially for refugee children, children of displaced indigenous and minority ethnic groups, teenage girls, as well as children with disabilities; and
- (d) The absence of detailed information on programmes of vocational training for those children and adolescents who leave school.

62. **The Committee recommends that the State party take all appropriate legal and policy measures in order to:**

- (a) **Guarantee access to free and quality education for all children without discrimination on any ground, including by adopting a law on free and compulsory education;**
- (b) **Address the barriers of out-of-school children, particularly the direct and indirect costs of education, violence against children and gender-based violence, harmful traditional practices and negative attitudes towards children in vulnerable situations, including children with disabilities, children in street situations, refugee children, and children belonging to minority and indigenous groups;**
- (c) **Raise awareness about secondary education and to provide all appropriate means, including financial incentives, in order to encourage primary education graduates to advance to the secondary education;**
- (d) **Eliminate regional disparities in terms of attendance and enrolment rates, by paying particular attention to the pre-primary school level, and expand the school feeding programs;**
- (e) **Enhance the quality of the Alternative Basic Education (ABE) programmes, and facilitate the transition from the ABE centres to the formal education;**
- (f) **Provide guarantees that the school remains a safe and secure environment for the educational and personal development of every child, where freedom of expression is safeguarded, by prosecuting sexual abuse of children, eliminating harassment and intimidation of teachers and prohibiting campaigns of political indoctrination; and**
- (f) **Develop and promote high-quality vocational training programmes for all children and adolescents, and particularly for children and adolescents who drop out of school, and strengthen the training programmes for teachers, particularly in and for rural and remote areas.**

**I. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)****Economic exploitation, including child labour**

63. The Committee welcomes the development of a National Plan of Action for the Elimination of the Worst Forms of Child Labour 2010-2014 and 2013-15, and the establishment of a National Steering Committee on the worst forms of child labour. The Committee is nevertheless concerned about the persistent high prevalence of child labour, including its worst forms, the lack of disaggregated data on children engaged in the worst forms of child labour, and about the fact that the existing legal framework allows children above the age of 14 to be engaged in hazardous work, when this work is part of vocational training programmes. The Committee is also seriously concerned about the situation of child domestic workers, called *seratenyas*, of orphans and children in street situations, as well as of young girls moving to foreign countries and being economically exploited and abused.

64. **The Committee urges the State party to:**

(a) **Explicitly prohibit the employment of children under the age of 18 in hazardous work, including exploitative domestic work, and revise the relevant provisions of the Labour Proclamation No. 377/2003 in this regard;**

(b) **Further strengthen the institutional structures and mechanisms in order to protect children from economic exploitation, including the worst forms of child labour, to systematically record cases of child labour, particularly labour in hazardous conditions and in the informal sector, and to increase labour inspections at places of work, and effectively prosecute and convict perpetrators;**

(c) **Develop a comprehensive framework of labour inspection, occupational health and safety standards, as well as design and develop training programmes for labour inspectors and social workers in order to strengthen the processes of identification of child workers and to provide systematic rehabilitation services;**

(d) **Strengthen public awareness on child labour, its exploitative character, as well as its consequences, and combat public perceptions that children are assets to generate income; and**

(e) **Further engage with international donors, agencies, civil society organizations and the business sector in order to combat child labour and economic exploitation, particularly for disadvantaged and marginalised children, girls, children in street situations, orphans, who are at risk of being engaged in worst forms of child labour.**

**Children in street situations**

65. The Committee remains concerned at the high number of children living and/or working in streets, particularly in urban areas. Furthermore, the Committee is concerned at the absence of specific programmes with a view to facilitating access to education and healthcare for children in street situations, programmes for children in street situations with disabilities, girls and those living with HIV/AIDS, as well as at the lack of shelters and rehabilitation centres. The Committee notes with concern that the State party considers the involvement of children and youth in street situations in public construction activities as part of their rehabilitation and social reintegration.

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

(a) Take measures to address the root causes of the phenomenon of children in street situations, notably by developing a comprehensive national strategy, and pay particular attention to the specific vulnerability of girls in street situations to sexual abuse and exploitation, as well as of children with disabilities and children living with HIV/AIDS;

(b) Elaborate and develop, with the full participation of NGOs and children themselves, a comprehensive and well-resourced policy and programmes offering effective alternatives to institutionalization, and facilitating the reunification of children with their families, whenever feasible and appropriate, taking into account the child's best interests;

(c) Establish centres for the protection, recovery and reintegration of children in street situations, and provide the adequate human, technical and financial resources in this regard; and

(d) Take measures in order to increase school enrolment of children in street situations, and to facilitate their access to quality health services, including reproductive health services.

#### **Refugee, asylum seeking and internally displaced children**

67. The Committee is concerned about the lack of security and protection of refugee, asylum seeking and internally displaced children from violence, exploitation and abuse within and outside the refugee camps. In this context, the Committee is seriously concerned about the reports of disappearances of refugee and asylum seeking children from the refugee camps, and about the living conditions in those camps. The Committee is further concerned that children of refugees are not registered at birth. The Committee also regrets the absence of information on the situation of internally displaced persons, particularly children, due to natural disasters, as well as of asylum seekers, particularly the Eritrean asylum seekers, including a large number of unaccompanied children.

68. The Committee urges the State party to:

(a) Collect disaggregated data on refugee, asylum-seeking and internally displaced children, including unaccompanied and separated children;

(b) Enhance the security in refugee camps and ensure protection of all refugee children, particularly girls, against all forms of violence, including sexual violence, exploitation and trafficking, and establish appropriate mechanisms to report and investigate such cases, and to effectively prosecute the perpetrators;

(c) Urgently investigate reports of disappearances of children from the refugee camps, establish their whereabouts and prosecute those responsible for such crimes;

(d) Adopt targeted policies to promote the integration of refugees, asylum seekers and internally displaced persons, through the development of out-of-camp policies, and to elaborate and implement a comprehensive strategy for the protection of internally displaced persons;

(e) Withdraw its reservation to the 1951 Refugee Convention regarding primary education, and ratify the 1954 United Nations Convention relating to the Status of Stateless Persons and the 1961 United Nations Convention on the Reduction of Statelessness; and

(f) Urgently improve the conditions in the refugee camps, particularly by providing adequate and quality nutrition, education and health services, including mental and reproductive health services;

- (g) **Ensure that children of refugees are registered at birth;**
- (h) **Continue engaging with the Office of the High Commissioner for Refugee in this regard.**

**Sale, trafficking and abduction**

69. The Committee is deeply concerned that while trafficking in children abroad and within the country for the purpose of domestic servitude, commercial sexual exploitation and exploitation in the worst forms of child labour persists, no information was provided by the State party on the number of affected children, and on the number of investigations, prosecutions and convictions. The Committee is also deeply concerned at the lack of rehabilitation and reintegration centres to provide child victims of trafficking and commercial sexual exploitation with the adequate, age-sensitive medical and psychological assistance. The Committee also regrets that the “sale of children” is neither defined, nor criminalized in the State party’s Criminal Code and Criminal Procedure Code, and that the relevant trafficking provisions of the Criminal Code do not comply with the international standards as set by the Protocol to Prevent, Suppress and Punish Trafficking, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000).

70. **The Committee urges the State party to:**

(a) **Revise all relevant provisions of the Criminal Code and Criminal Procedures Code in order to explicitly prohibit and criminalize the sale of children and to align these provisions with the international standards, including the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;**

(b) **Develop and implement strategies and policies to eliminate domestic rural-urban and international flows of trafficking, by paying particular attention to vulnerable children, including girls, children living in poverty, out-of-school children, children who have dropped out of school, migrant, refugee and internally displaced, unaccompanied and separated children;**

(c) **Effectively monitor implementation of bilateral and multilateral agreements on the issue of trafficking, ensuring that special attention is paid to the needs of children who are returned to their country of origin, and ensuring that the principle of the best interests of the child is always respected;**

(d) **Engage closely with civil society organizations and local communities, in order to implement effective communication strategies and awareness raising campaigns on proper migration channels and the risks of trafficking, as well as training programmes for specific professional groups working with and for children;**

(e) **Ensure that the National Task Force and the Women and Children’s Trafficking Monitoring Directorate are provided with the adequate human and financial resources in order to effectively prevent and investigate instances of trafficking, as well as prosecute and convict perpetrators; and**

(f) **Establish reception and rehabilitation centres, for the safe return, medical and psychological support, and reintegration of all children victims of sale, trafficking and abduction with particular focus on rural and remote areas.**

**Administration of juvenile justice**

71. While welcoming the establishment of child friendly courts and benches, child protection units, the implementation of the Community Based Correction Programme

(CBCP), and the adoption of the National Criminal Justice Policy, the Committee remains deeply concerned that the minimum age of criminal responsibility remains at nine years, that children aged 15-18 are prosecuted as adults, and that child offenders are not separated from adult detainees. The Committee is also concerned at the lack of disaggregated data of children in conflict with the law, the limited psychological and legal counselling, and the insufficient rehabilitation and reintegration services.

**72. In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:**

**(a) Raise the minimum age of criminal responsibility to an internationally acceptable level;**

**(b) Take urgent measures to develop and implement a comprehensive strategy for the administration of juvenile justice, by focusing particularly on children aged between 15 and 18 years;**

**(c) Take urgent measures to separate child offenders from adult detainees and to support and treat appropriately children who accompany their mothers in prison;**

**(d) Ensure that detention of child offenders remains as a measure of last resort, and to strengthen the availability and the quality alternatives to detention, including education, rehabilitation and reintegration;**

**(e) Collect systematic disaggregated data on the number of children who are in conflict with the law and the number of children in detention centres;**

**(f) Address geographical disparities in terms of access to justice, and take all appropriate measures to expand psychological and legal counselling as well as social and rehabilitation services to all regions of the country, including in the rural and remote areas, and focusing particularly on vulnerable children in conflict with the law;**

**(g) Expand further the regional presence of the Child Justice Project Office and ensure that adequate human, technical and financial resources are provided; and**

**(h) Establish accessible and confidential complaints mechanisms.**

## **J. Ratification of the Optional Protocol on a communications procedure**

**73. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.**

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

**74. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the International Convention for the Protection of All Persons from Enforced Disappearances, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the**

International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the International Covenant on Civil and Political Rights, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the Convention on the Elimination of Discrimination against Women, the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

#### **L. Cooperation with regional bodies**

75. The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of Children of the African Union on the implementation of the Convention and other human rights instruments, both in the State party and in other African Union member States.

### **V. Implementation and reporting**

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

76. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined fourth and fifth periodic reports, the written replies to the list of issues of the State party and the present concluding observations be made widely available in the languages of the country.

#### **B. Next report**

77. The Committee invites the State party to submit its combined sixth and seventh periodic reports by 12 June 2020 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr.1) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

78. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I) and General Assembly resolution 68/268 (para. 16).