

ADVANCE UNEDITED VERSIONDistr.: General
16 February 2022

Original: English

Committee on the Rights of the Child**Concluding observations on the combined fifth and sixth reports of Madagascar*****I. Introduction**

1. The Committee considered the combined fifth and sixth periodic reports of Madagascar¹ at its 2570th and 2571st meetings,² held online on 3-4 February 2022, and adopted the present concluding observations at its 2682nd meeting, held on 11 February 2022.

2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party and the written replies to the list of issues,³ which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held virtually with the high-level and multisectoral delegation of the State party.

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

3. The Committee welcomes progress achieved by the State party in various areas, including the establishment in 2012 of a National Child Protection Committee and in 2015 of the National Independent Commission for Human Rights; the reform and adoption of laws including law 2014 - 040 on the fight against trafficking in persons, law 2016-018 relating to the measures and procedures applicable to children in conflict with the law, law 2016-038 reforming the Malagasy nationality code and law 2019-009 on combating gender-based violence; the adoption of a plan to implement the recommendations of the UPR and the Treaty Bodies including the Committee on the Rights of the Child; the increase in budgetary resources to the education and health sectors; and the adoption of a National Social Protection Strategy for the period 2019-2023.

III. Factors and difficulties impeding the implementation of the Convention

4. The Committee takes note of the fact that the State party is seriously affected by climate change and that natural disasters, such as the recent cyclones, and the ongoing drought and famine in the south of the country have a severe negative impact on the rights and welfare of children in the country.

* Adopted by the Committee at its eighty-ninth session (31 January – 11 February 2022).

¹ CRC/C/MDG/5-6.

² See CRC/C/SR.2570 and 2571.

³ CRC/C/MDG/RQ/5-6.

IV. Main areas of concern and recommendations

5. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: coordination (para. 10), sexual exploitation and abuse (para. 25), health and health services (para. 32), nutrition and standard of living (para. 36), education, including vocational training and guidance (para. 39) and economic exploitation, including child labour (para.41).

6. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention and the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.**

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

Legislation

7. **Noting with regret the insufficient implementation of child rights related legislation, the Committee recommends that the State party:**

(a) **Review and update the 2007 law on the rights and protection of the child to ensure that it is in full compliance with the principles and provisions of the Convention;**

(b) **Take all necessary measures to ensure the effective implementation of legislation relevant to the rights of children.**

Comprehensive policy and strategy

8. **The Committee recommends that the State party accelerate the development of the National Child Protection Policy and ensure that it encompasses all areas covered by the Convention and Optional protocols thereto. On the basis of this policy, the State party should develop a strategy, supported by sufficient human, technical and financial resources, for its application.**

Coordination

9. While noting the existence of the National Child Protection Committee, the Committee notes that the implementing decree for the child protection is currently being revised and regrets that the State party's child protection networks, which provide protection and social services for children, are not functional in all regions.

10. **The Committee urges the State party to revise relevant decrees regulating the work of the National Child Protection Committee and ensure that it has a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention at cross-sectoral, national, regional and local levels and that child protection networks are provided with the necessary human, technical and financial resources for their effective operation in all regions.**

Allocation of resources

11. **Recalling its general comment No. 19 (2016) on public budgeting for the realization of children's rights and taking note of target 16.5 of the Sustainable Development Goals, the Committee recalls its previous recommendations and recommends that the State party:**

(a) Conduct a comprehensive assessment of the budget needs of children in order to increase budget allocations for the effective implementation of social policies and programmes in areas related to children's rights;

(b) Establish clear and adequate allocations for the effective implementation of social policies and programmes in areas that address disparities in indicators such as sex, disability and geographical location related to children's rights and define strategic budgetary lines in general and sectoral allocations for children in disadvantaged or vulnerable situations;

(c) Utilize a child-rights approach in the elaboration of the State budget, by implementing a tracking system for the allocation and the use of resources for children throughout the budget;

(d) Ensure transparent and participatory budgeting through public dialogue, especially with children and for proper accountability of local authorities;

(e) Seek technical cooperation from development partners such as United Nations Children's Fund (UNICEF) and the World Bank.

Data collection

12. Recalling its general comment No. 5 (2003) on general measures of implementation, the Committee recommends that the State party:

(a) Further strengthen its data collection system, including by providing adequate resources for the National Statistics Institute to carry out its work, implementing the National Strategy for the Development of Statistics and adopting decrees to implement its statistics legislation;

(b) Ensure that data collected on children's rights covers all areas of the Convention and the Optional Protocols thereto, with data disaggregated by age, sex, disability, geographical location, ethnic and national origin and socioeconomic background, in order to facilitate analysis of the situation of children, particularly those in situations of vulnerability;

(c) Share data and indicators on children's rights among the ministries concerned and other relevant actors and use it for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;

(d) Take into account the conceptual and methodological framework set out in the report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) entitled *Human rights indicators: a guide to measurement and implementation* when defining, collecting and disseminating statistical information;

(e) Continue its technical cooperation with UNICEF, among other entities.

Independent monitoring

13. The Committee recommends that the State party:

(a) Take steps to formalize the appointment according to the law of the commissioners, including two commissioners representing human rights civil society, at the *Commission Nationale Indépendante des Droits de l'Homme*;

(b) Ensure that the *Commission Nationale Indépendante des Droits de l'Homme* and its commissioner representing the civil society working for the rights of the child, receive sufficient resources to effectively carry out their mandate, and are able to receive, investigate and address complaints by children in a child-sensitive and child-friendly manner;

(c) Ensure that the Commission provide for the privacy and protection of child victims, and undertake monitoring, follow-up and verification activities for victims;

(d) Seek technical cooperation from the Office of the United Nations High Commissioner for Human Rights (OHCHR) and UNICEF, among other entities.

Dissemination, awareness-raising and training

14. The Committee recommends that the State party:

(a) Strengthen awareness-raising programmes, including campaigns, in cooperation with civil society organizations, to ensure that the Convention and the Optional Protocols thereto are widely known by the general public, including parents and children;

(b) Ensure that all professionals working with and for children, in particular social workers, judiciary, law enforcement officials, healthcare personnel, professionals and staff working in all forms of alternative care, as well as the media, receive mandatory training on the rights of the child under the Convention and its Optional protocols.

Children's rights and the business sector

15. While noting the development of codes of conduct in the tourism sector, and recalling its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and to the Guiding Principles on Business and Human Rights, endorsed by the Human Rights Council in 2011, the Committee recommends that the State party establish and implement regulations to ensure that the business sector complies with international and national human rights, labour, environmental and other standards, particularly with regard to children's rights. In particular, it recommends that the State party:

(a) Establish a clear regulatory framework for the industries operating in the State party, particularly those related to tourism, mining, fishing, agriculture and the vanilla sector, to ensure that their activities do not negatively affect human rights or endanger environmental, health, labour and other standards, especially those relating to children's rights;

(b) Establish monitoring mechanisms for the investigation and redress of children's rights violations, with a view to improving accountability and transparency;

(c) Encourage implementation of codes of conduct adopted by the tourism industry and undertake awareness-raising campaigns with the tourism industry and the public at large on the prevention of sexual exploitation of children in the context of travel and tourism and widely disseminate the local codes of conduct and the World Tourism Organization global code of ethics for tourism among travel agents and in the tourism industry;

(d) Strengthen its international cooperation against sexual exploitation of children in the context of travel and tourism through multilateral, regional and bilateral arrangements for its prevention and elimination.

B. General principles (arts. 2–3, 6 and 12)

Non-discrimination

16. Taking note of targets 5. 1 and 10.3 of the Sustainable Development Goals, the Committee recommends that the State party strengthen measures to eliminate discrimination, in particular against girls, twins, children with disabilities, children living with HIV/AIDS, children with albinism and children living in rural areas, through programmes and policies to eliminate inequalities in access to education, health and development, and to raise awareness of non-discrimination and foster an inclusive and tolerant environment in schools and other spaces for children.

Best interests of the child

17. Recalling 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:

(a) Ensure that the right of the child to have his or her best interests taken as a primary consideration is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to, and have an impact on, children;

(b) Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration;

(c) Establish compulsory processes for *ex-ante* and *ex-post* impact assessments of all laws and policies relevant to children on the realization of the right of the child to have his or her best interests taken as a primary consideration;

Right to life, survival and development

18. The Committee recommends that the State party:

(a) Address the poverty and structural inequalities underlying the high rates of child mortality in the State party;

(b) Enhance its efforts to reduce infant mortality, addressing child malnutrition, and the promotion of children's and mothers' health taking note of target 3.2 of the Sustainable Development Goals on ending the preventable deaths of children under 5 years of age.

Respect for the views of the child

19. Recalling its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party promote meaningful and empowered participation of all children within the family, communities and schools and in all relevant administrative and other processes concerning them through, inter alia, the adoption of appropriate legislation, the training of professionals and the establishment of specific platforms at schools.

C. Civil rights and freedoms (arts. 7–8 and 13–17)**Birth registration and nationality**

20. Taking note of target 16.9 of the Sustainable Development Goals, the Committee strongly urges the State party to:

(a) Take steps to reverse the current downward trend of birth registrations in the country, including by allocating adequate resources for implementation of the civil registration and vital statistics national strategic plan and making concerted efforts, such as enabling late and free of charge registrations and increasing birth registration in areas with very low rates, especially in the region of Atsimo Andrefana;

(b) Amend its law on nationality in order to provide legal safeguards against statelessness at birth and to allow children adopted by a Malagasy mother and foreign father to gain the nationality;

(c) Consider acceding to the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961;

(d) Seek technical assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) and UNICEF, among others, for the implementation of these recommendations.

Right to privacy and access to appropriate information

21. Recalling its general comment No. 25 (2021) on children's rights in relation to the digital environment, the Committee recommends that the State party enact laws on access to information and the digital environment that adequately protect children from harmful content and materials and online risks, and provide for mechanisms to prosecute violations. The State party should develop regulations and safeguarding policies for the media and in the digital environment to protect the privacy of children, at the same time by ensuring their access to information and media adapted to their needs and allowing them to channel their ideas.

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**Corporal punishment**

22. Recalling its general comment No. 8 (2006) on corporal punishment, the Committee urges the State party to:

- (a) Explicitly prohibit corporal punishment in law in all settings, including in the home, schools, childcare institutions, alternative care settings and penal institutions;
- (b) Promote positive, non-violent and participatory forms of child-rearing and discipline;
- (c) Conduct awareness-raising campaigns for parents and professionals working with and for children to promote attitude change, within the family and the community, with regard to corporal punishment.

Abuse and neglect

23. In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and targets 5.2, 16.1 and 16.2 of the Sustainable Development Goals, the Committee recommends that the State party:

- (a) Undertake a comprehensive assessment of the extent, causes and nature of abuse and neglect of children and implement long-term programmes to address their root causes;
- (b) Further strengthen awareness-raising and education programmes - including campaigns - with the involvement of children, in order to formulate a comprehensive strategy for preventing and combating child abuse with an emphasis on children in particularly vulnerable situations, such as children in street situations, children without a birth certificate, child migrants, and child domestic workers;
- (c) Ensure that all cases of abuse of children, including sexual abuse, are promptly reported and investigated, applying a child-friendly and multisectoral approach with the aim of avoiding the revictimization of the child, that perpetrators are prosecuted and duly sanctioned and that reparations are provided to victims, as appropriate;
- (d) Ensure that law enforcement officials and other staff working with child victims of abuse are trained in the application of, and apply, child sensitive approaches in interviewing child victims and in all their interactions with child victims;
- (e) Strengthen child protection services, including by recruiting qualified social workers, especially in rural areas and allocate sufficient resources to the provision of child-friendly and comprehensive support, including trauma-focused therapy, to children who are victims of abuse and neglect.

Sexual exploitation and abuse

24. The Committee is seriously concerned about the reports that sexual exploitation of children is widespread and tolerated, especially in touristic destinations. The Committee is also concerned about the reports of online child sexual abuse.

25. Taking note of targets 5.2, 16.1 and 16.2 of the Sustainable Development Goals, the Committee urges the State party to:

(a) Establish mechanisms, procedures and guidelines to ensure mandatory reporting, multiagency intervention, investigation and prosecution of all cases of sexual exploitation and abuse of children, including child sexual abuse audio materials;

(b) Conduct awareness-raising activities to combat the stigmatization of victims of sexual exploitation and abuse, and ensure accessible, confidential, child-friendly and effective reporting channels for such violations, with the aim of preventing the re-victimisation of such children;

(c) Raise awareness regarding child sexual abuse and exploitation among both the members of public and professionals working with and for children and respond to all manifestations of child sexual exploitation and abuse, in particular in travel and tourism, including by strengthening the professional capacity to detect and investigate such cases and promoting training for parents and teachers about risks;

(d) Pay particular attention to the situation of children in vulnerable situations, including children in street situations, children without a birth certificate, migrant children, child domestic workers, orphans and abandoned children.

Harmful practices

26. Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, and taking note of target 5.3 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Amend the Law on Marriage and Matrimonial Regimes to eliminate exemptions to the minimum age for marriage, which is set at 18 years of age;

(b) Ensure the full and effective implementation of the National Strategy to combat Child Marriage (2018-2024), with a special focus on regions with high prevalence rates of child marriage, including by providing an adequate budget for programmes developed under its auspices;

(c) Develop awareness-raising campaigns and programmes on the harmful effects of child marriage on the physical and mental health and well-being of girls, targeting households, local authorities, religious leaders and judges and prosecutors;

(d) Eradicate the harmful practices of ill-treatment, rejection and abandonment of twins, and kidnapping, ill-treatment and killings of children with albinism, including through legislation and increased awareness-raising in the society at large, which should involve religious and traditional leaders.

E. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))

Family environment

27. The Committee recalls its previous recommendation (CRC/C/MDG/CO/3-4, para 40) that the State party continue and strengthen support, including psychosocial and financial support, to families in vulnerable situations, in particular single-parent families and families living in extreme poverty, in order to prevent separation of children from their families.

Children deprived of a family environment

28. Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee recommends that the State party:

- (a) **Ensure adequate safeguards and clear criteria, based on the needs as well as the best interests of the child, for determining whether a child should be placed in alternative care;**
- (b) **Phase out institutionalization and adopt, without delay, a strategy and action plan for deinstitutionalization, ensuring that it has adequate human, technical and financial resources for its implementation and includes systemic transformation of the childcare, welfare and protection systems;**
- (c) **Adopt the implementing decree on foster families and ensure sufficient alternative family-based and community-based care options for children who cannot stay with their families, including by allocating sufficient financial resources for foster care, regularly reviewing placement measures and facilitating the reunification of children with their families when possible;**
- (d) **Establish quality standards for all alternative care settings, ensure and monitor the quality of care therein, including by providing accessible channels for reporting, and remedying abuse of children;**
- (e) **Ensure that adequate human, technical and financial resources are allocated to alternative care centres and relevant child protection services, in order to facilitate the social reintegration of children resident therein to the greatest extent possible;**
- (f) **Strengthen the capacity of professionals working with families and children, in particular family judges, law enforcement personnel, social workers and service providers, to ensure family-based alternative care responses and to enhance their awareness of the rights and needs of children deprived of a family environment.**

Adoption

29. **The Committee recalls its previous recommendations and urges the State party to take all appropriate measures to:**

- (a) **Adopt the decree implementing the 2017 Law on adoption and provide it with sufficient resources to ensure its effectiveness;**
- (b) **Prevent illegal inter-country adoption through relevant policies and programmes, awareness-raising activities and implementation of relevant legislation including investigation and prosecution of relevant cases;**
- (c) **Address root causes of illegal inter-country adoptions, including provision of support to vulnerable families and giving priority to care solutions in the child's country of origin;**
- (d) **Strengthen the Central Authority for Adoption in Madagascar, including by providing it with sufficient human, technical and financial resources to fulfil its mandate and to monitor, investigate cases of illegal adoption and prosecute perpetrators of such crimes.**

F. Children with disabilities (art. 23)

30. **While noting the absence of reliable data on children with disabilities in the State party and recalling 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, set up a comprehensive strategy for the inclusion of children with disabilities and:**

- (a) **Accelerate the establishment of the National Committee for Persons living with Disabilities;**
- (b) **Organize the collection of data on children with disabilities and develop an efficient and harmonized system for disability assessment in order to facilitate access**

for children with all types of disabilities to all public services, including to education and health, social protection and support services;

(c) Actively promote the access of children with disabilities to inclusive education in mainstream schools equipped with trained and specialised teachers, accessible infrastructure and teaching materials adapted to the needs of children with disabilities;

(d) Take immediate measures to ensure that children with disabilities have access to health care, including early detection and intervention programmes;

(e) Undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of, and prejudice against children with disabilities and promote a positive image of children with disabilities as rights-holders;

(f) Address the specific needs of children with intellectual and psychosocial disabilities, such as autism spectrum disorders and trisomy, and in particular ensure that they are fully integrated into all areas of social life.

G. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

Health and health services

31. The Committee notes the adoption of the law on vaccination in 2017, but regrets its slow implementation and that childhood vaccination and immunisation rates remain low, which led to re-emergence of vaccine preventable diseases. The Committee is also concerned that almost half of the population lives far from health centres, that the sector lacks sufficient and qualified health personnel, including mental health professionals, and that funding for the health sector is dependent on external aid.

32. Recalling its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of targets 2.2, 3.1, 3.2 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party take steps to:

(a) Take measures to implement the 2017 law on vaccination and provide adequate human, technical and financial resources for its implementation;

(b) Ensure access of the population, especially children, particularly in rural and remote areas, to adequately resourced primary health-care services, and strengthen the training, supervision and incentives for health workers;

(c) Establish mental health services and programmes for children and ensure that qualified personnel, including child psychiatrists, psychologists, clinical social workers and other specialized personnel, are available throughout the country;

(d) Increase allocations for healthcare from the national budget.

Adolescent health

33. Recalling its general comment No. 4 (2003) on adolescent health and general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, and taking note of targets 3.7 and 5.6 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at all adolescents, with special attention on preventing early pregnancy and sexually transmitted infections;

(b) Ensure that all adolescents, including those who are out of school and those in rural areas, receive age-appropriate confidential and child-friendly sexual and reproductive health information and services, including access to contraceptives;

(c) **Provide obstetric care for pregnant adolescents to prevent maternal mortality and obstetric fistula and effectively implement the National Strategic Plan for the Elimination of Obstetric Fistula in Madagascar 2014-2030;**

(d) **Decriminalize abortion in all circumstances and ensure access to safe abortion and post-abortion care services for adolescent girls.**

HIV/AIDS

34. **While noting the increased efforts of the State party to combat HIV/AIDS, the Committee recalls its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, takes note of target 3.3 of the Sustainable Development Goals and in light of the reports of HIV among children and adolescents in the State party, the Committee recalls its previous recommendations (CRC/C/MDG/CO/3-4, para. 50(c)) and encourages the State party to further strengthen its programs to prevent and treat HIV/AIDS with a particular focus on adolescents and prevention of mother-to-child transmission, seeking technical assistance as necessary, from the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the United Nations Children's Fund (UNICEF), among others, in this regard.**

Nutrition and standard of living

35. The Committee notes that the extreme drought, which had hit the south of the country, caused widespread shortages of safe drinking water and food, which have been exacerbated by the COVID-19 pandemic. The Committee is also concerned that:

(a) The number of children with severe acute malnutrition has increased exponentially and large numbers of children suffer from malnutrition;

(b) Large numbers of children are affected by multidimensional poverty and extreme deprivations, especially among single, women headed households in rural areas, and exacerbated by the socio-economic impact of COVID-19 pandemic;

(c) Access to water, sanitation and hygiene remains extremely limited and is one of the worst in the world.

36. **Taking note of targets 1.1, 1.2 and 1.3 and 2.2 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Take urgent measures to prioritize children who suffer from severe acute malnutrition and provide them with necessary treatment and nutrition;**

(b) **Ensure access to and the availability and affordability of food, with a particular focus on reversing the sharp deterioration of access to these services in urban areas and eliminating any regional disparities;**

(c) **Support and strengthen implementation of the revised National Nutrition Policy and the National Nutrition Plan for 2017–2021, addressing the root causes of malnutrition and regularly monitor and assess the effectiveness of policies and programmes on child food security and nutrition;**

(d) **Address multidimensional poverty and extreme deprivations among children, including by strengthening social protection programmes under auspices of the National Social Protection Strategy (2019-2023) and by ensuring that they are inclusive of all vulnerable groups and receive adequate funding from the national budget;**

(e) **Prioritize access to water, sanitation and hygiene, especially in urban areas and continue its efforts in the rural environment, in order to ensure nationwide access to water, sanitation and hygiene;**

(f) **Seek technical assistance from the UNICEF, WHO, WFP, FAO, and other international partners in this regard.**

Impact of climate change on the rights of the child

37. While noting the severe impacts of climate change on the State party, in the form of cyclones, hurricanes, droughts, floods and other natural disasters and taking note of targets 1.5 and 13.3 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Ensure better preparedness for adverse impacts of climate change and natural disasters through specific policies and programs and allocate sufficient resources in this regard;

(b) Ensure that children's special vulnerabilities, needs and views are taken into account in developing policies and programmes to address climate change and disaster risk management;

(c) Collect disaggregated data identifying the types of risk faced by children to the occurrence of a variety of disasters in order to formulate international, regional and national policies, frameworks and agreements accordingly;

(d) Increase children's awareness and preparedness for climate change and natural disasters by incorporating them into the school curriculum and teachers' training programmes;

(e) Seek bi-lateral, multi-lateral, regional and international cooperation in implementing these recommendations.

H. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

38. The Committee notes the adoption of the Education Sector Plan (2018-2022), but is concerned about:

(a) The low enrolment, school attendance and completion rates, especially at the secondary level of education with large disparities among different regions;

(b) Lack of appropriate classrooms and access to clean water, sanitation and hygiene facilities;

(c) Long distance to schools and burden of educational costs on parents;

(d) Poor quality of education and the lack of qualified teachers;

(e) Limited access to distance learning/online education during COVID-19 related school closures with large regional disparities due to limited access to electricity and internet;

(f) The low budget allocation for education.

39. Taking note of targets 4.1, 4.6, 4.a, 4.b and 4.c of the Sustainable Development Goals, the Committee recommends that the State party take the necessary measures to:

(a) Guarantee access to free education and increase school enrolment, attendance and completion rates for all children especially at the secondary level of education, with particular attention given to gender and regional disparities and to pregnant teenagers and adolescent mothers;

(b) Improve the quality of education, including by recruitment of qualified teachers and ensuring that teachers receive appropriate levels of training, with particular emphasis on teachers in rural areas;

(c) Allocate sufficient financial resources from the national budget to ensure that schools across the country are accessible to all and are equipped with adequate educational infrastructure, technologies and sanitation facilities;

(d) Address inequalities generated by the COVID-19 crisis during home schooling, including by ensuring the availability of electricity and Internet access to all

to access online education, giving particular attention to children in rural areas and children with disabilities.

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

Economic exploitation, including child labour

40. While noting that the State party is in the process of developing a new national action plan to combat child labor and a new Labour Code, the Committee notes with concern that child labour remains a significant issue in the country, with 47 percent of children aged 5 to 17 years old working in economic activities or domestic work, and that it is more prevalent in rural areas with a significant portion of children, particularly from poor households, working in hazardous conditions. The Committee further notes with regret that the National Committee to Combat Child Labor is not effectively functional and that its regional committees are not effective in all regions.

41. **Taking note of target 8.7 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Prohibit and eliminate hazardous labour practices where child workers are exposed to environmental risk factors, promote safer alternatives and ensure monitoring of children affected;**

(b) **Strengthen its efforts to end child labour in all its forms, including by raising public awareness of child labour, its exploitative character and its consequences, accelerating the adoption of a new national plan to combat child labour and increasing the number of labour inspectors; and**

(c) **Seek technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Office in this regard.**

Children in street situations

42. **Drawing attention to its general comment No. 21 (2017) on children in street situations, the Committee recommends that the State party assess the current number of children in street situations, and develop studies on the root causes of their situations. The Committee also recommends that the State party develop a strategy to address the situation of children in street situations, including their reintegration with a family or their placement in an alternative care as appropriate.**

Sale, trafficking and abduction

43. **Taking note of target 8.7 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Adopt and implement the National Action Plan to combat trafficking in persons developed in 2019 and allocate sufficient resources for implementation;**

(b) **Ensure the effective provision of referral and support services to children who are victims of trafficking;**

(c) **Investigate all cases of trafficking of children utilizing inter-sectoral and child friendly proceedings and bring perpetrators to justice;**

(d) **Conduct awareness-raising activities in order to make parents, the community and children aware of the dangers of trafficking;**

(e) **Ensure effective responses in relation to cross border trafficking through negotiation and formalisation of standard operating procedures for rescue, repatriation, reintegration and rehabilitation.**

Administration of child justice

44. In light of the reports of excessive use of deprivation of liberty against children in conflict with the law, including in pre-trial detention, and extremely poor conditions in detention, the Committee recalls its general comment No. 24 (2019) on children's rights in the child justice system and taking into account the recommendations of the United Nations Global Study on Children Deprived of Liberty, and urges the State party:

- (a) Raise the legal age of criminal responsibility to at least 14 years of age;
- (b) Provide appropriate mandatory training programs for the judiciary and other relevant officials;
- (c) Provide qualified independent legal aid to children accused of infringing the criminal law, at an early stage of the procedure and throughout the legal proceedings;
- (d) Ensure the use of non-custodial measures for children instead of measures of detention in accordance with article 9 of Law 2016-018 and that, in practice, detention is used only as a measure of last resort, for the shortest possible period of time, and is reviewed on a regular basis with a view to its withdrawal;
- (e) Where detention is unavoidable, ensure that the children are not detained with adults and that detention conditions are compliant with international standards, including by avoiding overcrowding, providing adequate food and sanitation facilities, and ensuring access to education and health services.

J. Follow-up to the Committee's previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention

Optional Protocol on the sale of children, child prostitution and child pornography

45. Recalling its 2019 guidelines on the implementation of the Optional Protocol, and its previous concluding observations on the report of the State party submitted under article 12 of the Optional Protocol, the Committee urges the State party to:

- (a) Ensure that legislation aimed at protecting children against all types of offences prohibited under the Optional Protocol is fully implemented, that effective investigations are conducted and that perpetrators are prosecuted and receive appropriate punishment;
- (b) Fight corruption and impunity of offences prohibited under the Optional protocol;
- (c) Raise awareness, including through educational programmes for parents and children, to address the beliefs, behaviours and stereotypes that can put children at risk of becoming victims of offences prohibited under the Optional Protocol.

Optional Protocol on the involvement of children in armed conflict

46. Recalling its previous concluding observations on the report of the State party submitted under article 8 of the Optional Protocol, the Committee urges the State party to:

- (a) Expressly prohibit and criminalize the recruitment and use of children under the age of 18 in hostilities by armed forces and non-State armed groups;
- (b) Provide the national commission for international humanitarian law with adequate human and financial resources to carry out its mandate, including awareness raising and dissemination of the principles and provisions of the Optional Protocol;
- (c) Further strengthen training activities for all relevant professional groups on the provisions of the Optional Protocol;
- (d) Ensure that national legislation allows the exercise of extraterritorial jurisdiction for all offenses under the Optional Protocol;
- (e) Set up a mechanism to identify children recruited by the *dahalos* and ensure their protection, rehabilitation and reintegration.

K. Ratification of the Optional Protocol on a communications procedure

47. 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 a communications procedure.

L. Ratification of international human rights instruments

48. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the Convention for the Protection of All Persons from Enforced Disappearance which it signed on 6 February 2007.

M. Cooperation with regional bodies

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

IV. Implementation and reporting

A. Follow-up and dissemination

50. 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 and that a child-friendly version is disseminated to, and made widely accessible for, children, including the ones in the most disadvantaged situations. The Committee also recommends that the combined 5th to 6th periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

B. National mechanism for reporting and follow-up

51. The Committee recommends that the State party further strengthen the interministerial committee tasked with preparing initial and periodic human rights reports and ensure that it has the mandate and the adequate human, technical and financial resources to effectively coordinate and prepare reports to international and regional human rights mechanisms and to coordinate and track national follow-up to,

and implementation of, treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that the interministerial committee should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the Independent National Human Rights Commission and civil society.

C. Next report

52. The Committee invites the State party to submit its seventh and eighth periodic report by 17 April 2027 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 31 January 2014⁴ and should not exceed 21,200 words.⁵ In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. 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.

53. 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 contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents⁶ and paragraph 16 of General Assembly resolution 68/268.

⁴ CRC/C/58/Rev.3.

⁵ General Assembly resolution 68/268, para. 16.

⁶ HRI/GEN/2/Rev.6, chap. I.