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**Committee on the Rights of the Child****Concluding observations on the second periodic report of Palau\*****I. Introduction**

1. The Committee considered the second periodic report of Palau (CRC/C/PLW/2) at its 2269th (see CRC/C/SR.2269), held on 25 January 2018, and adopted the present concluding observations at its 2282<sup>nd</sup> meeting, held on 2 February 2018.

2. The Committee welcomes the submission of the second periodic report of the State party and the written replies to the list of issues (CRC/C/PLW/Q/2/Add.1). However, the Committee regrets that the report was submitted with considerable delay, which prevented the Committee from reviewing the implementation of the Convention by Palau for 16 years. The Committee welcomes the constructive dialogue with the high-level delegation of the State party successfully held through video-conferencing, a method that suited the limited resources of the State party.

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

3. The Committee welcomes the progress achieved by the State party in various areas, in particular the ratification of the Convention on the Rights of Persons with Disabilities. The Committee notes with appreciation also the legislative, institutional and policy measures adopted to implement the Convention, such as the Family Protection Act 2012.

**III. Main areas of concern and recommendations****A. General measures of implementation (arts. 4, 42 and 44 (6))****The Committee's previous recommendations**

4. **The Committee recommends that the State party take all measures necessary to address its previous recommendations of 2001 (CRC/C/15/Add.149) which have not been implemented or not sufficiently implemented and, in particular, those related to data collection (para. 21) and non-discrimination (para.33).**

**Legislation**

5. The Committee notes the Palau Child Protection Baseline Research Project 2011 which provided the framework for the comprehensive review of the child related legislation

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\* Adopted by the Committee at its seventy-seventh session (15 January – 2 February 2018).

and the ongoing legislative reform, including the Family Protection Act 2012. However, the Committee is concerned that there are inconsistencies with the Convention and some domestic laws, such as the Juvenile Act.

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

(a) **Strengthen its efforts to implement the recommendations of the Palau Child Protection Baseline Research Project and allocate adequate resources to ensure full and effective implementation of the Family Protection Act;**

(b) **Expediently bring the existing legislation, such as the Juvenile Act, into conformity with the Convention.**

**Comprehensive policy and strategy**

7. The Committee welcomes the creation of the National Human Rights Task Force and the adoption of the Palau Climate Change Policy, the National Gender Mainstreaming Policy, the National Youth Policy and the Palau Early Childhood Framework 2009. However, it remains concerned that there is no comprehensive national strategy or plan of action for children.

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

(a) **Adopt and implement a comprehensive national strategy for children to cover all areas of the Convention and allocate appropriate human, technical and financial resources for their implementation;**

(b) **Ensure inclusion of priorities for children in national development and strategic plans and budgeting processes.**

**Coordination**

9. The Committee notes the establishment of the Reporting Committee on United Nations Human Rights Conventions to coordinate treaty reporting. However, it is concerned that there is a lack of coordination between various agencies responsible for the implementation of the Convention.

10. **The Committee recommends that the State party create a national child coordinating body for the implementation of the Convention and strengthen the inter-agency collaboration and cooperation through development of memorandums of understanding, protocols and standard operational procedures.**

**Allocation of resources**

11. The Committee notes with appreciation that the State party budget allocations for social, health and education sectors have increased from 2013 to 2015. However, the Committee is concerned that budget allocations do not adequately target children in vulnerable situations, in particular children with disabilities.

12. **With reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party in planning its future budgets continue to increase allocated budgetary resources for children to the maximum extent possible in accordance with article 4 of the Convention and in particular increase budget and expenditures for children in vulnerable situations, especially those with disabilities, to ensure that they receive increased and adequate specialised services and support. The Committee also recommends that the State party seek international cooperation in implementing this recommendation.**

**Data collection**

13. **In the light of its general comment No. 5 (2003) on general measures of implementation, the Committee recommends that the State party:**

(a) **Develop a comprehensive system of disaggregated data collection which would incorporate all aspects covered by the Convention with a specific focus on**

**children who are particularly vulnerable, including children of non-Palauan parents, children living in the rural areas and the outer islands and children with disabilities;**

**(b) Ensure linkages between sector-specific data collection systems and the Office of Planning and Statistics and encourage more data sharing between various actors working on children's rights.**

#### **Independent monitoring**

14. The Committee notes the establishment of the National Committee on Human Rights with an associate working group to cover human rights issues, including children's rights and the establishment of the Ombudsman's Office. However, the Committee is concerned that there is no sufficient information on the mandate and investigative powers of the National Committee on Human Rights or the Ombudsman's Office in relation to children's rights.

**15. With reference to its general comment No. 2 (2002) on the role of independent human rights institutions, the Committee recommends that the State party:**

**(a) Ensure that the National Committee on Human Rights or the Ombudsman's Office has a specific mechanism for monitoring children's rights that is able to receive, investigate and address complaints concerning and by children in a child-sensitive manner;**

**(b) Ensure the independence of these institutions, including with regards to funding, mandate and immunities, so as to ensure full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).**

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

16. The Committee notes the awareness raising campaigns and workshops on family issues carried out by the State party. However, the Committee is concerned that there is a lack of awareness on the child protection issues covered by the Convention.

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

**(a) Consider expanding the mandate of the Reporting Committee on United Nations Human Rights Conventions to take the lead role in raising awareness on all areas covered by the Convention;**

**(b) Strengthen community awareness programmes, including campaigns, and efforts in order to ensure that provisions and principles of the Convention are widely recognised and understood and make sure that children, parents, communities and church leaders play a key role in such initiatives.**

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

18. The Committee is seriously concerned that the minimum age for marriage is still set at 16 for girls under the National Code (Title 21 – Domestic Relations).

**19. The Committee urges the State party to revise the National Code to ensure that the minimum age for marriage is established at 18 for both girls and boys.**

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

#### **Non-discrimination**

20. The Committee is concerned that the Constitution does not explicitly prohibit discrimination based on sexual orientation and gender identity and that girls, children with disabilities and children of non-Palauan descent are subject to discrimination and are more exposed to exclusion.

21. The Committee recalls its previous concluding observations (CRC/C/15/Add.149, para. 33) and recommends that the State party:

(a) Ensure that children with disabilities and girls have equal access to education, health care, employment and a decent standard of living;

(b) Revise the Constitution to explicitly prohibit discrimination on the basis of sexual orientation and gender identity and align other laws to ensure that discrimination on these grounds is prohibited;

(c) Take legislative measures to ensure that children of non-Palauan parentage, including children of immigrant families and children adopted through inter-country adoptions, are afforded the same rights and access to health, education and social services as Palauan children.

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

22. The Committee welcomes the reactivation of the Palau National Youth Congress and the increasing participation of children particularly in conservation and environmental issues. However, the Committee is concerned that the State party's traditional society makes it difficult for children to participate and to be heard in matters affecting them.

23. With reference to general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

(a) Continue supporting the Palau National Youth Congress by increasing its legitimacy and effectiveness and providing it with necessary resources;

(b) Give due consideration to the views of children and strengthen structures for their participation, especially at the community level, in the family, at schools and in judicial and administrative procedures concerning them;

(c) Develop mechanisms for the systematic inclusion of children's participation in law, policy, programme development and implementation.

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

#### **Birth registration and nationality**

24. The Committee remains seriously concerned about:

(a) Ineffective birth registration processes especially in the outer islands as highlighted in the 2014 Ministry of Health's report;

(b) The requirement that children born in Palau must have at least one parent of recognised Palauan ancestry to be granted citizenship, may result in statelessness for some children born to non-Palauan parents.

25. Taking note of target 16.9 of the Sustainable Development Goals on providing legal identity for all, including birth registration, the Committee strongly urges the State party to:

(a) Strengthen its efforts to implement early birth registration procedures and issuance of birth certificates with a special focus on birth registration at community level;

(b) Consider reviewing the Constitutional provision relating to citizenship to ensure that all children born in Palau are granted access to citizenship if they would otherwise be stateless;

(c) Consider ratifying 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 the United Nations Children's Fund (UNICEF) among others, for the implementation of these recommendations.

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

### **Corporal punishment**

26. The Committee notes that schools have policies that include a ban on corporal punishment. However, the Committee is seriously concerned that the law does not explicitly prohibit the use of corporal punishment and that the Palau National Code and the Penal Code allows the use of force in disciplining children.

27. **With the reference to its general comment No. 8 (2006) on corporal punishment, the Committee urges the State party to:**

**(a) Amend existing legislation, in particular the Palau National Code and the Penal Code, to explicitly prohibit corporal punishment in all settings;**

**(b) Strengthen teacher training on alternative non-violent forms of discipline and ensure it is part of their pre- and in-service training programmes;**

**(c) Provide programmes for parents and all other professionals that work with and for children to encourage the use of alternative non-violent forms of discipline;**

**(d) Effectively enforce the prohibition against corporal punishment and provide children, especially in schools, with a complaints mechanism so that they can safely and confidentially report cases of corporal punishment;**

**(e) Strengthen awareness raising programmes, trainings and other activities to promote the change of mind set with regard to corporal punishment, particularly in schools, family and at the community level.**

### **Abuse and neglect**

28. The Committee notes with appreciation the amendments to the Penal Code to increase penalties for offences against children and the ongoing review of the Family Protection Act. The Committee however remains seriously concerned that:

(a) There is no dedicated leading body responsible for policy development and monitoring of services relating to the protection of children, which leaves child protection intervention measures weak in law and in practice;

(b) There are no systems, shelters or foster homes in place to accommodate children, especially child victims of violence;

(c) There is inadequate training on laws, protocols and guidelines for the personnel working with child victims of violence.

29. **With reference to its general comment No.13 (2011) on the right of the child to freedom from all forms of violence and taking note of Sustainable Development Goal 16.2 to end abuse, exploitation, trafficking and all forms of violence and torture of children, the Committee urges the State party to:**

**(a) Expedite the revision of the Family Protection Act and its plan of action and allocate sufficient resources for their implementation;**

**(b) Establish a dedicated body that takes the lead role in policy development and monitoring of services relating to the protection of children and provide adequate resources;**

**(c) Strengthen through legislation and better inter-agency cooperation a functioning child protections system that addresses child abuse, violence and exploitation and provides for assessment, identification, referral, counselling and rehabilitation services;**

**(d) Provide sufficient resources for setting up of shelters, safe homes and foster care for children subjected to violence, seeking assistance and collaboration with development partners and NGOs, where possible;**

(e) **Scale up training on laws, protocols and guidelines for the Bureau of Public Safety, health care providers and others who work with and for children;**

(f) **Take all necessary measures to ensure the Bureau of Public Safety adequate human, technical and financial resources, particularly specialised personnel, for dealing with cases of violence, abuse and exploitation of children.**

#### **Sexual exploitation and abuse**

30. The Committee is concerned that:

(a) There is no legislation that specifically addresses the exploitation of children via sexually explicit videos, photos and electronic images;

(b) The Law on sexual abuse does not differentiate between sexual assault against an adult and sexual assault against a child;

(c) Boys are not equally protected against sexual abuse as girls;

(d) There are insufficient prevention and mitigation activities as well as psychosocial services for child victims of sexual exploitation and abuse.

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

(a) **Adopt legislation to specifically criminalize sexual exploitation of children through sexually explicit videos, photos and electronic images;**

(b) **Criminalize sexual offending against a child as a separate offence and provide more appropriately strict sentences for the perpetrators;**

(c) **Amend the law so that boys are given equal protection from sexual abuse as girls;**

(d) **Ensure effective prevention and mitigation mechanisms, procedures and guidelines for cases of sexual abuse and exploitation and ensure accessible, child-friendly and effective reporting channels for such violations;**

(e) **Ensure that all child victims of sexual exploitation and abuse receive psychosocial support for recovery and social reintegration.**

#### **Helplines**

32. The Committee notes that there is a helpline directly with the Court staffed by Federal Marshalls that can assist women and children. However, the Committee is concerned that the helpline services for children are not adequate and children are not sufficiently aware of them.

33. **The Committee recommends that the State party strengthen and expand helpline services available for all children at the national level, promote awareness of how children can access the helpline, including by collaborating with relevant NGOs, and provide the necessary human, financial and technical resources for its effective functioning.**

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

##### **Children deprived of a family environment**

34. The Committee is concerned that there are no alternative care options, such as foster care, available in cases where the extended family does not take care of the children and that there is no legal framework, policy or minimum standards for regulating the alternative care of children. The Committee is also concerned that there is no monitoring of children placed with the extended family.

35. Drawing the State party's attention to the Guidelines for the Alternative Care of children (General Assembly resolution 64/142), the Committee recommends that the State party :

(a) Develop alternative care policy and minimum standards for regulating the alternative care of children;

(b) Provide all necessary resources, social welfare services and support for children in kinship/extended family care;

(c) Establish a legal framework, policy and minimum standards for monitoring family-based care for children;

(d) Establish an alternative care system for children who cannot stay with their families;

(e) Establish quality standards for all available forms of alternative care options and take children's views into consideration in any decision made about alternative care;

(f) Ensure periodic review of the placement of children in out of home care and monitor the quality of care therein, including by providing for reporting, monitoring and remedying maltreatment of children.

#### **Adoption**

36. The Committee is seriously concerned that:

(a) There is no adoption specific law and no body formally responsible for overseeing the formal adoption process;

(b) The formal registration through court procedure is not enforced in cases where children are adopted through traditional/customary adoption by their extended family or members of the same community.

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

(a) Enact a law on adoption and establish a unit to oversee formal adoption process with adequate resources including liaising with child adoption agencies in other countries in case of inter-country adoption;

(b) Ensure that legal safeguards and formal registration through court procedure are in place when children are adopted by their extended family or members of the same community;

(c) Increase awareness on formal adoption at the community level as an alternative to traditional/customary adoption;

(d) Consider ratifying 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 (3), 23, 24, 26, 27 (1)-(3) and 33)**

#### **Children with disabilities**

38. The Committee notes with appreciation the draft Disability Policy and that the Palau Severely Disabled Fund Program increased the monthly assistance amounts to the beneficiaries, including children. However, the Committee is seriously concerned at:

(a) The fact that the Disability Policy has not been finalised or implemented;

(b) The limited access of children with disabilities to inclusive education, health care, transportation, all buildings and spaces and at service delivery in all areas, especially in rural schools and communities;

(c) The limited access to rehabilitation, early identification and referral programmes as well as limited funding and technical support to service providers.

39. **With reference to its general comment No. 9 (2006) on the rights of children with disabilities and taking note of the Sustainable Development Goals 3, 4, 10 and 11, the Committee urges the State party to:**

(a) **Strengthen the legislative framework to ensure that children with disabilities have effective access to public services and places and improve physical access to all public and private buildings, spaces, service delivery and transportation in all areas, especially in rural communities and outer islands;**

(b) **Ensure that school professionals are adequately trained so that children with all kinds of disabilities can effectively enjoy their right to quality inclusive education, including through international cooperation;**

(c) **Strengthen health care services for children with disabilities, including case referrals, early detection and early intervention;**

(d) **Provide technical support to service providers, and to families of children with disabilities and increased financial support to families of children with disabilities.**

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

40. The Committee welcomes the improvement in maternal and child health indicators as well as the high vaccination coverage. However, the Committee is concerned at:

(a) Prevalence of respiratory diseases, particularly bronchiolitis, urinary tract infection, and acute gastro-enteritis among children;

(b) Child mortality related to the high prevalence of non-communicable diseases, such as obesity and diabetes;

(c) Insufficient number of dentists and well-trained health workers for children.

41. **With reference to 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 target 3.4 of the Sustainable Development Goals on reducing premature mortality from non-communicable diseases through prevention and treatment, the Committee recommends that the State party:**

(a) **Continue strengthening childhood vaccination coverage;**

(b) **Take measures to reduce respiratory diseases, particularly bronchiolitis, urinary tract infection and acute gastro-enteritis;**

(c) **Take measures to reduce child mortality due to non-communicable diseases by focusing both on prevention and management;**

(d) **Reduce the risk of non-communicable diseases later in life by increasing early childhood obesity prevention interventions informed by reliable disaggregated data on children;**

(e) **Further develop school-based policies for healthy eating and physical education, encourage increase in the amount of fruits and vegetables made available to children in school meal programs, and discourage canteens from serving fizzy drinks, junk food and high sugar content foods;**

(f) **Ensure that there are sufficient dentists and well trained health workers for children, particularly in the rural areas and outer islands.**

#### **Mental health**

42. The Committee is concerned that no information about policy or action plan on mental health of children has been provided, and at the absence of information on the number of personnel specialised on children with mental health issues. It is also concerned at the high rate of suicide among adolescents, especially girls, and the correlation between



teenage sexual behaviour, depression and suicide as reported by the survey of the Ministry of Health.

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

(a) **If not already done, adopt a policy and plan of action on mental health of children;**

(b) **Take all necessary measures, including regional cooperation, to provide sufficient capacity and the number of personnel specialised on children with mental health issues;**

(c) **Strengthen psychological and psychiatric services for children and guarantee access to examinations and treatment needed, as well as intensify suicide prevention measures.**

#### **Adolescent health**

44. The Committee is concerned about the:

(a) Sexual and reproductive health education programmes not paying suitable attention to all aspects of prevention;

(b) Abortion being a criminal offence without any exceptions and that this prohibition leads teenage girls into unsafe abortions with consequent risk for their life and health;

(c) Extent of access of teenage girls to safe reproductive and sexual health services and limited access to and information on all birth control methods;

(d) Increased emphasis on abstinence as opposed to an earlier focus on safe sex and condom use.

45. **With reference to its general comment No. 3 (2003) on HIV/AIDS, 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, the Committee recommends that the State party:**

(a) **Reinforce the importance of sexual and reproductive health education in the mandatory school curriculum targeting adolescent girls and boys, with special attention on preventing early pregnancy, HIV/AIDS and sexually transmitted infections by different methods, including condoms;**

(b) **If not already done so, decriminalize abortion in all circumstances and ensure access to safe abortion and post-abortion care services for adolescent girls, making sure that their views are always heard and given due consideration as a part of the decision-making process;**

(c) **Improve adolescents' access to information on all birth control methods and reproductive health-care and related services and increase support to reproductive health and family planning services, especially in rural areas including the outer islands;**

(d) **Scale up access to affordable contraceptive methods.**

#### **Drug and substance abuse**

46. The Committee notes the efforts by the State party to address alcohol, tobacco and substance abuse and is concerned that the Substance Abuse Strategic Plan expired in 2011 and no information has been given about renewing the plan. It is also concerned at the high rate of alcohol consumption, smoking and substance abuse (including the chewing of beetle-nut) among adolescents and the limited programmes and services available for those affected.

47. **Taking note of target 3.5 of the Sustainable Development Goals on strengthening the prevention and treatment of substance abuse, including narcotic**

drug abuse and harmful use of alcohol, the Committee recommends that the State party:

(a) If not already done, promptly renew the Substance Abuse Strategic Plan based on the lessons learned from the one expired in 2011 including addressing the issue of chewing beetle-nut;

(b) Provide adolescents with accurate and objective information and life skills education on preventing substance abuse — including tobacco and alcohol —, as well as develop accessible and youth-friendly drug dependence treatment and harm reduction services, including considering the establishment of a specialised Drug and Alcohol Court to address problems of substance abuse and treatment.

#### **Impact of climate change on the rights of the child**

48. The Committee is concerned that there is no information on whether the climate change adaptation and disaster risk reduction are part of the school curriculum, whether there is a comprehensive disaster sensitive social protection system in place and on the measures in place addressing the special needs of children in vulnerable situation, including children with disabilities, in planning disaster risk reduction preparedness, response and recovery.

49. **The Committee draws attention to target 13.5 of the Sustainable Development Goals on promoting mechanisms for raising capacity for effective climate change-related planning and management and recommends that the State party:**

(a) **Include climate change adaptation and disaster risk reduction in the school curriculum and establish school-based programmes such as early warning systems and what to do in the event of a natural disaster;**

(b) **Develop a comprehensive disaster sensitive social protection system and ensure that the special vulnerabilities and needs of children, as well as their views, are taken into account;**

(c) **Review emergency protocols to include assistance and other support to children with disabilities during emergencies and natural disasters;**

(d) **Increase children's awareness and preparedness for climate change and natural disasters and increase physical safety and resilience of school buildings and infrastructure;**

(e) **Improve data and assessments to have an evidence base for risk reduction and preparedness, particularly for the distinct needs and priorities of pre-school children and children with disabilities;**

(f) **Seek regional and international cooperation in implementing these recommendations**

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

### **Education, including vocational training and guidance**

50. The Committee notes with appreciation the implementation of the student tracking system to address drop out; the funding support for teacher education; the promotion of physical health through healthy food and sport activities; and the draft Palau Education Master Plan 2017-2026. However, the Committee is concerned at:

(a) Gender gaps at the primary school level with unequal opportunities for enrolment of girls in private schools;

(b) Absence of information on the rate of children with disabilities included in mainstream schools;

(c) Insufficient qualified teachers in primary schools;

(d) No specific provisions for programmes regarding the right to play and leisure, and insufficient sport activities and safe playgrounds for children.

51. **With reference to its general comment No. 1 (2001) on the aims of education and taking note of target 4.5 of the Sustainable Development Goals on eliminating gender disparities in education and ensuring equal access to all levels of education and vocational training for the children in vulnerable situation, including persons with disabilities, the Committee recommends that the State party:**

(a) **Analyse root causes for the unequal opportunities for the enrolment of girls into private primary schools and implement appropriate actions to remedy it;**

(b) **Collect data on enrolment rates of children with disabilities in the mainstream schools and strengthen the promotion of inclusive education through providing appropriate assistive devices in schools and specialised training for the teachers including through international cooperation;**

(c) **Strengthen pre-service and in-service training for primary school teachers and consider creative incentives to recruit more local teachers;**

(d) **Strengthen the promotion of the right to play and leisure, including the provision of safe playgrounds, and physical education and sports programmes in schools.**

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

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

52. The Committee is concerned that:

(a) There is no specific law or policy addressing child labour and no social programmes aimed at prevention and support to children involved in child labour;

(b) There is no hazardous child labour list ;

(c) There is exploitation of children, particularly in the tobacco industry.

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

(a) **Develop a law and policy on child labour and a hazardous child labour list;**

(b) **Take necessary measures to ensure that no child under 18 years engages in hazardous work and put in place social programs that target the elimination of or prevention of child labour, especially its worst forms;**

(c) **Adopt the draft Framework Legislation on Tobacco and take necessary measures to ensure that no children under 18 are exploited in the tobacco industry;**

(d) **Consider ratifying ILO Minimum Age Convention, 1973 (No. 138) and Worst Forms of Child Labour Convention, 1999 (No. 182).**

### **Sale, trafficking and abduction**

54. The Committee notes with appreciation the establishment of the subcommittee of the Palau National Human Rights Task Force focusing on Human Trafficking cases and addressing issues in relation to the protection of children. It also notes with appreciation the revision of the Penal Code that includes labour trafficking, anti-smuggling, anti-trafficking and child exploitation offences. However, the Committee is concerned that there is no specific reference to trafficking in children as an aggravating factor and no supporting legislation or guidelines dealing with prevention, prosecution, repatriation and rehabilitation of child victims/survivors.

55. **The Committee recommends that the State party adopt legislative and administrative measures specifically addressing trafficking in children, establish adequate and coordinated mechanisms for prevention, identification, protection and**

**rehabilitation of child victims of trafficking, and expeditiously and effectively prosecute the perpetrators.**

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

56. The Committee welcomes the implementation of the alternative sentencing programme for children charged with non-violent offences. The Committee is however seriously concerned at the:

- (a) Limited legislative provisions for child-friendly investigation and court procedures;
- (b) Pending revision of the Juveniles Act, pending adoption of the Juvenile Diversion and Expungement Act and the pending creation of the Juvenile Conference Committee;
- (c) Minimum age of criminal responsibility being set at 10 years;
- (d) Absence of written procedures/guidelines for prosecution of children in conflict with the law or guidelines for dealing with child victims and child witnesses;
- (e) Absence of recovery programmes for child victims and child offenders;
- (f) Absence of legal assistance during the interview and other stages of the judicial process.

57. **With reference to 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 recommends that the State party:**

- (a) **Adopt legislation for the administration of juvenile justice in accordance with the Convention and strengthen legislative provisions for child-friendly investigation and court procedures for child victims and child offenders;**
- (b) **Promptly review the Juveniles Act, adopt the Juvenile Diversion and Expungement Act and create the Juvenile Conference Committee;**
- (c) **Raise the minimum age of criminal responsibility to acceptable international standards for all cases;**
- (d) **Adopt Standard Operating Procedures for prosecution of children in conflict with the law and guidelines for dealing with child victims and child witnesses;**
- (e) **Ensure the provision of psychosocial support, counselling, recovery and reintegration services and support to child victims and offenders;**
- (f) **Ensure the provision of qualified and independent legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings.**

#### **J. Ratification of the Optional Protocols**

58. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocols to the Convention on the Rights of the Child.**

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

59. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the core human rights instruments to which it is not yet a party.**

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

60. The Committee recommends that the State party cooperate, among others, with regional organisations such as the Pacific Community (SPC) and the Pacific Islands Forum.

## **V. Implementation and reporting**

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

61. 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 second periodic report, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

### **B. Next report**

62. The Committee invites the State party to submit its third to seventh combined periodic reports by 3 September 2022 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 2014 (CRC/C/58/Rev.3) 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.

63. 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 documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.

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