

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

Concluding observations of the Committee on the Rights of the Child

IRAN

1. The Committee considered the second periodic report of IRAN (CRC/C/104/Add.3) at its 1015th and 1016th meetings (CRC/C/SR.1015 and 1016), held on 20 January 2005, and adopted at the 1025 meeting (CRC/C/SR.1027), held on 28 January 2005, the following concluding observations.

A. Introduction

2. The Committee welcomes the second periodic report submitted by the State party, as well as the written replies to its list of issues (CRC/C/RESP/71), which permitted a better understanding of the progress achieved in the implementation of the Convention since the initial report. The Committee appreciates the high level delegation which provided additional information in the course of the dialogue.

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

3. The Committee welcomes:

- (a) Article 30 of the Constitution which provides free education for all citizens up to secondary school, and the fact that over 90% of children 6-10 years enjoy access to primary education;
- (b) The ratification of the Law on the Protection of Children and Adolescents (2003), and the related establishment of the Office on the Protection of the Rights of Women and Children in the Judiciary;
- (c) The ratification of the ILO Convention No. 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour, ratified in June 2002; and
- (d) The signing of the Rome Statute of the International Criminal Court, on 31 December 2000.

C. Principle areas of concern and recommendations

1. General Measures of Implementation (arts. 4, 42 and 44, paragraph 6 of the Convention)

Previous concluding observations

4. While acknowledging that the period between the review of the initial report and the submission of the second report was rather short, the Committee regrets that the State party did not provide information on its follow-up actions regarding most of the Committee's previous Concluding Observations (CRC/C/15/Add.123) following consideration of the State party's initial report (CRC/C/41/Add.5), such as, in relation to the reservation (CRC/C/Add.123, para. 7), the definition of the child (CRC/C/Add.123, para. 20), freedom from discrimination on the grounds of sex (CRC/C/Add.123, para.24), the right to life (CRC/C/Add.123, paras. 28 and 30), and juvenile justice (CRC/C/Add.123, para. 54). The Committee notes that many of the same concerns and recommendations are made in the present document.

5. The Committee urges the State party to make every effort to give adequate follow-up to its previous concluding observations and to take measures to implement those contained in the present document.

Reservations

6. The Committee deeply regrets that no review has been undertaken of the broad and imprecise nature of the State party's reservation since the presentation of the initial report. It reiterates its concern that the nature of the general reservation potentially negates many of the Convention's provisions and raises concern as to its compatibility with the object and purpose of the Convention.

7. In light of article 51.2 of the Convention, the Committee reiterates its previous recommendation that the State party review the general nature of its reservation with a view to withdrawing it, or narrowing it, in accordance with the Vienna Declaration and Plan of Action of the World Conference on Human Rights of 1993.

Legislation

8. The Committee notes the various legislative measures undertaken by the State party and referred to in its response to the list of issues (CRC/C/RESP/71) and welcomes in particular the information provided by the delegation that the Bill on the Establishment of Juvenile Courts has been approved by the Council of Ministers and has been submitted to the Majlis, a bill which, *inter alia*, abolishes the death penalty for crimes committed by persons under 18. The Committee also notes that this Bill has yet to be approved by the Council of Guardians before it becomes law.

9. The Committee recommends the State party to take, as a matter of the highest priority, all possible measures to achieve final official approval of this new law and to ensure its full implementation. It further recommends the State party to continue to strengthen its legislative efforts by undertaking a comprehensive review of its domestic legislation to ensure its full conformity with the principles and provisions of the Convention.

Coordination

10. The Committee is concerned that no progress has been made in administrative coordination at the national and local levels of government. It is also concerned that implementation of the Convention at the local and regional level is insufficient, due to the lack of a coordinating mechanism.

11. The Committee recommends that the State party strengthen coordination among the various governmental bodies and mechanisms involved in children's rights, at both the national and local levels, with a view to developing a comprehensive policy on children and ensuring effective evaluation of the implementation of the Convention.

Independent Monitoring

12. While noting the State party's efforts to improve monitoring, especially through the establishment of the National Committee, for the purposes of reviewing the implementation of the Committee's observations on the State party's initial report, the Islamic Human Rights Commission, and the collaboration between the State party and UNICEF to establish a monitoring mechanism, the Committee remains concerned that a permanent and independent mechanism to monitor the implementation of the Convention has not yet been established.

13. The Committee recommends that the State party, in accordance with the Committee's general comment No. 2 on national human rights institutions, establish a statutory, independent institution, adequately staffed and resourced, with the mandate to determine priorities regularly to monitor and evaluate progress in the implementation of the Convention. The Committee recommends that the State party continue to seek assistance from UNICEF and OHCHR, among others.

Allocation of budgetary resources

14. Despite some information in this regard, the Committee is concerned that the information provided by the State party on the allocation of budgetary resources is limited, and that insufficient attention has been paid to article 4 of the Convention regarding the implementation to the "maximum extent of ... available resources" of the economic, social and cultural rights of children.

15. The Committee recommends that the State party:

(a) Develop a budgeting system that would allow expenditure for children's issues as a percentage of the national budget to be clearly identified, in order to have a clear picture of the actual allocation of resources and a systematic assessment of the impact of those allocations on the implementation of children's rights; and

(b) Allocate an appropriate budget for social services for children belonging to the most vulnerable groups.

Data Collection

16. The Committee is concerned at the lack of an adequate data collection mechanism in the State party allowing for the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

17. The Committee recommends that the State party:

(a) Establish a system such that disaggregated data is collected on all persons under 18 years of age for all areas covered by the Convention (e.g. victims of abuse, children living in remote areas, children with disabilities, children of poor households, adolescent health), and use this data to assess progress and design policies and programmes to implement the Convention; and

(b) Continue to seek technical assistance from, among others, UNICEF.

Cooperation with NGOs

18. While noting with appreciation the State party' s effort to strengthen cooperation with non-governmental organisations by involving them in the National Committee in charge of drafting the State party' s report, the Committee remains concerned that such cooperation is selective and limited.

19. The Committee urges the State party to continue to strengthen its cooperation with all non-governmental organisations, particularly those dealing with children, in all stages of the implementation of the Convention.

Dissemination and training

20. While welcoming the initiatives undertaken to date to disseminate information on children' s rights, including the joint programmes between the State party and UNICEF, the Committee is concerned that insufficient measures have been taken to disseminate and raise awareness of international human rights standards, including the Convention, in a systematic and targeted manner.

21. The Committee recommends that the State party strengthen measures regarding the dissemination of, and systemic and regular training on, the Convention of all relevant professionals and implement them in an ongoing and systematic manner, and take specific measures to make the Convention available to and known by all children.

2. Definition of the child (article 1 of the Convention)

22. The Committee reiterates its deep concern that the age of majority is set at pre-defined ages of puberty for boys at 15 and for girls at 9, because it implies that boys from 15 to 18 years and girls from 9 to 18 years are not covered by the provisions and principles of the Convention. The Committee notes the increase in the age of marriage for girls from 9 to 13 years (while that of boys remains at 15) and is seriously concerned at the very low minimum ages and the related practice of forced, early and temporary, marriages.

23. The Committee urges the State party to review its legislation so that the age of majority is set at 18 years of age and that minimum age requirements conform to all the principles and provisions of the Convention and to internationally accepted standards, and in particular that they are gender neutral, in the best interests of the child, and ensure that they are enforced. It should also take the necessary steps to prevent and combat forced, early and temporary marriages.

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

The right to non-discrimination

24. The Committee is deeply concerned at the persisting discrimination of girls and women, in particular in their role as parents, reflected in various legal provisions and practices (e.g. The requirement that a child's father or paternal grandfather only may give his permission for the issuance of a passport for a child under 18 years. Consequently, in a case in which the parents are separated and the mother of the child resides in another country, the child may only leave Iran to visit his/her mother if the father permits the child to do so.). The Committee is equally concerned at discrimination on the grounds of religion and birth. As to the latter, it is concerned that insufficient information has been provided on children born out of wedlock, in particular, with respect to the discrimination against and stigmatisation of these children, who are particularly vulnerable.

25. The Committee recommends that the State party promptly review all its legislation to ensure that it is non-discriminatory, gender neutral and ensure that it is enforced. Moreover, the State party should take effective measures, including enacting or rescinding civil and criminal legislation where necessary, to prevent and eliminate discrimination on the grounds of sex, religion and other grounds as referred to in article 2, to ensure compliance with the Convention.

26. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow-up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking account of general comment No. 1 on article 29(1) of the Convention (aims of education).

Best Interests of the child

27. The Committee regrets that in all actions or decision-making relating to children the general principle of the best interests of the child, as provided for under article 3 of the Convention, continues not to be a primary consideration, including in matters relating to family law. In particular, the Committee regrets article 1169 of the Civil Law as to the custody of children after divorce, which prevents the court from taking the best interests of the child into account. In the Committee's view, it is arbitrary as it is determined on the basis of the child's age and is discriminatory against the mother.

28. The Committee reiterates its previous recommendation that the State party review its legislation and administrative measures to ensure that article 3 is reflected therein and practically implemented in all actions concerning children.

Right to life

29. The Committee notes the statement by the delegation during the consideration of the current report, informing it that in view of the Bill on the Establishment of Juvenile Courts currently pending before Parliament, executions of persons for having committed crimes before the age of 18 have been suspended. The Committee deplores the fact that such executions have continued since the Committee's consideration of the State party's initial report, including one such execution on the day of the examination of the current report.

30. The Committee urges the State party to take the necessary steps to immediately suspend the execution of all death penalties imposed on persons for having committed a crime before the age of 18, to take the appropriate legal measures to convert them to penalties in conformity with the provisions of the Convention and to abolish the death penalty as a sentence imposed on persons for having committed crimes before the age of 18, as required by article 37 of the Convention.

31. The Committee reiterates its serious concern at article 220 of the Penal Code, which provides that fathers who kill their child, or their son's child are only required to pay 1/3 blood money to the mother, and subjected to a discretionary punishment, in the event that the mother makes a formal complaint.

32. The Committee recommends that the State party take the necessary measures including the amendment of the offending article of the Penal Code, to ensure that there is no discriminatory treatment for such crimes and that prompt and thorough investigations and prosecutions are carried out.

Respect for the views of the child

33. The Committee regrets that little progress has been made concerning the respect for the views of the child in judicial decisions, including concerning custody, divorce, administrative decisions, in the family, at school and society at large, owing to the traditional societal attitudes towards children, and that the State party has insufficiently informed the public

about the child's right to participate in all matters concerning them. The Committee is concerned that the child's view is only represented through the father or paternal grandfather or other appointed guardian and not directly by the child.

34. In light of article 12 of the Convention, the Committee recommends that the State party promote the right of children to express their views fully in all matters affecting them at school, within the family, the courts and administrative bodies and society in general. In this regard, the Committee recommends the State party, to adopt and implement appropriate legislation, and to undertake awareness-raising campaigns and educational programmes on the implementation of the principle of "respect for the views of the child". The Committee recommends that the State party seek assistance from UNICEF, among others.

4. Civil rights and freedoms (arts. 7, 8, 13-17 and 37(a) of the Convention)

Nationality

35. The Committee is concerned about the discrimination against children on account of their father's nationality, in that while a child whose father is an Iranian national is considered to have Iranian nationality, a child whose mother is Iranian and who has married a non-Iranian, without getting the official consent of the Government, will not be recognised as an Iranian national. The Committee is concerned that this situation currently affects a large number of children whose mothers are Iranian and fathers Afghan and who consequently have neither a birth certificate nor nationality.

36. The Committee recommends that all children are registered at birth and acquire an irrevocable nationality without discrimination.

Right to Birth Registration

37. The Committee is concerned at information that a large number of Iranian children, particularly those living in rural areas, are still not registered on birth and that birth registration is required for school enrolment. It is also concerned at reports that a large number of children born of non-Iranian parents, and in particular Afghan parents, who have not registered in Iran, will similarly remain unregistered thereby excluding them from obtaining a refugee registration card.

38. In light of article 7, the Committee encourages the State party to adopt all appropriate measures to ensure the birth registration of all children, including all refugee children born in rural areas. Such measures should include the establishment of mobile registration offices and, for children not yet registered, registration units in schools. **In this context, the State party should ensure that the provisions of article 7, be fully enforced in the light of the principles of non-discrimination (art. 2) and the best interests of the child (art. 3), including the right of the child to know, as far as possible, her or his parents. Meanwhile, immediate access to basic services, such as health and education, of children who have no birth registration should be ensured, while the registration of these children is properly prepared.**

Freedoms of Expressions and Assembly

39. The Committee remains concerned that although the freedom of expression and assembly are formally recognised in the Constitution, the protection of these freedoms are restricted by the requirement to interpret them in accordance with Islamic principles without clarifying at the outset the basis upon which an action or expression would accord with such principles.

38. The Committee reiterates its recommendation expressed in its previous concluding observations, that the State party establish clear criteria to assess whether a given action or expression is in accordance with Islamic texts and the Convention to avoid arbitrary interpretations.

Freedom of thought, conscience and religion

40. The Committee is concerned that little progress has been made in the area of freedom of religion and notes that members of unrecognised religions continue to be discriminated against and do not have the same rights as members of recognised religions, such as access to social services. In addition, it continues to be concerned at reports that these minorities, in particular the Bahá'í minority, are subjected to harassment, intimidation and imprisonment on the basis of their religious belief.

41. The Committee recommends that the State party take effective measures, including enacting or rescinding legislation, to prevent and eliminate discrimination on the grounds of religion or belief and ensure that members of minority religions are not imprisoned or otherwise ill-treated on the basis of their religion and that access to education for their children be provided on an equal basis to others.

Access to information

42. The Committee is concerned that access to information and material from a diversity of national and international sources is very limited for persons under 18 years of age in the State party.

43. The Committee recommends that the State party take appropriate measures to allow access to appropriate information from a diversity of sources, especially those aimed at the promotion of the child's social, spiritual and moral well-being and physical and mental health.

Protection from torture, inhuman or degrading treatment or punishment

44. The Committee deeply regrets that under the existing laws, persons below the age of 18 who have committed a crime can be subjected to corporal punishment and can be sentenced to a variety of types of torture, cruel, inhuman or degrading treat and punishment such as amputation, flogging or stoning, which are systematically imposed by judicial authorities, and which the Committee finds is totally incompatible with article 37 (a) and other provisions of the Convention.

45. In light of the consideration of the Bill on the Establishment of Juvenile Courts, the Committee urges the State party to take all the necessary measures to ensure that persons who committed crimes while under 18 are not subjected to any form of corporal punishment and to immediately suspend the imposition and the execution of sentences of amputation, flogging, stoning and other forms of cruel, inhuman or degrading treatment and punishments.

5. Family Environment and alternative care

Child abuse and Corporal Punishment

46. The Committee continues to be concerned at legislation that provides for corporal punishment within the family. While welcoming the new Law on the Protection of Children and Adolescents (2003), which includes the prohibition of all forms of molestation and abuse of children and the obligation to report cases of child abuse, the exceptions stated therein continue to legally allow various forms of violence against children. More particularly, several articles of the Civil and Penal Code, have been excluded, including article 1179 of the Civil Law and article 59 of the Penal Code which gives parents the right to physically discipline their children within non-defined “normal limits”. In the Committee’s view, such exceptions contribute to the abuse of children inside and outside the family and contravene the principles and provisions of the Convention, in particular article 19. The Committee also notes with concern, that certain forms of sexual abuse of children or grandchildren are not explicitly prohibited.

47. The Committee recommends that the State party:

(a) Continue and strengthen its efforts via legislative and other measures, to prohibit and prevent all forms of physical and mental violence against children, including corporal punishment and sexual abuse, in the family, in schools, and in other institutions, and take the necessary legislative measures to ensure that all those who sexually abuse children are punished without discrimination;

(b) Initiate public education campaigns against the use of all forms of violence against children and encourage alternative forms of discipline;

(c) Promote and support the effective operation of the child helpline established in 2001 to allow children to seek advice and counselling in cases of, *inter alia*, abuse and neglect; and

(d) Ensure protection for victims of child abuse including protection throughout investigation and court proceedings of child abuse cases. Such protection should include the provision of legal assistance, psycho-social assistance, child medical experts, and the necessary facilities for hearing child abuse cases in court through video recording or closed circuit camera psychologist into such abuse court proceedings relating to abuse.

Institutional and Alternative care

48. The Committee welcomes the information in paragraph 95 and 96 of the State party's report that one of its priorities will be the development of adoption in its lawful form and the provision of counseling services in that regard, but remains concerned at the lack of clear legal and policy framework for various forms of alternative care like fostering, or kafalah. It is particularly concerned about the large number of orphaned children born out of wed-lock, the large number of long-term orphans resulting from the BAM earthquake currently in institutional care, and the temporary placement of the children of drug addicts, who may be obliged to stay long-term in institutional care, as well as the poor quality of supervision, monitoring and training of the staff of these institutions. It is also concerned at reports that a certain number of girls from these institutions are married-off upon reaching marriageable age – 13 years.

49. The Committee recommends the State party to develop and implement legislative and other measures, policies and procedures to ensure that children do receive, when necessary, adequate alternative care, preferably in their own immediate families or extended families or in care of a family nature in the form of foster care, or kafalah, which fully respects the provisions contained in the Convention, in particular those in articles 20 and 21. In this regard, it encourages the State party to undertake as a self recognised priority in the written replies action to maintain and promote service standards for *inter alia*, foster families, “pseudo families” and institutional care. The Committee further recommends the State party to ratify the 1993 Hague Convention [No. 33](#) on Protection of Children and Cooperation in Respect of Intercountry Adoption and to request technical assistance and advice on these issues, from *inter alia*, the Hague Conference on Private International Law and UNICEF.

Children in prison with their mothers

50. The Committee is concerned about the high number of children living in prisons with their mothers, their living conditions and the regulation of their care if they are separated from their mothers in prison.

51. The Committee recommends the State party to develop and implement clear guidelines on the placement of children with their mothers in prison (e.g. the age of the children, length of stay, contact with the outside world and movement in and outside the prison) and to ensure that the prison living conditions are adequate for the child's development in accordance with article 27 of the Convention. It further recommends to develop and to implement adequate alternative care for children who are removed from prison, which is regularly supervised and allows the child to maintain personal relations and direct contact with the mother remaining in prison.

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

Children with disabilities

52. While welcoming the programmes undertaken by the State party on the causes and prevention of disabilities, the Committee is concerned at the low number of disabled children attending school and the lack of information provided by the State party on attempts to

integrate disabled children into the mainstream school system since the consideration of the initial report. It is also concerned at the low level of financial support received by these children and their families.

53. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and of the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339) the Committee recommends that the State party adopt measures to integrate children with disabilities into mainstream education including adopting the necessary measures to have schools adapted to receive children with different kinds of disabilities. The Committee recommends at the same time, that the State party undertake public campaigns with a view to raising the level of awareness by society in general of rights of the child.

Nutrition

54. While welcoming the establishment and success of the primary health care system, the Committee is concerned that despite a specific programme designed to address the problem of nutrition the percentage of moderately and severely underweight, stunted and wasted children remains static.

55. The Committee recommends that the State party make concerted efforts to combat malnutrition by, *inter alia*, completing and implementing the national Nutritional Strategy for Children.

Adolescent health

56. The Committee is concerned at the insufficient information provided by the State party in relation to adolescent health, particularly with respect to reproductive health and initiatives undertaken to halt and reverse the spread of HIV/AIDS.

57. In light of its General Comment No. 4, the Committee recommends that the State party take measures to address adolescent health issues and develop a comprehensive policy to provide adolescents in both urban and rural areas with reproductive health counselling and services, including family life education, especially on the effects of early marriage and on family planning, as well as to prevent and combat HIV/AIDS and the harmful effects of drugs. As the most vulnerable group exposed to these issues, priority should be afforded to young people in combating HIV/AIDS and the increase in drug abuse. In this respect, the State party is encouraged to seek technical assistance from United Nations agencies such as WHO, UNAIDS, UNICEF and the United Nations Population Fund.

7. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

Education

58. Although the Committee notes the high level of literacy in Iran and the measures taken by the State party to increase school enrolment and lower drop out rates, it remains concerned that not all children are enrolled in primary school, or graduate from primary school. Working children, children living on the streets, and children without complete personal documents, particularly refugee children with bi-national parents, have reduced access to schools. It is also concerned that refugee children are currently only being enrolled in schools if their parents have registered with the authorities, and that the enrolment of refugee children is not currently being offered free of charge. It is further concerned about well-documented information that a large number of Bahá'í students were not admitted to university on the grounds of their religious affiliation.

59. The Committee is also concerned about: the disparity that continues to exist between boys and girls; the high drop out rates of girls in rural schools upon reaching puberty; the lack of female teachers in rural areas; long distances between homes and schools, which keep girls at home, particularly after primary school; the lack of mobile schools for nomadic children, as well as the remarkable differences in the personal and material equipment between schools in the urban and rural areas and between the most and least developed provinces, that result in unequal educational opportunities. In addition, it regrets that the decision to expand compulsory education beyond the five years of primary school has been delayed for many years.

60. While welcoming the State party's initiatives with respect to youth, the Committee encourages the State party to continue its efforts to reach its goal of universal basic education and recommends that the State party:

(a) Expand compulsory and free education beyond the fifth year of primary school and develop and implement such a plan without further delay;

(b) Ensure that all children, including refugee children, have equal educational opportunities on all levels of the educational system without discrimination with regard to gender, religion, ethnic origin, or nationality or statelessness;

(c) Eliminate all disparities of resources provided for schools in urban and rural areas in order to guarantee equal educational opportunities throughout the country;

(d) Better equip schools with textbooks, other materials, and well-trained teachers, particularly female teachers, and introduce active, creative, and cooperative learning methods in schools to promote the children's capacities in a knowledge based economy and society; and

(e) Continue and reinforce its collaboration with the OHCHR, to incorporate the subject of Human Rights, including the Convention on the Rights of the Child into the school curriculum.

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

Refugees/Migrants

61. While welcoming the efforts made by the State party so far in the repatriation of refugee Iraqi and Iranian children and their families, and noting the State party's commitment to include children of Afghan and Iraqi refugees in the recent registrations of Afghans and Iraqis residing in Iran, the Committee is concerned at reports of the deportation of unaccompanied children, mostly Afghans, back to their country of origin and the lack of access from humanitarian organisations to these children. It is concerned at reports of unaccompanied children arriving in Iran from, neighbouring countries, in particular Afghanistan, allegedly for the purpose of exploitation. The Committee is further concerned about the fate of Afghan children and their families who are not in a position to return to Afghanistan for different reasons, including their strong links with Iran or the fact that the mother of the family is Iranian.

62. The Committee recommends that the State party:

(a) Allow immediate access from humanitarian organisations and United Nations agencies to all unaccompanied children in the State party;

(b) Discontinue the practice of deporting unaccompanied under 18 year olds back to Afghanistan and take the necessary steps to reunite all unaccompanied children with their families or take effective measures to integrate these children into society;

(c) Ensure that Afghan families who are not in a position to return to Afghanistan are not forcibly deported but assisted to integrate into society;

(d) Ensure that all refugee children are registered and have full access to free education, health and other services; and

(e) Continue its cooperation with UNHCR.

Street Children

63. The Committee continues to be concerned about the large number of children living and/or working in the streets, particularly in urban centres such as Tehran, Isfahan, Mashhad, Isfahan and Shiraz. It regrets that the State party could not present studies of the quantity and quality of the problem and is concerned that the centres known as "Khaneh Sabz", "Khaneh Shoush" and "Khaneh Reyhane" homes, which were established to assist these children, albeit in a limited capacity, have been closed down. It is equally concerned at reports of the round-up and arrest of Afghan children in the streets despite the fact that they were registered with the authorities, and that as a "condition" for their release the authorities request that their parents register for repatriation. The Committee welcomes the policy of the State party to reunite children with their families, if possible, and notes the State party's assurances that these children are assembled in centres for further assistance and not arrested with police methods.

64. The Committee recommends that the State party:

(a) Take measures to address the large and increasing number of street children, with the aim of protecting these children, especially girls, and of preventing and reducing this phenomenon, in particular through assistance to families and the provision of adequate housing and access to education;

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

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

(d) Ensure that all Afghan children rounded-up on the streets are released and are not used to encourage their parents to repatriate;

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

Drug abuse

65. The Committee is concerned at reports that drug abuse is on the increase, that the age of addiction has decreased, that there is a lack of statistical data in this regard and that a programme initiated in 1997 does not seem to be effective.

66. The Committee recommends the State party to take the necessary measures to increase awareness of drug abuse to prevent and eliminate the abuse of drugs *inter alia* by strengthening the implementation of the 1997 programme and to include children themselves, parents, teachers and other professionals in these efforts.

Economic exploitation

67. While welcoming the State party's ratification of the 1999 ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, on 8 June 2002, it remains concerned at the large number of children below the age of 15, and particularly in rural areas, involved in child labour, especially in the informal sector, including carpet weaving and other traditional family businesses. The Committee also notes that although in article 79 of the Labour Code the minimum age of access to employment is 15, other legislation including the Agricultural Code determines the minimum age as 12.

68. The Committee recommends that the State party:

(a) Review its legislation on the minimum age of access to employment so that the minimum age of 15 applies in all situations of labour;

(b) Reconsider the existing list of the prohibited forms of worst labour with a view to reducing and eliminate existing exceptions;

(c) Vigorously pursue enforcement of minimum-age standards including requiring employers to have and produce on demand, proof of age of all children working on their premises;

(d) Provide the labour inspectors with all the necessary support, including child labour expertise, with a view to enabling them to monitor effectively at the State and local level the implementation of labour law standards and to receive and address complaints of violations;

(e) Consider ratifying ILO Convention No. 138 and adopting accordingly explicit legislation and measures to protect children from economic exploitation through labour in the informal sector, including family enterprises, agriculture activities and as domestic labour, and that technical inspections be extended to these areas; and

(f) Seek assistance from the ILO and UNICEF, among others.

Trafficking

69. The Committee is concerned about reports of the trafficking and sale of persons under 18 years of age, particularly young girls from rural areas, which is facilitated by “temporary marriages” or “siqeh” – marriages which last from 1 hour to 99 years. It is also concerned at reports of the trafficking of such persons from Afghanistan to Iran, who are apparently sold or sent by their families in Afghanistan for exploitation, including cheap labour.

70. While recognizing that the sale and trafficking of children is a criminal offence, the Committee recommends that the State party take all appropriate measures, including legislative and administrative, to prevent and eliminate this phenomena and to ensure that traffickers are charged, convicted and punished.

Administration of juvenile justice

71. The Committee welcomes the efforts of the State party to improve the laws with regard to persons below 18 in conflict with the law, in particular the draft law mentioned in paragraph 8 above. However, it deplores the information referred to in paragraph 29 above that, despite the statement of the delegation during the consideration of the current report that in view of the Bill on the Establishment of Juvenile Courts, executions, torture and cruel, inhuman or degrading treat and punishment of persons for having committed crimes before the age of 18 have been suspended, such executions and ill-treatment have continued since the Committee’s consideration of the State party’s initial report. It remains concerned at the existing poor quality of the rules and practices in the juvenile justice system, reflected, *inter alia*, in the lack

of statistical data, the limited use of specialised juvenile courts and judges, the low age of criminal responsibility, the lack of adequate alternatives to custodial sentences, and the imposition of torture, cruel and inhuman punishment and in particular of the death penalty.

72. The Committee repeats its recommendation in paragraph 9 above that the State party takes as a matter of the highest priority the necessary measures for approval and implementation of the Bill on the Establishment of Juvenile Courts and to ensure that it is in compliance with the terms of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System. and in the light of the Committee's 1995 Day of General Discussion on the Administration of Juvenile Justice.

In this respect the Committee in particular urges the State party:

(a) To suspend immediately, for an unlimited length of time, the imposition and execution of death penalties for crimes committed by persons under 18, and to take all measures to implement paragraph 30 of these Concluding Observations;

(b) To suspend immediately the imposition and execution of all forms of torture, cruel, inhuman or degrading treatment, such as amputation, flogging or stoning, for crimes committed by persons under 18;

(c) To continue to strengthen the quality and availability of specialised juvenile courts and judges, police officers and prosecutors;

(d) To develop and implement alternatives for custodial sentences;

(e) To ensure that persons under 18 are provided with legal assistance of good quality throughout the process;

(f) To develop and implement adequate support, counselling and other services, to promote integration into society of juveniles who have been in conflict with the law and in particular those who have been deprived of their liberty;

(g) To train judges and other professionals also in the area of social rehabilitation of children; and

(h) To seek technical assistance and other cooperation, *inter alia*, with OHCHR and UNICEF.

9. Optional Protocols to the Convention on the Rights of the Child

73. The Committee notes that the State Party has not ratified the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

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

10. Follow-up and dissemination

Follow-up

75. The Committee recommends the State party to take all appropriate measures to ensure full implementation of the present recommendations, *inter alia*, by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, the Majlis, and to provincial or State Governments and Majlis, when applicable, for appropriate consideration and further action.

Dissemination

76. The Committee further recommends that the second periodic report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available, including through Internet (but not exclusively), to the public at large, civil society organizations, youth groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

11. Next report

77. In light of the recommendation on reporting periodicity adopted by the Committee and described in the report CRC/C/139, the Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention is ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by States parties is crucial. As an exceptional measure, in order to help the State party catch up with its reporting obligations in full compliance with the Convention, the Committee invites the State party to submit its third and fourth reports in one consolidated report by 11 February 2010, i.e. 18 months before the due date for the fourth periodic report. This consolidated report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.