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# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined fifth and sixth periodic reports of Eritrea\*

#### I. Introduction

1. The Committee considered the combined fifth and sixth periodic reports of Eritrea<sup>1</sup> at its 2850th and 2851st meetings,<sup>2</sup> held on 14 and 15 January 2025, and adopted the present concluding observations at its 2876th meeting, held on 31 January 2025.

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,<sup>3</sup> which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

3. During the review, the Committee noted the State party's statement that its reports under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography had been submitted in the annex to the fourth periodic report of the State party.<sup>4</sup> Having reviewed the annex, the Committee decided to accept it as constituting the above-mentioned reports, and adopted concluding observations thereon at its 2876th meeting, held on 31 January 2025. It further decided to include those concluding observations in the present document. The concluding observations on the report submitted under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography are set out in paragraph 46 below. The concluding observations on the report submitted under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict are set out in paragraphs 47 and 48 below.

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

4. The Committee welcomes the progress achieved by the State party in various areas, including the adoption of the Comprehensive National Policy for Children 2016, the National Social Protection Policy 2021, the Partnership Compact 2023–2027 for Pursuing an Inclusive and Transformative Reform Agenda for Quality Learning for all Girls and Boys, the Strategic Plan for the Implementation of Reproductive, Maternal, Newborn, Child and Adolescent Health and Healthy Ageing Programmes 2022–2026, the Education Sector Plan

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\* Adopted by the Committee at its ninety-eighth session (13–31 January 2025).

<sup>1</sup> [CRC/C/ERI/5-6](#).

<sup>2</sup> See [CRC/C/SR.2850](#) and [CRC/C/SR.2851](#).

<sup>3</sup> [CRC/C/ERI/RQ/5-6](#).

<sup>4</sup> [CRC/C/ERI/4](#).



2022–2026, and the National Strategic Plan to Ensure Women and Children’s Rights, Abandon Female Genital Mutilation, Underage Marriage and Other Harmful Traditional Practices 2020–2024. The Committee also welcomes the ratification by the State party of, or accession to, the following instruments: the Convention on the Rights of Persons with Disabilities, in 2025; the Minimum Age Convention, 1973 (No. 138), of the International Labour Organization (ILO), in 2000; the Forced Labour Convention, 1930 (No. 29) of ILO, in 2000; and the Worst Forms of Child Labour Convention, 1999 (No. 182) of ILO, in 2019.

### III. 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: non-discrimination (para. 16); harmful practices (para. 26); economic exploitation, including child labour (para. 41); and administration of child justice (para. 45).

6. **The Committee recommends that the State party ensure the realization of children’s rights in accordance with the Convention, 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. 1, 4, 42 and 44 (6))

##### Legislation

7. The Committee notes that the Penal Code, the Civil Code, the Criminal Procedure Code and the Civil Procedure Code enacted in 2015 are not yet in force and that the State party initiated the drafting of a new Constitution in 2015. The Committee recalls its previous recommendations,<sup>5</sup> and urges the State party:

(a) To consider developing a comprehensive law on children’s rights to reinforce and address gaps in the current legislative framework;

(b) To establish a process with a clear time frame for implementing the 2015 legislation and for drafting a new Constitution, while ensuring their compliance with the Convention and its Optional Protocols, including by making the necessary amendments to the 2015 legislation;

(c) To ensure adequate and sufficient human, technical and financial resources for the implementation of legislation relevant to children.

##### Comprehensive policy and strategy

8. The Committee notes that the State party adopted the Comprehensive National Policy for Children in 2016 and widely disseminated the policy in 2021. The Committee recommends that the State party conduct a comprehensive assessment of the policy and relevant action plans, with the inclusive participation of children, and update the documents accordingly to encompass all areas covered by the Convention and its Optional Protocols, with clear indicators, timelines and monitoring mechanisms.

<sup>5</sup> CRC/C/ERI/CO/4, para. 10.

### Coordination

9. The Committee recommends that the State party evaluate the effectiveness of the mandate and activities of the Inter-Ministerial National Coordinating Body for the Convention, its Technical Committee and the subzonal committees in the six administrative regions, with a view to ensuring that they operate effectively and that they have sufficient human, technical and financial resources to coordinate all activities regarding the implementation of the Convention and its Optional Protocols across all sectors and at all levels.

### Allocation of resources

10. Noting the information provided by the State party on budget allocations for sectors including education, health and social welfare, the Committee recalls its previous recommendations<sup>6</sup> and its general comment No. 19 (2016) on public budgeting for the realization of children's rights, and recommends that the State party:

(a) Incorporate a child rights-based approach into the State budgeting process, and ensure sufficient budget allocation for child protection;

(b) Define budgetary lines for all children, paying special attention to those in disadvantaged situations who may require affirmative social measures, and ensure that those budgetary lines are protected, even in situations of economic crisis, natural disasters or other emergencies;

(c) Strengthen measures to combat corruption, which reduces the resources allocated for the implementation of children's rights, and continue to strengthen institutional capacities to effectively detect, investigate and prosecute any case of corruption.

### Data collection

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

(a) Expedite the establishment and effective operation of the Child and Social Protection Information Management System and the Education Management Information System to improve the collection and management of data disaggregated by age, sex, disability, geographical location, ethnic and national origin and socioeconomic background;

(b) Improve the collection of data on children to address the lack of data in critical areas, especially on violence against children, child marriage, female genital mutilation, deprivation of a family environment and child justice;

(c) Ensure that statistical data and indicators on children's rights are regularly analysed and shared among the relevant ministries and stakeholders and that they serve as the foundation for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention and its Optional Protocols.

### Access to justice and remedy

12. The Committee welcomes the structural reform of the judicial system undertaken in 2023, the adoption of a strategy to improve access to justice and the existence of 67 subzonal Women's Rights and Child Rights Committees across the administrative regions to hear complaints from children. It is concerned, however, about the insufficient information provided regarding the effective operation of those structures. The Committee recommends that the State party:

(a) Ensure that all children have access to: (i) confidential, child-friendly and independent complaint mechanisms in all settings, including schools, training centres

<sup>6</sup> Ibid., para. 16.

and alternative care, labour and detention settings, for reporting all forms of violence, abuse, discrimination and other violations of their rights; and (ii) legal support and representation, age-appropriate counselling and effective remedies, including compensation and rehabilitation;

(b) Ensure that the services introduced under the reform are available and accessible in a child-friendly manner to all children;

(c) Raise awareness among children of their right to file a complaint under the existing mechanisms and provide sustainable funding to ensure that such services are accessible, confidential, child-friendly and effective;

(d) Ensure systematic and mandatory training for all relevant professionals working with children, on the topics of child-friendly procedures and effective remedies, children's rights and the Convention, especially to ensure that mechanisms are able to receive, investigate and address complaints from children in a child-sensitive manner.

#### Independent monitoring

13. While considering the view of the State party on a national human rights institution, the Committee recalls its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child and notes the importance of a national human rights institution as an independent monitoring body, and invites the State party to conduct a feasibility study for establishing an independent mechanism for monitoring human rights, including children's rights, seeking technical support from United Nations entities such as the Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund and the United Nations Development Programme.

#### Cooperation with civil society

14. The Committee is concerned that the independence and freedom of operation of civil society organizations, including those working on children's rights, remain curtailed by law and in practice. Recalling its previous recommendations,<sup>7</sup> the Committee urges the State party:

(a) To take legislative measures, including the amendment of the Proclamation No. 145/2005 to Determine the Administration of Non-governmental Organizations, to ensure that civil society organizations, including those working on children's rights, can operate freely and independently, without undue requirements and restrictions;

(b) To strengthen measures to protect and promote the work of human rights defenders and civil society organizations to enable them to exercise their right to freedom of expression, association and opinion without threats, harassment, self-censorship or restrictions on their freedom of movement.

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

#### Non-discrimination

15. The Committee is seriously concerned about:

(a) Reports of intersecting forms of discrimination faced by children in particular situations, such as those belonging to certain ethnic groups and children of individuals who have been subjected to enforced disappearances;

(b) The State party continuing to deny the existence of lesbian, gay, bisexual and transgender children, while criminalizing "homosexual conduct".

<sup>7</sup> Ibid., para. 23.

16. Recalling its previous recommendations,<sup>8</sup> the Committee urges the State party:

(a) To adopt legislative and administrative measures to prevent and eliminate disparities in the enjoyment of rights by all children and address discrimination, particularly against children in disadvantaged situations, including those belonging to ethnic and religious minorities, girls, children with disabilities, children living in poverty and children of individuals who have been subjected to enforced disappearance;

(b) To prohibit and address any form of discrimination based on gender identity and expression and sexual orientation and repeal the legal provisions criminalizing homosexuality;

(c) To ensure that children who experience discrimination, bullying or harassment in relation to their ethnicity, gender identity and expression, sexual orientation or other characteristics, receive protection and support;

(d) To raise awareness, conduct public education campaigns and take other action to end discrimination against children and address discriminatory stereotypes and take measures to promote inclusivity and a positive image of children as rights holders.

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

17. Noting that the 2015 Civil Code stipulates the right of children to have their best interests taken as a primary consideration in all actions concerning them, the Committee recalls its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, and recommends that the State party:

(a) Ensure that that right is appropriately integrated into and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decision-making and in all policies, programmes and projects that are relevant to and have an impact on children;

(b) Strengthen the capacity of all professionals working with and for children to assess and determine the best interests of the child in every area as a primary consideration, including through systematic training and the development of procedures and criteria.

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

18. Taking note of the information provided by the State party on the activities of the subzonal committees and the National Union of Eritrean Youth and Students, the Committee recalls its general comment No. 12 (2009) on the right of the child to be heard, and recommends that the State party:

(a) Publish the results of the biannual surveys, consultations and national forums conducted with children, highlighting the issues that are most important to them and their views on those issues and the extent to which their voices have been heard in family decisions and have influenced national and local decision-making;

(b) Empower and facilitate children's meaningful participation within the family and within their communities and schools and in public affairs, including by (i) strengthening the mandate of the 67 subzonal committees and other national mechanisms and equipping them with adequate human, technical and financial resources; and (ii) facilitating children's engagement with national legislative processes and policy development on issues that affect them;

(c) Ensure that children are heard in any judicial and administrative proceedings affecting them.

<sup>8</sup> Ibid., para. 25.

### **C. Civil and political rights (arts. 7, 8 and 13–17)**

#### **Birth registration**

19. The Committee recommends that the State party expedite the digitalization of the civil registry system through the planned establishment of a computerized database, strengthen information communications technology infrastructure and enhance coordination between entities involved in birth and civil registration in order to ensure the birth registration of and the issuance of birth certificates for all children born on its territory immediately after birth and free of charge. It also recommends that the State party adopt specific measures for registering the birth of children in disadvantaged situations, including those born in rural and remote areas.

#### **Freedom of expression**

20. The Committee remains concerned about the lack of independence of the media and the restrictions placed on the freedom of expression, including reports of online censorship and arrests of journalists and critics. The Committee urges the State party to take legislative measures to guarantee an environment conducive to independent media, without undue restrictions, and for children to be able to freely and safely express their opinions in various settings, free from censorship, surveillance, intimidation, harassment and bullying, including in the digital environment.

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

21. While noting the response of the State party that the question of Jehovah's Witnesses is a matter of "failing to fulfil secular citizenship obligations" rather than a matter of religion, the Committee recommends that the State party address the discrimination reportedly faced at school by children who are Jehovah's Witnesses.

#### **Access to appropriate information**

22. The Committee acknowledges the efforts by the State party to reduce the digital divide among children, despite infrastructural challenges, and it notes that less than 10 per cent of the population have access to the Internet, with particular limitations in access for children, and that slow speeds and limited connectivity hinder access to information. Recalling its general comment No. 25 (2021) on children's rights in relation to the digital environment, the Committee recommends that the State party:

- (a) Continue to expand access to the internet and enhance connectivity, in particular for children and those in rural and remote areas;
- (b) Continue to broaden avenues for children to seek access to age-appropriate information through diverse sources, using any media of their choice;
- (c) Protect children from harmful and untrustworthy content and online risks to enable them to have safe access to digital content, in a manner that recognizes children's right to information and freedom of expression and that protects children from such harmful material in accordance with their rights and evolving capacities.

### **D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 35, 37 (a) and 39)**

#### **Abuse, neglect and sexual abuse and exploitation**

23. The Committee notes the legal reform and the community-based services established to address violence against children, and urges the State party:

- (a) To take legislative measures to prohibit all forms of violence against children and strengthen policies, mechanisms, coordination and programmes aimed at preventing and eliminating violence against children in all contexts and situations;
- (b) To ensure that all cases of violence against children, including domestic violence and the sexual abuse and exploitation of children in and outside of the home

and in the digital environment, are promptly reported and effectively investigated, that perpetrators are held accountable in a manner commensurate with the gravity of the offence and that reparations are provided to victims as appropriate, taking into account the best interests of children;

(c) To take measures to ensure that all children who are victims of or witnesses to violence have prompt access to child-sensitive, multisectoral and comprehensive interventions, services and support, including forensic interviews, medical evaluation, trauma-focused counselling and psychosocial support, aimed at preventing the secondary victimization of those children.

#### **Corporal punishment**

24. The Committee notes that the Ministry of Education's guideline prohibits corporal punishment in schools. The Committee is concerned, however, that the Transitional Penal Code and the 2015 Penal Code contain provisions that authorize "acts reasonably done in exercising the right of correction or discipline" and the Transitional Penal Code also authorizes corporal punishment in the administration of justice. Recalling its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee recommends that the State party:

(a) Explicitly prohibit corporal punishment in law in all settings without age restrictions and setting exceptions, including in the home and in schools, childcare institutions, alternative care settings and in the administration of justice, and repeal all provisions that can be interpreted as allowing the use of corporal punishment, including article 32 (b) of the 2015 Penal Code and articles 64, 172 and 548 of the Transitional Penal Code that authorize "acts reasonably done in exercising the right of correction or discipline";

(b) Strengthen awareness-raising and evidence-based programmes to promote positive, non-violent and participatory forms of child-rearing and attitudinal change within the family and the community, with a view to eradicating corporal punishment.

#### **Harmful practices**

25. The Committee welcomes the efforts made by the State party to address child marriage and female genital mutilation, including through legislative reform, the implementation of the National Strategic Plan to Ensure Women's and Children's Rights, Abandon Female Genital Mutilation, Underage Marriage and Other Harmful Traditional Practices 2020–2024 and of other action plans on gender and health, community mapping exercises and the pursuit of judicial accountability. While noting that the Transitional Civil Code and the 2015 Civil Code stipulate the minimum age of 18 years for marriage, the Committee is concerned that the 2015 Civil Code provides exceptions to the minimum age, including in articles 287, 305 and 522 (2) and (3). It is also concerned that, although the rates of female genital mutilation have declined significantly, according to official figures, it continues to be practised around the country.

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, the Committee recommends that the State party:

(a) Take legislative measures, including the amendment of the 2015 Civil Code, to reinforce the existing legal prohibition of all marriages of individuals under 18 years of age, without exception;

(b) Continue to strengthen measures to prevent child marriage and female genital mutilation and ensure that they effectively address the root causes of such practices, ensure accountability in accordance with the law and raise public awareness of their harmful effects, targeting in particular at-risk households, rural and remote areas and religious and traditional leaders;

(c) Reinforce protection, medical, psychosocial and rehabilitative services for victims and potential victims of child marriage and female genital mutilation and provide training to relevant professional groups.

#### **Torture and other cruel, inhuman or degrading treatment or punishment**

27. The Committee remains deeply concerned by continued reports of torture and inhuman treatment faced by children in different settings, with limited information provided by the State party to properly address those allegations. The Committee urges the State party to put in place stronger safeguards and oversight mechanisms to prohibit violence and torture against children in all settings, including conditions akin to enslavement, ensure that all such allegations, including at the Sawa Education and Training Centre and in detention settings, are duly investigated and sanctioned and provide effective remedies and appropriate support services to children who are victims of such acts.

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

#### **Family environment**

28. The Committee draws the State party's attention to its statement on article 5 of the Convention and recommends that the State party strengthen its efforts to ensure that the provision of direction and guidance by parents is exercised in a manner that respects and ensures children's rights, recognizing children as rights holders, in accordance with article 18 of the Convention, which underlines that the best interests of the child are to be taken as the basic concern by parents or legal guardians in their primary responsibility for the upbringing and development of the child.

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

29. The Committee notes the efforts of the State party to deinstitutionalize children. Recalling the Guidelines for the Alternative Care of Children, the Committee recommends that the State party:

(a) Prioritize and promote the provision of family- and community-based forms of alternative care for children deprived of parental care for any reason, including children with disabilities, to reduce the dependence on institutional care;

(b) Establish quality standards for all alternative care settings, complemented by the monitoring of the quality of care in the Asmara Child Care Centre and other alternative care settings, conduct periodic reviews of placements, promote accessible and effective channels for reporting, monitoring and remedying the maltreatment of children and ensure the adequate allocation of human, technical and financial resources for social workers and support services for children in alternative care;

(c) Strengthen the capacity of professionals working with families and children, in particular judges, law enforcement officials 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;

(d) Adopt legislation on national and international adoption and ensure the best interests of the child as the paramount consideration in adoption proceedings and the provision of pre-adoption and post-adoption services and monitoring;

(e) Consider ratifying the Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption.

#### **Children of incarcerated parents**

30. The Committee recommends that the State party promote alternatives to incarceration for pregnant women and women with young children, such as house

arrest and community service, to avoid the deprivation of liberty of children accompanying their mothers.

## **F. Children with disabilities (art. 23)**

31. The Committee recalls its general comment No. 9 (2006) on the rights of children with disabilities, and recommends that the State party:

(a) Harmonize its national legislation, policies, regulations and procedures with the human rights model of disability, including for disability assessment, multisectoral coordination, social integration and individual development for all children with disabilities in a manner that facilitates their access to services, early childhood development programmes, education, healthcare and social protection;

(b) Take awareness-raising programmes, including campaigns, aimed at government officials, the public and families to combat the stigmatization of and prejudice against children with disabilities and to promote a positive image of children with disabilities as rights holders.

## **G. Health (arts. 6, 24 and 33)**

### **Health and health services**

32. The Committee welcomes the progress made in reducing infant and under-5 mortality rates and recommends that the State party:

(a) Strengthen existing measures to ensure that all children, including children in rural and remote areas, have equitable access to quality, free and inclusive health services, including through the expansion and reinforcement of healthcare infrastructure and the pool of health professionals;

(b) Allocate sufficient human, technical and financial resources for the implementation of health policies, action plans and services, in particular for children in disadvantaged situations;

(c) Ensure the availability of all necessary vaccines and the timely vaccination of all children, with priority for children under 5 years of age, to reduce child mortality.

### **Mental health**

33. The Committee recommends that the State party strengthen the availability, accessibility and range of community-based, child-sensitive therapeutic and trauma-focused mental health services and increase the number of well-trained, qualified and specialized mental health professionals, including psychologists and psychiatrists, working with children.

### **Adolescent health**

34. Recalling its general comments No. 4 (2003) on adolescent health and development in the context of the Convention and No. 20 (2016) on the implementation of the rights of the child during adolescence, the Committee recommends that the State party:

(a) Ensure the effective implementation of the Strategic Plan for the Implementation of Reproductive, Maternal, Newborn, Child and Adolescent Health and Healthy Ageing Programmes 2022–2026;

(b) Ensure that all girls and boys, including those who are out of school and those in rural and remote areas, receive confidential, child-friendly and age-appropriate sexual and reproductive health information and services, including access to free contraceptives and safe abortion.

## H. Standard of living (arts. 18 (3), 26 and 27 (1)–(3))

35. The Committee recognizes the efforts made by the State party to promote climate-resilient agriculture and self-sufficient food production and to strengthen the empowerment of women. Concerned, however, about the contamination of water sources and the remaining gaps in access to safe and clean water, especially in schools, the Committee recalls its previous recommendations,<sup>9</sup> and recommends that the State party:

(a) Strengthen the equitable, sufficient and sustainable provision of safe drinking water and sanitation across the regions, particularly in schools and rural and remote areas, as well as access to and the availability and affordability of food;

(b) Prioritize a cohesive and comprehensive approach to poverty reduction and social protection, ensuring a child-centred approach;

(c) Ensure social assistance for children in disadvantaged situations, particularly those from the poorest households.

## I. Children's rights and the environment (arts. 2, 3, 6, 12, 13, 15, 17, 19, 24 and 26–31)

36. Recalling its general comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change, the Committee recommends that the State party:

(a) Ensure that the national climate change policy, national disaster management and contingency plans, and other policies and programmes addressing environmental protection, climate change and disaster risk management are developed and implemented on the basis of child rights impact assessments, taking into account the principles of the Convention, the needs and views of children and the Sendai Framework for Disaster Risk Reduction 2015–2030;

(b) Strengthen climate change mitigation and adaptation measures for floods, droughts and desert locust infestations, in particular in relation to children's access to food, water, sanitation services and renewable energy, to reduce the risk of hazards related to climate change affecting children's rights;

(c) Incorporate rights-based environmental education into school curricula at all levels and in the training of teachers and ensure that it promotes children's awareness of and preparedness for climate change and natural disasters.

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

### Aims, coverage and quality of education

37. The Committee notes the reduction in school dropout rates, the expansion of educational programmes for children in disadvantaged situations and the promotion of the retention of girls in education. Concerned, however, about the high rate of out-of-school children, the continued gender disparity among students in rural and remote areas and nomadic communities and the insufficient number of schools and qualified teachers from the pre-primary to the secondary levels of education, despite an increase in their numbers, the Committee recalls its previous recommendations,<sup>10</sup> and urges the State party:

(a) To take measures to further ensure that all children have equal access to free, equitable and quality primary and secondary education leading to relevant and

<sup>9</sup> Ibid., para. 58.

<sup>10</sup> Ibid., para. 60.

effective learning outcomes and continue to expand access to and the quality of early childhood education, in particular in rural and remote areas;

(b) To take measures to increase school enrolment rates and decrease dropout rates on the basis of an accurate assessment of the root causes of dropout and of at-risk or out-of-school children, and to ensure further gender parity in enrolment, especially in rural and remote areas and nomadic communities;

(c) To expand the school construction programme supported by the Global Partnership for Education and enhance the overall educational environment through further investments in school infrastructure, improve the quality of education, including through the reduction of the student-teacher ratio, quality training for teachers and strict qualification requirements, and enhance the implementation of the Nomadic Education Policy Framework and the Complementary Elementary Education for out-of-school children, in line with the Convention;

(d) To publish the results of the needs assessment analysis of primary education, conducted with a focus on children in disadvantaged situations, and continue to systematically collect, analyse and disseminate disaggregated data on students and out-of-school children to inform educational planning and policies, including data on educational attainment, completion and retention rates, dropout rates and suspension and expulsion rates.

#### **Inclusive education**

38. The Committee recommends that the State party continue to strengthen measures to ensure inclusive education in mainstream schools for all children with disabilities at all educational levels, with sufficient allocation of resources and reasonable accommodation through accessible infrastructure, adapted curricula and teaching materials and a sufficient number of appropriately trained teachers, assistant teachers and specialists in integrated classes who can provide individualized support.

#### **Human rights education**

39. The Committee recommends that the State party ensure the integration of human rights education, the principles of the Convention and peace education into the mandatory school curriculum in primary, secondary and higher education and vocational training and into the training of teachers and other education professionals.

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

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

40. The Committee notes the development of a child labour reference manual by the Ministry of Labour and Social Welfare in 2021, but is seriously concerned that:

(a) The Labour Proclamation No. 118/2001 does not sufficiently specify the worst forms of child labour and hazardous work prohibited for children;

(b) Protections for children in the context of labour reportedly do not apply to those in informal employment;

(c) There is a lack of data on child labour.

41. The Committee urges the State party:

(a) To take legislative measures, including the amendment of the Labour Proclamation No. 118/2001, to clearly define and comprehensively prohibit the worst forms of child labour, in line with article 3 of the Worst Forms of Child Labour Convention, 1999 (No. 182), of ILO, to expand article 69 of the Labour Proclamation No. 118/2001 to specify that the prohibition of hazardous work includes those likely to jeopardize the health, safety or morals of young employees, in line with article 3 of the

**Minimum Age Convention, 1973 (No. 138), of ILO and to ensure protection for all children in employment, including in informal employment;**

(b) **To strengthen its efforts to eradicate the economic exploitation of children, to ensure that no child engages in hazardous work and to provide health and social rehabilitation services for children affected by such practices, particularly for children in disadvantaged situations and in rural and remote areas;**

(c) **To enhance the monitoring and enforcement of laws by strengthening the Labour Inspection Service with sufficient human, technical and financial resources, conducting effective investigations into allegations of child labour and ensuring accountability and maintaining appropriate channels for reporting cases of economic exploitation of children;**

(d) **To systematically collect, analyse and disseminate disaggregated data on child labour, including on the types of work performed, the nature of the complaints, the outcomes of cases and the interventions provided to the children, and raise public awareness of child labour, its exploitative character and its consequences.**

#### **Children in street situations**

42. **The Committee notes the support provided by the State party to children in street situations on the basis of a situational analysis conducted in 2016, including the provision of support for school attendance and of educational materials. Recalling its general comment No. 21 (2017) on children in street situations, the Committee recommends that the State party:**

(a) **Continue to monitor children in street situations, provide them with the protection and assistance of social services and support their long-term educational and developmental needs, including with psychosocial support services;**

(b) **Facilitate the reintegration of children in street situations into their family or their placement in alternative care, ensuring full respect for the child's best interests and giving due weight to their views.**

#### **Trafficking**

43. **The Committee notes the lack of information about child victims of trafficking, and recommends that the State party:**

(a) **Systematically collect, analyse and disseminate disaggregated data on children who are victims of trafficking, along with information about investigations and prosecutions conducted in cases of trafficking in children, sentences imposed on perpetrators and reparations provided to victims;**

(b) **Strengthen measures to ensure the early identification and referral of child victims of trafficking to appropriate rehabilitation and reintegration services;**

(c) **Enhance international, regional and bilateral cooperation among countries of origin, transit and destination through information exchange and the training of relevant officials in order to prevent trafficking in persons and identify and prosecute the perpetrators.**

#### **Administration of child justice**

44. **The Committee notes that the State party has expressed a commitment to child-friendly justice mechanisms and restorative models, conducted trainings for relevant officials in the administration of child justice, promoted non-custodial measures for children and established child-friendly spaces in certain detention settings. It is seriously concerned, however, that:**

(a) **The minimum age of criminal responsibility remains at 12 years in the amended Transitional Penal Code, which is currently in force, and that the age of 12 years is also in the 2015 Penal Code;**

(b) Children over the age of 15 years are treated as adults under the Transitional Penal Code;

(c) There are reports of inadequate conditions of detention for children, including overcrowding, sanitation issues and insufficient access to water, food and health services;

(d) There is a lack of data about children in the administration of justice.

45. **Recalling its previous recommendations<sup>11</sup> and its general comment No. 24 (2019) on children's rights in the child justice system, the Committee urges the State party:**

**(a) To take legislative measures, including the amendment and implementation of the 2015 Penal Code and 2015 Criminal Procedure Code, in order to bring its child justice system fully into line with the Convention and other relevant standards, including fundamental legal safeguards;**

**(b) To appoint specialized judges and prosecutors for children and ensure that they receive appropriate training, with the aim of establishing a comprehensive child justice system;**

**(c) To raise the minimum age of criminal responsibility to at least 14 years, without exception, and ensure that the child justice system applies to all children under the age of 18 years who were above the minimum age of criminal responsibility at the time of the commission of the offence;**

**(d) To guarantee access to specialized and free legal assistance at an early stage of the procedure and throughout the legal proceedings;**

**(e) To further promote non-judicial measures, such as diversion and mediation, and the use of non-custodial sentences, such as probation or community service, for children alleged as, accused of or recognized as having infringed criminal law, with a view to promoting restorative justice;**

**(f) To ensure that deprivation of liberty of children is used only as a measure of last resort and for the shortest appropriate period of time;**

**(g) To ensure, in the few situations where deprivation of liberty is justified, that the children are not detained together with adults, that the decision is reviewed on a regular basis and that their detention conditions are in line with international standards, including with regard to sanitation and access to education, food and water, health services and child-friendly complaint mechanisms, with reference to the global study on children deprived of liberty;**

**(h) To continue to provide systematic training on children's rights and child-friendly proceedings to judges, prosecutors, law enforcement officials, corrections officers, lawyers, social workers and other professionals working with children in contact with the law;**

**(i) To systematically collect, analyse and publish disaggregated data on children in the administration of justice at all stages of the legal process and for all types of cases.**

<sup>11</sup> Ibid., para. 71.

**L. Concluding observations on the report submitted by the State party under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**

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

46. Recalling its 2019 guidelines on the implementation of the Optional Protocol,<sup>12</sup> the Committee recommends that the State party:

(a) Take legislative measures, including the amendment of the 2015 Penal Code, to ensure full compliance with the Optional Protocol, in particular to define and criminalize all elements listed in articles 2 and 3 of the Optional Protocol;

(b) Strengthen its efforts to prevent, detect and address offences under the Optional Protocol, including the early identification of children who are victims of those offences, their referral to adequate services and the provision of support for their social reintegration and physical and psychological recovery and of remedies;

(c) Conduct a comprehensive review of the digital environment to identify child sexual abuse material and other forms of sexual exploitation, such as recruitment for the sexual exploitation of children in prostitution, and introduce specific measures to combat such activities.

**Optional Protocol on the involvement of children in armed conflict**

47. The Committee notes that articles 6 and 9 of the Proclamation on National Service No. 82/1995 stipulate the age of 18 years as the minimum age for compulsory national service and military training. It is deeply concerned, however, that students are required to complete national service and military training at the Sawa Education and Training Centre immediately preceding and following their final year of secondary education and that it did not receive confirmation from the State party during the dialogue that there were no persons under the age of 18 years who, in practice, received military training at the Centre or about information on the measures taken to prevent such a possibility.

48. With reference to the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups and the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups, which the State party has endorsed, the Committee urges the State party:

(a) To take legislative measures, including the amendment of the 2015 Penal Code, to explicitly prohibit and criminalize the recruitment and the use of children under the age of 18 years in hostilities both by State armed forces and non-State armed groups;

(b) To take precautions to verify the age of students to ensure that those under the age of 18 years do not undertake military training at the Sawa Education and Training Centre, without exception, establish an independent complaint mechanism accessible to children and promptly and effectively investigate and prosecute all allegations of violations of children's rights at the Centre;

(c) To take measures to ensure that children are, under no circumstances, recruited and used by the State armed forces, to investigate allegations of underage recruitment and use and, if the allegations are found to be true, to ensure the prompt discharge, rehabilitation and reintegration of child victims of recruitment;

(d) To establish mechanisms for the early identification of child victims of recruitment and use who enter the State party from conflict areas to provide culturally responsive and child-sensitive assistance for their physical and psychological recovery and social reintegration.

<sup>12</sup> CRC/C/156.

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

49. The Committee recommends that the State party ratify the Optional Protocol to the Convention on a communications procedure.

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

50. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following human rights instruments:

(a) **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;**

(b) **International Convention for the Protection of All Persons from Enforced Disappearance;**

(c) **Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.**

## **O. Cooperation with regional bodies**

51. The Committee recommends that the State party continue to 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**

52. 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 those in the most disadvantaged situations. The Committee also recommends that the combined fifth and sixth 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. Next report**

53. The Committee will establish and communicate the due date of the combined seventh and eighth periodic reports of the State party in due course, in line with the envisaged predictable reporting calendar, and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The reports should be in compliance with the Committee's harmonized treaty-specific reporting guidelines<sup>13</sup> and should not exceed 21,200 words.<sup>14</sup> In the event that reports exceeding the established word limit are submitted, the State party will be asked to shorten the reports. If the State party is not in a position to review and resubmit the reports, translation thereof for the purposes of consideration by the Committee cannot be guaranteed.

<sup>13</sup> [CRC/C/58/Rev.3](#).

<sup>14</sup> General Assembly resolution 68/268, para. 16.