Background information

OHCHR press release
Webcast
Audio file
Summary records

Reporting

Reporting methodology

☐ EJRNR定期
☐ EJRNR简明
☒ FNRJ

Date: 22-23 May 2017

State report:

Summary records

Additional comments: The Committee welcomed the accuracy and quality of the State Report.

Public reports from children's rights defenders:

NGOs

- Global Call to End All Forms of Corporal Punishment
- The ISU Initiative: Ending Discrimination Against Children
State delegation

Large high level and multispectral delegation led by Mr. Ahmad Hassan Al-Hamadi, Secretary General of the Ministry of Foreign Affairs. He was supported by delegates from the Ministry of Education and Higher Education, Ministry of Administrative Development and Labor and Social Affairs, Ministry of Interior, Ministry of Development Planning and Statistics, Ministry of Public Health, Ministry of Justice and the permanent Mission in Geneva.

List of State delegation representatives on OHCHR site

Committee’s Task Force members

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<th>اسم و اللقب</th>
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<td>Jorge Cardona</td>
<td>إسبانيا</td>
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<td>Luis Pedernera</td>
<td>الأوروغواي</td>
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Dialogue description:

i. Character of the dialogue

The atmosphere during the session was cordial. The answers of the State to the Committee’s questions were both political and technical, focused mainly on law development and program implementation.

ii. General assessment made by the Committee

The Committee welcome the withdrawal of reservations to OPAC and OPSC and invited the State to not step back from the progress made until now. However, the Committee remained concerned about the existing contradictions between some national laws and the provisions of the CRC, and urged the State to address discrimination against girls and migrant children.
iii. **Main issues discussed**

- **Gender-based discrimination:** The Committee was deeply concerned about the discrimination that girls continue to be subjected to throughout all the stages of their life. This due to traditional values and cultural norms, as well as the absence of systematic measures to tackle this issue with the public, religious leaders and the media. Committee members asked about programs to raise awareness on gender equality within schools and with traditional leaders, and whether the education system would allow boys and girls to attend the same classroom. The delegation replied that the government was willing to ensure gender equality, and stressed that gender parity was already achieved in higher education.

- **Juvenile justice:** The Committee was deeply concerned about the extreme low age of criminal responsibility at 7 years old, and the existence of death penalty for children aged 16 and above for crimes of espionage and apostasy Committee members also inquired about life sentence, flogging and hard labor imposed on children aged 16 to 18 years and about children in detention. The delegation replied that within the revision of the Bill on the rights of the child the possibility of raising the age of criminal responsibility up to 18 years was under discussion. It also clarified that the penal code prohibited the death penalty for persons under the age of 18 and that children were only placed in juvenile prisons, close to where they lived. While it was legally possible to expose children to hard labor, these sentences were no longer issued.

- **Harmful practices:** The Committee asked whether the State would prohibit the marriage of girls below 18 and about awareness measures on the harmful effect of child marriage Committee members also requested more information on the measures taken to eliminate discrimination against girls. The delegation replied that the national law was aligned with the provision of the CRC, although the age of marriage for girls was 16 and for boys 18. It clarified that a marriage was valid under the law only if it was accepted by both parties. Awareness-raising campaign son early marriage were being conducted in secondary schools and universities.
الممارسات الضارة: تساءلت اللجنة عن ما إذا كانت الدولة تستثني زواج الفتيات دون سن الثامنة عشرة وعن تدابير التوعية بخصوص الأثر الضار لزواج الأطفال. وطلب أعضاء اللجنة أيضًا مزيدًا من المعلومات عن التدابير المتعددة للقضاء على التمييز ضد الفتيات. ورد الوفد بأن القانون الوطني يتشابه مع أحكام الاتفاقية حقوق الطفل، وعلى الرغم من أن سن الزواج للبنات هو 16 عامًا وللأولاد 18، إلا أن اللجنة قد أوضحت أن الزواج لا يصبح قانونيا إذا قبله الطرفان. وكما أن حملات التوعية ضد الزواج المبكر تجري في المدارس الثانوية والجامعات.

_recommendations of the committee_ 

In its Concluding Observations, the Committee drew attention to the need of urgent measures concerning the following areas:

- **Definition of the child in relation to child marriage**: The Committee reiterated its previous recommendations that the minimum age of marriage for girls be raised to 18 years.

- **Non-discrimination**: The State should design and implement a comprehensive strategy with defined targets to change negative discriminatory attitudes, practices and stereotypes towards girls. This should be done in collaboration with relevant stakeholders, with the participation of girls themselves and with monitoring tools to assess the results of such strategy.

As per discrimination against children born out of wedlock, children of migrant workers and children with disabilities, the State should implement a comprehensive strategy to eliminate all types of discrimination against these children.

- **Nationality**: The Committee referred to its previous recommendations, recommendations of other treaty bodies and the UPR, and urged the State to revise its national legislation to ensure that nationality is transmitted to children both through the mother and the father. The State should also ratify both Conventions on stateless persons and seek technical assistance from UNHCR and UNICEF.
Corporal punishment: The State should explicitly prohibit corporal punishment in all settings (homes, schools, justice, system) without any exception, and ensure that in practice it is adequately enforced and perpetrators are brought to justice. It should also promote positive, non-violent and participatory methods of discipline and provide training and guidelines to teachers and personnel working with/for children. A safe and confidential complaint mechanisms for children should be set up and awareness-raising campaigns to prevent corporal punishment must be carried out among communities, families and public.

Children in situation of migration: The Committee referred to the recommendations made by the Special Rapporteur on the human rights of migrants, and recommended the State to abstain from detaining children and families with children in immigration detention facilities taking in consideration the best interests of the child and the family unit. It should also prioritize alternative to detention measures and set up shelters for children and their families. Moreover, it should ensure decent conditions for migrant workers and their right to family life, abolish the sponsorship system in place and properly regulate the work of migrant workers.

Administration of Juvenile Justice: The Committee referred to its previous recommendations and urged the State to fully align its juvenile system with the Convention. The State should expeditiously raise the minimum age of criminal responsibility in accordance with acceptable international standards, as well as derogate all provisions related to life imprisonment, hard labor and flogging for offenses committed by all persons below 18 years. Moreover, it should establish a children’s court and expeditiously grant free, qualified and independent legal aid to children in conflict with the law through the whole legal process. Alternative measures for sentences should be fostered and detention of children should be a last resort measure. If detention is the only way forward, its conditions should comply with international standards (no imprisonment with adults, and access to health and education).
Sustainable Development Goals

Throughout its Concluding Observations the Committee referred to the following targets:

- 16.2 on ending abuse, exploitation, trafficking and all forms of violence against and torture of children

- 5.2 on eliminating all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation

Next State report

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<td>موعد التسليم</td>
<td>2 May 2023</td>
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Disclaimer: Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.