



Convention on the Rights of the Child

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Committee on the Rights of the Child

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Consideration of Reports submitted by States Parties under Article 44 of the Convention

Concluding Observations: Singapore

1. The Committee considered the consolidated second and third periodic report of Singapore (CRC/C/SGP/2-3) at its 1590th and 1591st meetings (CRC/C/SR.1590 and 1591), held on 20 January 2011, and adopted, at its 1612th meeting, held on 4 February 2011, the following concluding observations.

I. Introduction

2. The Committee welcomes the submission of the State party's consolidated second and third periodic report as well as the written replies to its list of issues (CRC/C/SGP/Q/2-3). The Committee furthermore appreciates the positive dialogue held with the high-level and multi-sectoral delegation, which allowed a better understanding of the situation of children in the State party.

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

3. The Committee welcomes a number of positive developments since its consideration of the State party's initial report in 2003, including the adoption of legislative and other measures, such as:

(a) The amendment of the Penal Code in October 2007, which criminalizes child sexual exploitation in Singapore and other countries;

(b) The amendment of article 122 of the Constitution in April 2004, allowing children to acquire citizenship through their Singaporean mothers;

(c) The establishment of the Central Youth Guidance Office (CYGO) and the Office of Public Guardian in 2010;

(d) The establishment of the National Family Council (NFC) in May 2008;

(e) The establishment of the Community Court in June 2006, and the Children Care Court in May 2008;

f) The introduction of the dedicated court process, CHILD (Children's Best Interests, Less Adversarial) in July 2008; and

g) The ratification of the ILO Convention (No. 138) concerning Minimum Age for Admission to Employment in 2005.

III. Main areas of concern and recommendations

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

The Committee's previous recommendations

4. While noting the State party's efforts to implement its concluding observations (CRC/C/15/Add.220, 2003) on the State party's initial report, the Committee expresses concern that a number of the recommendations contained therein have not been given sufficient follow-up.

5. **The Committee urges the State party to take all necessary measures to address the recommendations contained in the concluding observations on the State party's initial report that have not yet been implemented or sufficiently implemented, including those on such issues as independent monitoring, definition of the child, non-discrimination, respect for the views of the child, parental responsibilities, children with disabilities, and juvenile justice. In this context, the Committee draws the attention of the State party to its general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child (CRC/GC/2003/5).**

Declarations and reservations

6. The Committee deeply regrets that, despite the recommendation in its previous concluding observations (CRC/C/15/Add.220, para. 7), the State party still maintains numerous declarations on articles 12, 13, 14, 15, 16, 17, 19 and 37, and reservations to articles 7, 9, 10, 22, 28 and 32 of the Convention. The Committee expresses serious concerns about the continuation of declarations on and reservations to so many articles of the Convention, including the principle of respect for the views of the child, as they constitute an obstacle to the full and effective implementation of the State party's obligation under the Convention.

7. **In light of the Vienna Declaration and Programme of Action of the 1993 World Conference on Human Rights, and in view of the significant steps already taken by the State party, the Committee urges the State party to take all necessary measures to withdraw its declarations on and reservations to the Convention, without further delay.**

Legislation

8. The Committee welcomes the amendments to several pieces of legislation in the area of child rights, including the Penal Code, and the Children and Young Persons Act, which contribute to the improvement of children's living conditions and development. However, the Committee notes with concern that in spite of recent legislative developments, the Convention has not yet been fully incorporated into domestic legislation, and is not directly applicable in the State party.

9. **The Committee urges the State party to ensure that all the principles and provisions of the Convention are fully incorporated into the domestic legal system.**

Coordination

10. The Committee notes the active role of the Inter-Ministry Committee on the Convention on the Rights of the Child (IMC-CRC) in coordinating and monitoring the State party's implementation of the Convention. However, it is concerned that the Inter-Ministry Committee's mandate still does not include coordination of all policies and programmes for children.

11. The Committee recommends that the State party expand the mandate, function and capacity of the Inter-Ministry Committee on the Convention to include coordination of all programmes and policies for children. The Committee also recommends that the Inter-Ministry Committee report regularly on the monitoring and evaluation of the implementation of the Convention, and that the reports be widely disseminated at all levels of society, including among children.

National Plan of Action

12. The Committee notes as positive the various sectoral strategies concerning children that have been developed. However, it is concerned that the strategies are rarely accompanied by concrete action plans for implementation. The Committee remains concerned that the State party has not developed a comprehensive national plan of action (NPA) for the implementation of the Convention.

13. The Committee recommends that the State party harmonize its various strategies on children and families under a comprehensive national plan of action for children to ensure full implementation of the Convention. The national plan of action should be rights-based and cover all the principles and provisions of the Convention. The NPA should be linked to national development plans, strategies and budgets, and should contain specific time-bound and measurable goals and targets to effectively measure progress with regard to the enjoyment of all rights by all children.

Independent monitoring

14. While noting that children can file complaints with the competent sectoral authorities, the Committee remains concerned that the State party has not established an independent mechanism to regularly monitor fulfilment of the rights of children under the Convention, and to receive and independently investigate complaints on the violations of the rights of children.

15. The Committee reiterates the recommendations contained in its previous concluding observations (para. 13) and urges the State party to establish an independent mechanism in accordance with the Paris Principles (General Assembly resolution 48/134), taking into account the Committee's 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 (CRC/GC/2002/2). Such a body should have a clear mandate to receive and investigate complaints from, or on behalf of, children regarding all areas covered by the Convention. It should be accessible to all children and be provided with the necessary human, financial and technical resources to function adequately.

Data collection

16. The Committee notes the extensive statistical data provided in the State party's report and replies to the list of issues. The Committee is concerned, however, about the insufficient data on, inter alia, violence against children, child victims of trafficking, and sexual exploitation of children.

17. **Recalling its general comment No. 5 (2003) on the general measures of implementation of the Convention on the Rights of the Child, the Committee recommends that the State party strengthen its mechanisms for data collection by establishing a national central database on children, and developing indicators consistent with the Convention, in order to ensure that data is collected on all areas covered by the Convention, particularly on violence, trafficking, and sexual exploitation of children, disaggregated, inter alia, by age (persons under 18 years), sex, ethnic and socioeconomic background, and by groups of children in need of special protection.**

Dissemination and awareness-raising

18. The Committee welcomes the various initiatives undertaken by the State party to raise awareness of the Convention among children and the public at large. The Committee, however, considers that education and awareness-raising for children and the public at large require ongoing attention. The Committee therefore encourages the State party to continue to disseminate the Convention to children, their parents and the broader public, including appropriate material specifically designed for children.

Training

19. While noting with appreciation the efforts of the State party to train professionals working with and for children on the principles and provisions of the Convention, the Committee is concerned that training activities for professional groups on children's rights remains inadequate.

20. **The Committee recommends that the State party intensify its efforts to provide training to professionals so as to ensure that the principles and provisions of the Convention are widely applied in social welfare settings and in legal and administrative proceedings.**

Cooperation with civil society

21. While noting the "many helping hands" approach to working with the civil society, including Voluntary Welfare Organizations, the Committee is concerned that there is a lack of clarity regarding roles and that cooperation with the civil society at the policy-making level or in the reporting process has been limited.

22. **The Committee recommends that the State party involve non-governmental organizations (NGOs) in a more systematic and coordinated manner in all stages of the implementation of the Convention, including policy formulation, and in the preparation of future periodic reports. It also recommends that the State party take into account the recommendations arising from the day of general discussion held in 2002 on "The private sector as service provider and its role in implementing child rights" (CRC/C/121, para. 630), and improve its supervision of private organizations delivering services to ensure that they are rights based.**

International cooperation

23. With respect to article 4 of the Convention, the Committee notes contributions by the State party to international cooperation efforts, in particular United Nations peacekeeping operations and bilateral and multilateral humanitarian action. Nevertheless, it notes the absence of information on official development assistance (ODA) towards internationally agreed objectives, in particular the Millennium Development Goals, which place special emphasis on children, despite the State party having a relatively stable economy.

24. The Committee encourages the State party to make its information on ODA transparent and to meet, and if possible surpass, the internationally agreed ODA target of 0.7 per cent of gross national product. It also encourages the State party to ensure that the realization of child rights becomes a priority in international cooperation agreements established with developing countries, in its bilateral cooperation. In this regard, the Committee urges the State party to pay particular attention to the concluding observations and recommendations made by the Committee in respect of the State party's partner countries. The Committee invites the State party to take into account its recommendations arising from the day of general discussion held in 2007 on "Resources for the rights of the child – responsibility of States".

Child rights and the business sector

25. The Committee is concerned that the State party has not adopted corporate social responsibility (CSR) parameters for national and multinational enterprises under its jurisdiction regarding child rights, and in line with the United Nations Business and Human Rights Framework adopted in 2008 by the Human Rights Council, which comprises three principles: the duty of States to protect human rights, the corporate responsibility to respect human rights, and access by victims to effective remedies when violations occur.

26. **The Committee recommends that the State party provide a framework for reporting on child rights by Singapore corporations, including multinational corporations headquartered in Singapore. In doing so, the Committee recommends that the State party apply the relevant provisions of the Convention. The Committee further encourages the State party to give due consideration to experiences from around the world in the application of, inter alia, the United Nations Business and Human Rights Framework to the operations of private and public corporations, particularly in respect of child rights.**

B. Definition of the child (art. 1 of the Convention)

27. The Committee welcomes the amendment of the Administration of Muslim Law Act (AMLA), which raised the minimum age for marriage from 16 to 18 years for Muslim girls. However, the Committee regrets that despite its recommendation in its previous concluding observations (para. 22), the Children and Young Persons Act (as amended by Act 15 of 2010) still does not cover children between the ages of 16 and 18.

28. **The Committee recommends that the State party take all necessary measures to harmonize the definition of the child in the national laws, in line with the Convention. The Committee further recommends that the State party extend the Children and Young Persons Act to cover all persons under the age of 18.**

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

Non-discrimination

29. The Committee reiterates its concern, noted in its previous concluding observations (para.24), that the principle of non-discrimination is restricted to citizens and does not apply to all children within the jurisdiction of the State party, irrespective of the status of their parents, as provided for under article 2 of the Convention. Furthermore, the Committee is concerned about reports that discrimination against girls, children with disabilities and non-residents still persists.

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

(a) **Revise its legislation to respect and ensure the rights set forth in the Convention to all children within its jurisdiction, in particular girls, children with disabilities and children of foreign origin, without discrimination of any kind;**

(b) **Adopt and implement a comprehensive strategy addressing all forms of discrimination, including multiple forms of discrimination against all groups of children in vulnerable situations, and combating discriminatory societal attitudes;**

(c) **Undertake such efforts in coordination with a wide range of stakeholders and involving all sectors of society so as to facilitate social and cultural change and the creation of an enabling environment that is supportive of equality among children;**

(d) **Collect data disaggregated by gender, race, ethnic origin or social background, and disability so as to enable effective monitoring of de facto discrimination; and**

(e) **Monitor such efforts and regularly assess progress made towards the achievement of established goals, and include specific information in its next periodic report on the measures and programmes relevant to the Convention that have been adopted by the State party to follow up on the Durban Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the outcome document adopted at the 2009 Durban Review Conference.**

Best interests of the child

31. The Committee notes with appreciation the inclusion of the guiding principle of the best interests of the child in the Children and Young Persons Act (as amended by Act 15 of 2010) and the various types of programmes to promote the principle of the best interests of the child, inter alia, the CHILD (Children's Best Interests, Less Adversarial) and IMPACT programmes. However, the Committee is concerned about the lack of reference to the principle of the best interests of the child in most of the legislations concerning children, as well as in judicial and administrative decisions, and policies and programmes relevant to children.

32. **The Committee recommends that the State party take all appropriate measures to ensure that the principle of the best interests of the child is a primary consideration, in accordance with article 3 of the Convention, and is fully integrated in its legislation, judicial and administrative decisions, as well as policies, programmes and services that have an impact on children.**

Respect for the views of the child

33. The Committee remains concerned that traditional attitudes towards children in society limit, and often prevent, children from expressing their views on a wide range of issues that affect them within the family, schools, institutions, judicial system and society at large. The Committee also regrets that there is no formal procedure by which children are systematically invited to express their views in judicial and administrative processes that affect them.

34. **In light of article 12 of the Convention and the Committee's general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:**

(a) **Actively promote the right of children to be heard in the family and other settings, and establish formal procedures enabling children to express their**

views on all matters affecting them in all contexts, including at school and in other children's institutions, in courts and administrative bodies, and also in policy-making processes;

(b) Amend the legislation, including the Children and Young Persons Act to include the right of children to express their views freely in all matters affecting them; and

(c) Consider withdrawing the declaration on article 12 of the Convention.

D. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)

Name and nationality

35. While welcoming the amendment to the Constitution in April 2004, allowing children to acquire citizenship by descent from their mothers, the Committee notes with concern that this amended law is applied only to children born on or after 15 May 2004. The Committee is concerned that there is still a number of stateless children in the State party, and that under specific circumstances, children can be deprived of their citizenship under article 129.2 (a) of the Constitution.

36. The Committee recommends that the State party to revise its nationality law with a view to preventing children from being deprived of their citizenship, and to consider granting citizenship to all children born before 2004 of Singaporean mothers.

Freedom of expression, association and peaceful assembly

37. While noting that children are encouraged to express their views in some forums, the Committee is concerned that these forums are very limited and that the right of the child to freedom of expression, including to file complaints publicly and to receive information, and to freedom of association and peaceful assembly are, in practice, not fully guaranteed. The Committee is concerned that despite Constitutional guarantees for the rights to freedom of expression and peaceful assembly and association, these rights are severely restricted in practice and the freedom to express one's views in public continues to be limited.

38. The Committee recommends that the State party strengthen its efforts to ensure the full practical implementation of the rights of children to freedom of expression, association and peaceful assembly. The Committee also encourages the State party to review its declarations on articles 12, 13 and 15 of the Convention, with a view to removing them.

Torture or other cruel, inhuman or degrading treatment or punishment

39. While noting the education programmes and guidelines that restrict and discourage the use of corporal punishment, the Committee reiterates its deep concern that corporal punishment, including caning, is still considered a lawful form of discipline in the family, schools and institutions.

40. In light of the Committee's 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) Prohibit unequivocally by law, without any further delay, all forms of corporal punishment, including caning, in all settings;

(b) Continue to systematically train teachers and personnel working in institutions and youth detention centres on positive, non-violent forms of discipline as an alternative to corporal punishment; and

(c) Continue to sensitize and educate parents, guardians and professionals working with and for children on the harmful effects of corporal punishment with a view to changing the general attitude towards this practice, and promote positive, non-violent, participatory forms of child-rearing and discipline as an alternative to corporal punishment.

Follow-up to the United Nations Study on Violence against Children

41. The Committee encourages the State party to:

(a) Prioritize the elimination of all forms of violence against children, including by ensuring implementation of the recommendations of the United Nations Study on Violence against Children, paying particular attention to gender;

(b) Provide information concerning the implementation by the State party of the recommendations of the Study in the next periodic report, particularly the time-bound priorities highlighted by the Independent Expert of the Secretary-General on violence against children, namely:

(i) The development of a national comprehensive strategy to prevent and address all forms of violence against children;

(ii) The introduction of an explicit national legal ban on all forms of violence against children in all settings; and

(iii) The consolidation of a national system of data collection, analysis and dissemination, and a research agenda on violence against children.

(c) Cooperate with the Independent Expert of the Secretary-General on violence against children, and seek assistance from the United Nations Children's Fund (UNICEF), Office of the High Commissioner for Human Rights (OHCHR), World Health Organization (WHO), International Labour Organization (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO), Office of the United Nations High Commissioner for Refugees (UNHCR), United Nations Office on Drugs and Crime (UNODC), as well as NGO partners.

E. Family environment and alternative care (arts. 5, 18, paras. 1-2, 9-11, 19-21, 25, 27, para. 4, and 39 of the Convention)

Family environment

42. The Committee notes with appreciation the State party's efforts to provide parenting education and financial assistance to families, as well as the establishment in 2007 of the Inter-Ministry Committee on Dysfunctional Families to provide better support to families with high need. However, the Committee is concerned that such families may not have adequate support for their child-rearing responsibilities. The Committee is also concerned about the lack of access to affordable child care for low-income and single-parent families due to rigid eligibility requirements of the Centre-based Financial Assistance for Childcare (CFAC) scheme.

43. The Committee recommends that the State party strengthen its support and services to parents and legal guardians in order to enhance their capacities in assuming their child-rearing responsibilities, including through counselling, parental

education and other awareness-raising programmes that would support a stable family environment. The Committee also recommends that the State party revise the eligibility requirements of the Centre-based Financial Assistance for Childcare (CFAC), including the requirement that mothers be employed, and guarantee access to affordable child care for low-income and single-parent families.

44. The Committee is concerned that the application of the Employment of Foreign Manpower Act results in the separation of some children from their parents, in view of the fact that migrant workers holding work permits below the “S Pass” and “Employment Pass” categories are not allowed to marry Singapore citizens or permanent residents without prior approval of the Controller of Work Passes, and work permits can be cancelled on grounds of pregnancy, which may also lead to deportation.

45. The Committee urges the State party to review its immigration legislation and policies, particularly the Immigration Act and the Employment of Foreign Manpower Act, with a view to avoiding the separation of children from their parents, and to reconsider withdrawing its reservations to articles 9 and 10 of the Convention.

Children deprived of a family environment

46. The Committee expresses deep concern at the State party’s handling of the Children Beyond Parental Control system, under which parents can file a formal complaint with the Children Care Court and children between 8 and 16 years of age can be placed in institutions, sometimes in the same institutions as juvenile delinquents. The Committee regrets that this system may stigmatize the child and be perceived as a punitive, and not an enabling, measure. The Committee also notes that the Children Beyond Parental Control system does not comply with the Children and Young Persons (Amendment) Bill of 2010 which encourages the parents or guardians of a child or young person to have primary responsibility for the care and welfare of the child or young person.

47. The Committee recommends that the State party take into account the Guidelines for the Alternative Care of Children contained in General Assembly resolution 64/142 of 2009 and:

(a) Review its policies on Children Beyond Parental Control with a view to ensuring that the institutionalization of children is used as a measure of last resort and only under appropriate judicial oversight;

(b) Undertake a gender-sensitive study on the root causes of the problems of children and their families, the efficacy of the present system and its impact on children;

(c) Provide counselling, parenting skills training, appropriate therapy, as needed, and any other protective measures to the child and family as the first priority; and

(d) Provide awareness-raising programmes, including campaigns, for parents, professionals and the public on the emotional need of children to grow up in a caring and safe environment.

Adoption

48. The Committee is concerned that the Adoption of Children Act lacks many safeguards for the rights of the child, in accordance with international standards. The Committee is also concerned about cases of adoption without sufficient protection guarantees, including judicial authorization and central oversight authority, and the reported cases of sale of children for the purpose of adoption.

49. **The Committee recommends that the State party:**
- (a) **Maintain a registry of all adopted children;**
 - (b) **Establish a central authority to ensure protection of the rights of children involved in the adoption process; and**
 - (c) **Ratify, without delay, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the 1993 Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption.**

Abuse and neglect

50. The Committee notes with appreciation the efforts undertaken by the State party to tackle the problem of abuse and neglect of children. However, the Committee is concerned about the lack of a comprehensive system for detecting, recording and analyzing abuses committed against children. The Committee regrets that there is no mandatory obligation for professionals working with or for children to report abuse of children.

51. **The Committee recommends that the State party strengthen efforts to address the problem of child abuse by taking preventive measures, conducting public education programmes about the negative consequences of abuse and neglect, and providing adequate protection and recovery services to child victims of abuse. It also encourages the State party to establish a mandatory requirement for professionals working with children to report and take appropriate action in suspected cases of child abuse and neglect, and ensure that training is provided thereon.**

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

Children with disabilities

52. While noting that the authorities provide funding and training to the Special Education schools for children with disabilities, the Committee is concerned that the Special Education schools are run by voluntary welfare organizations and do not come under the purview of the authorities. The Committee remains deeply concerned that children with disabilities are still not fully integrated into the education system and that there is still a lack of quantitative and qualitative data on children with disabilities and their needs.

53. **The Committee recommends that, in accordance with article 23 of the Convention, the State party:**

- (a) **Extend the Compulsory Education Act (2003) to include all children with disabilities;**
- (b) **Provide inclusive education to children with special needs;**
- (c) **Collect and analyse qualitative and quantitative data on children with disabilities and their specific needs and use these data to develop appropriate programmes and policies for them;**
- (d) **Provide training from a child rights perspective for professional staff working with children with disabilities, such as teachers, social workers, medical, paramedical and related personnel;**

- (e) Allocate more resources to ensure that children with disabilities have timely access to early intervention services and integration in mainstream schools;
- (f) Strengthen support to families with children with disabilities;
- (g) Consider ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol; and
- (h) Take into account the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's general comment No. 9 (2006) on the rights of children with disabilities.

Adolescent health

54. The Committee notes with appreciation the sustained excellent level of health indicators, and the wide availability of high-quality health-care services in the State party. However, the Committee is concerned at the inadequate adolescent health services, the increasing number of adolescents with sexually transmitted infections, and the incidence of suicide among adolescents.

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

- (a) Strengthen its programme to promote healthy adolescent lifestyles;
- (b) Adopt a comprehensive policy on adolescent health, including reproductive health;
- (c) Educate adolescents about sexually transmitted infections, in particular the transmission channels and the negative effects;
- (d) Conduct research on suicide risk factors among adolescents, and implement preventive measures; and
- (e) Take into account the Committee's general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child.

Breastfeeding

56. While noting the efforts taken by the State party to encourage breastfeeding, including the improvement of maternity protection legislation, the Committee reiterates its concern at the low practice of exclusive breastfeeding. The Committee is also concerned that no hospitals have been certified as baby-friendly, that several elements of the local Sale of Infant Foods Ethics Committee Singapore (SIF ECS) code are not in line with the international code, and that breastfeeding breaks are not guaranteed in maternity legislation.

57. **The Committee recommends that the State party strengthen its awareness-raising efforts on the importance of exclusive breastfeeding of children up to the age of 6 months. The Committee also calls on the State party to ensure that the main maternity hospital meets the standards and is certified under the Baby Friendly Hospital Initiative (BFHI); to review, strengthen and enforce the local SIF ECS code, and adopt and implement the International Code of Marketing of Breast-milk Substitutes; to include breastfeeding breaks in its maternity legislation, and consider ratifying ILO Convention No. 183 (2000) on maternity protection in the workplace.**

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

Education, including vocational training and guidance

58. The Committee recognizes and commends the high level of academic excellence delivered by the school system of the State party. However, the Committee is concerned that:

(a) Despite the recommendation in its previous concluding observations (para. 43), not all children within the State party's jurisdiction, in particular non-citizens, are covered by the Compulsory Education Act and have access to free primary school;

(b) The highly competitive nature of the education system may impose undue stress, and prevent children from developing to their full potential;

(c) Minority students, particularly Malay, lag behind in educational indicators; and

(d) Not enough efforts have been made to include human rights education in the curriculum of schools.

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

(a) **Amend the Compulsory Education Act to include all children within the State party's jurisdiction, including non-citizens, and review its reservation to article 28 of the Convention to that end;**

(b) **Undertake all necessary measures to ensure that all children have access to free primary education;**

(c) **Review its school and academic system to reduce school-related stress and its high competitiveness, and further strengthen efforts to promote the development of children's personalities, talents and abilities to their fullest potential, including through the promotion of cultural life, the arts, play and recreational activities in schools; and**

(d) **Strengthen and accelerate efforts to support minority students, particularly Malay, in their academic development, for instance, through special temporary affirmative-action programmes to bridge existing gaps; and**

(e) **Strengthen efforts to include human rights education in the official curriculum at all levels of education, and train teachers on the promotion of human rights in children's education, taking into account general comment No. 1 (2001) on the aims of education.**

H. Special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)

Asylum-seeking and refugee children

60. The Committee is concerned that the State party is not a party to any treaties relating to the treatment of refugees. It is also concerned that the State party has no law governing the treatment of refugees and that a case-by-case treatment can lead to arbitrariness.

61. **The Committee urges the State party to develop a legislative framework for the protection of asylum-seeking and refugee children, particularly unaccompanied children, in line with international standards, and consider ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1954**

Convention relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness. The Committee also recommends the State party to take into account its general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin.

Economic exploitation including child labour

62. While noting that the State party has amended the Employment Act in 2004, raising the minimum age of employment from 12 to 13 years, the Committee is concerned that the minimum age of employment is lower than the age of compulsory schooling. The Committee also notes that there is no information on monitoring the working and living conditions of child labour in the State party's report.

63. The Committee recommends that the State party strengthen its efforts to prevent the economic exploitation of all children within its jurisdiction, and notably raise the minimum age of employment with a view to harmonizing it with the age of compulsory schooling (15 years) provided for under the Compulsory Education Act. The Committee also recommends that the State party research and monitor the working and living conditions of child labour, and include this information in its next report.

Sexual exploitation and abuse

64. The Committee welcomes the amendment of the Penal Code (Cap. 224), enhancing the protection of children against commercial sexual exploitation committed by persons under the State party's jurisdiction. However, the Committee expresses grave concern that:

(a) Relevant national legislation does not cover the full range of prohibitions contained in Article 3(b) of ILO Convention No. 182 on the Worst Forms of Child Labour, namely, the use, procuring or offering of a child under 18 years for the production of pornography or for pornographic performances;

(b) Limited action has been taken by the State party to combat sexual exploitation and abuse of children, including child sex tourism, and the impunity that perpetrators of such abuse enjoy;

(c) Such cases may be underreported as indicated in the statistical information provided by the State party;

(d) Child victims of sexual exploitation are often considered and treated as prostitution offenders; and

(e) Despite extraterritorial jurisdiction regarding the sexual exploitation of children committed by persons under the State party's jurisdiction, the State party has hardly investigated, prosecuted or convicted a national or permanent resident for child sex tourism.

65. The Committee urges the State party to fulfil its obligations under article 34 of the Convention, and to develop, as a matter of priority, a systematic response to reports of sexual abuse and exploitation. In particular, the Committee urges the State party to take effective measures to:

(a) Bring its legislation into conformity with article 3(b) of ILO Convention No. 182 on the Worst Forms of Child Labour;

(b) Strengthen its efforts to implement legislation which criminalizes acts of sexual exploitation and abuse, with a view to ensuring that the perpetrators of sexual offences against children are duly brought to justice and sanctioned with appropriate penalties;

(c) Establish shelters for child victims of sexual abuse and exploitation, where children are provided with rehabilitation, recovery and social reintegration services;

(d) Set up an effective and systematic monitoring mechanism for gathering data to ascertain the number of victims and trends; and

(e) Develop a code of conduct for the protection of children from sexual exploitation in tourism, and foster more active involvement of the tourism industry and the media.

Sale, trafficking and abduction

66. The Committee welcomes the criminalization in domestic legislation of the sale, trafficking and abduction of children and notes the efforts made by the State party in providing facilities and programmes for victims of trafficking and prostitution, inter alia, a hotline, counselling, translation and residential services. However, the Committee is concerned that despite the legal framework and the efforts made, the State party is a destination country for children subjected to trafficking in persons, but the relevant data indicated in the report of the State party report shows unusually low numbers of cases. Furthermore, the Committee is concerned that the State party does not investigate all trafficking cases that are reported, or punish perpetrators with appropriate penalties and that in some cases children victims of trafficking are treated as offenders and arrested for violation of immigration laws.

67. The Committee recommends that the State party:

(a) Ensure that all trafficking cases involving children, in particular for commercial sexual exploitation, are promptly and thoroughly investigated and that perpetrators are prosecuted and punished with appropriate penalties;

(b) Take all necessary legislative measures to prevent children who are victims of trafficking from being treated as offenders, in particular, ensuring that they are not detained, that they are provided with appropriate rehabilitative care, that they are reunited with their families, and that they are permitted to remain in the territory of the State party sufficiently long to be an active party in a judicial process against their traffickers;

(c) Conduct a study, with the involvement of civil society, on the nature and scope of the sale, trafficking and abduction of children in the State party;

(d) Raise public awareness about the extent to which trafficking is a problem within the State party's territory and the detrimental effects of child trafficking on the victims;

(e) Strengthen and expand bilateral and multilateral agreements and cooperation programmes with countries of origin, transit and destination to prevent trafficking in children;

(f) Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000); and

(g) Strengthen cooperation with, among others, the ILO/IPEC, International Organisation for Migration and non-governmental organisations.

Administration of juvenile justice

68. While noting with appreciation the existence of a separate juvenile justice system in the State party, the Committee is deeply concerned that despite its previous concluding observations (para. 45):

- (a) The minimum age of criminal responsibility remains very low at 7 years;
- (b) Corporal punishment and solitary confinement are still used to discipline juvenile offenders;
- (c) Male children between the ages of 7 and 16 years are subjected to caning and other forms of punishment for many offences in the Penal Code and other laws;
- (d) Persons convicted of an offence committed under the age of 18 may be sentenced to life imprisonment;
- (e) Children between 16 and 18 years of age are excluded from protection under the Children and Young Person's Act (CYPA) and may not be charged in the Juvenile Court, and their names are entered into the register of adult criminals; also children between 16 and 18 years of age with intellectual disabilities continue to be tried in adult courts.

69. **The Committee recommends that the State party continue to strengthen its efforts to ensure the full implementation of juvenile justice standards, in particular articles 37, 39 and 40 of the Convention and other relevant international standards, such as 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) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules), taking into account the Committee's general comment No. 10 (2007) on children's rights in juvenile justice. It recommends that the State party:**

- (a) **Urgently raise the minimum age of criminal responsibility to an internationally acceptable level;**
- (b) **Revise its legislation to prohibit the use of corporal punishment and solitary confinement in all detention institutions for juvenile offenders;**
- (c) **Ensure that sentencing and detention take into consideration the best interests of the child, and that deprivation of liberty is applied as a measure of last resort and for the shortest possible period of time, and that it is reviewed on a regular basis with a view to withdrawing it;**
- (d) **Abolish the sentence of life imprisonment of children under the age of 18 and, in the meantime, ensure that children currently sentenced to life imprisonment receive education, treatment and care aiming at their release, reintegration and ability to play a constructive role in society;**
- (e) **Extend the special protection provided for under the Children and Young Persons Act to children between 16 and 18 years of age, and ensure that the criminal justice system gives appropriate consideration to young offenders with intellectual disabilities; and**
- (f) **Make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, which include UNODC, UNICEF, OHCHR as well as NGOs, and seek technical advice and assistance, as needed, in the area of juvenile justice from the members of the Panel.**

Victims and witnesses of crimes

70. The Committee recommends that the State party ensure, through adequate legal provisions, procedures, and regulations, that all child victims and witnesses of crimes, such as child victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking, as well as witnesses of such crimes, have effective access to justice and are provided with the protection stipulated in the Convention, taking fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime, annexed to Economic and Social Council resolution 2005/20.

Children belonging to minority or indigenous groups

71. The Committee welcomes the efforts undertaken by the State party towards enforcing the rights of children belonging to ethnic, religious or linguistic minorities and indigenous children to enjoy their own culture and to practice their own religion and language. However, the Committee shares the concerns of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance at several policies which may have marginalized certain minority ethnic groups, including the Malay.

72. The Committee recommends that the State party strengthen its efforts to ensure racial harmonization, and at the same time ensure that children of minorities have equal opportunities. It also recommends that the State party take all necessary measures to ensure that minority ethnic groups, in particular the Malay, are guaranteed the right to enjoy their own culture and to practice their own religion and language in all areas of life.

Cooperation with regional and international bodies

73. The Committee recommends that the State party cooperate with the Commission on Women and Children of the Association of Southeast Asian Nations (ASEAN) with a view to implementing the Convention in both the State party and in other ASEAN member States.

I. Ratification of international human rights instruments

74. The Committee recommends that the State party take urgent measures to ratify the core United Nations human rights instruments to which it is not yet a party as these instruments are pertinent to and, inter alia, enhance the fulfilment of children's rights. These instruments are the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and its Optional Protocols, the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and its Optional Protocol, the International Convention for the Protection of all Persons from Enforced Disappearance, and the Optional Protocol to the Convention on the Elimination of Discrimination against Women.

75. The Committee calls upon the State party to fulfil its reporting obligations under the Optional Protocol on the involvement of children in armed conflict.

J. Follow-up and dissemination

Follow-up

76. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, *inter alia*, by transmitting them to the Head of State, Supreme Court, Parliament, relevant ministries and local authorities for appropriate consideration and further action.

Dissemination

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

K. Next report

78. The Committee invites the State party to submit its combined fourth and fifth periodic report by 3 November 2017, and to include information on the implementation of these concluding observations. The Committee draws attention to its Harmonized treaty specific reporting guidelines, adopted on 1 October 2010 (CRC/C/58/Rev.2), and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the guidelines. In the event that a report exceeding the page limitation is submitted, the State party will be asked to review and resubmit the report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is unable to review and resubmit the report, translation of the report for purposes of examination by the treaty body cannot be guaranteed.

79. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the Harmonized guidelines on reporting, approved by the 5th Inter-Committee Meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3). The treaty-specific report and the common core document together constitute the harmonized reporting obligation under the Convention on the Rights of the Child.
