

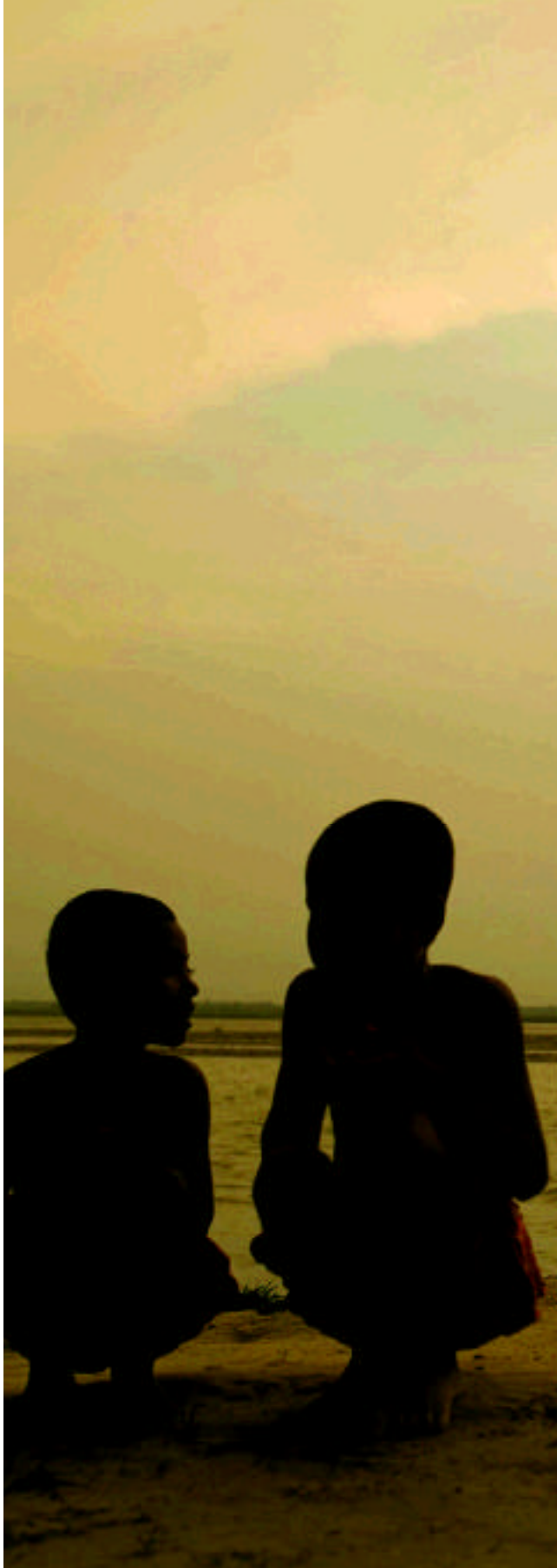


At what age?...

**...are school-children
employed, married
and taken to court?**

Trends over time

Angela Melchiorre and Ed Atkins



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We hope that this work will provide States, the CRC Committee, Inter-Governmental Organisations, NGOs, researchers and activists with an invaluable source of information, enabling them to hold duty bearers accountable, raise awareness on areas that require more attention and develop legislative and practical solutions that will improve both education and children's rights worldwide.

Tom Pietrasik/ActionAid

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Right to Education Project, 2011

Cover photograph: Tom Pietrasik/ActionAid

FOREWORD

FOREWORD

The definition of the child and the age limits related to specific rights are significant indicators of the quality of national child rights law and practice. Adjustments of such age limits are necessary in a State which takes child rights seriously.

When the Convention on the Rights of the Child (CRC) was being drafted, it seemed only logical to first provide a definition of the child. As noted by the drafters in the early drafting days, it was important to define “the child” and to say up to what age an individual may be considered to be one. The CRC is the first international treaty to do so. Its Article 1 defines the child as “every human being below the age of eighteen years, unless, under the law applicable to the child, majority is attained earlier.” The clause on majority remains controversial to this day and is one of the most important factors impeding the full implementation of the CRC.

Initial inability of the States that were drafting the CRC to agree on a universal definition of the child cemented norms of national laws based on long histories of prejudice, ignorance and injustice against children. Nonetheless, soon after the entry into force of the CRC, the Committee on the Rights of the Child – the monitoring body of this treaty – started promoting the application of Article 1 of the CRC to all children, no matter whether they have capacities and responsibilities similar to those of adults. The fact that the child is not an adult before the age of 18 (in most countries) does not mean that the age limit prevents children from exercising some rights earlier, or protects them from taking responsibility too early. Although a child can, for example, begin to work at the age of 15 in some countries, and by doing so acquire some rights usually attributed to adults, this does not mean that he or she should not continue to be treated and protected as a child.

After twenty years of implementation of the CRC, it is obvious that States Parties to the CRC (an impressive 193), have all introduced new or changed old legislation in efforts to fully implement the CRC. However, building on a decade of research, the authors of this study indicate that such legislative changes in the States Parties to the CRC unfortunately have not yet resulted in a more substantive change to the definition of the child.

This study is very important because of the problems it identifies and the data it collects, but also because of the authors’ holistic approach to the rights of the child: the study shows that no age limit can be observed and addressed in isolation. The authors have rightly chosen four minimum legal ages defined by national legislation of the States Parties to the CRC – on marriage, criminal responsibility, employment and compulsory education – to analyze relevant interconnections. Interestingly, they have found that in the last two decades of the implementation of the CRC few States have made improvements on these age limits. This is a very important result, since a general statement on improved legislation can actually overshadow areas which prove to be of concern, such as age limits.

We now have a comparative review of different ages for each State Party that has reported in the last 18 years. The authors have thoroughly searched through States’ reports, using them as almost exclusive sources of information. Such an approach is justifiable, since States’ reports not only serve as authoritative sources of information but also because they show that States Parties to the CRC have improved their capacities to provide accurate and clear information. Credit for this goes not only the States Parties, but also to the clear guidelines developed gradually by the Committee.

For all these reasons, this study is valuable and it can certainly assist other researchers, States Parties, the CRC Committee and other UN Treaty Bodies, as well as international organizations and academics in pursuing further research and identifying the causes of the apparent slow motion towards changes in the definition of the child. On the other hand, it is a good teaser: it should inspire further studies to include other sources such as alternative reports, reports of international organizations and direct research into national legislation. This will surely serve as an important tool for advocacy to further improve States Parties’ efforts to implement the CRC.

Prof. Nevena Vuckovic-Sahovic

Member of the Advisory Panel of the
Right to Education Project

Member of the CRC Committee 2003-2009

CONTENTS

CONTENTS

Page

ACKNOWLEDGEMENTS	Inside front cover
FOREWORD	3
ACRONYMS	5
Introduction	6
Rationale	6
Sources and methodology	7
Limitations	9
Structure and links	10
Part One – Analysis	11
FRAMING THE ISSUE	
The Right to Education Project's perspective	12
The 4A approach to education	13
The right to education in the CRC	14
Minimum ages and the CRC	15
MINIMUM AGES CRITERIA	
End of compulsory education	18
Employment	20
The link between the minimum age for completion of compulsory education and the minimum age of employment	21
Marriage	25
The link between the minimum age for completion of compulsory education and the minimum age for marriage	28
Criminal responsibility	30
The link between the minimum age for completion of compulsory education and the minimum age for criminal responsibility	31
TRENDS OVER TIME	33
CONCLUSIONS	36
RECOMMENDATIONS	38
Part Two – Summary table	39
Part Three – States Parties' reports	44

LIST OF FIGURES

Figure 1	The right to education space	12
Figure 2	Length of compulsory education (by starting and finishing age)	18
Figure 3	Minimum age for the end of compulsory education	19
Figure 4	Minimum ages for education and for employment	21
Figure 5	Minimum age for marriage (by gender)	26
Figure 6	World map of minimum ages for marriage	26
Figure 7	Gender discrimination in marriageable age (%)	27
Figure 8	Minimum age for criminal responsibility	31

LIST OF TABLES

Table 1	Definition of child labour	20
Table 2	Comparison between minimum ages for education and employment	22
Table 3	Gender discrimination in marriageable age (for girl/for boy)	27
Table 4	Comparison between education (E) and marriage (M)	29

LIST OF BOXES

Box 1	The 4 As	13
Box 2	Relevant articles of the Convention on the rights of the Child (1989)	16

CRC	Convention on the Rights of the Child
EFA	Education for All
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organisation
MACR	Minimum age for criminal responsibility
MDGs	Millennium Development Goals
NGO	Non-Governmental Organisation
RTE Project	Right to Education Project
UDHR	Universal Declaration of Human Rights
UN	United Nations

Rationale

According to the UN Convention on the Rights of the Child (CRC),¹ national laws and policies concerning children must be directed to their best interests. They must also strike a balance between safeguarding children from abuse, exploitation or a premature end to their childhood, on one hand, and providing them with the skills, knowledge and learning necessary to live autonomously in dignity, on the other. Nowhere is this equilibrium more crucial to securing children's full development than in education, straddling – as it does – both protection and autonomy. By ensuring compulsory education, the State protects the child from the harmful consequences of risky or detrimental activities; through education, the State facilitates the child's full development and participation in social life and autonomous decision-making. Yet, such safeguards are frequently ignored and the right to education continues to be undermined by conflicting laws and policies.

What are the implications for children's development if the age at which they complete their compulsory schooling is 14 but the legal minimum age for employment is 12? Or vice versa? What happens if a girl can legally be married before finishing compulsory education? Will she return to school and develop her potential to the fullest? And who ensures that relevant education of good quality is in place to help prevent juvenile delinquency or to facilitate the reintegration into society of children who come into conflict with the law?

These are some of the questions at the basis of *At what age?... are school-children employed, married and taken to court? – Trends over time*. Updating information included in previous editions and covering 186 States Parties to the CRC reporting over a period of 18 years, this research confirms that the majority of States have not yet fully upheld the right to education in their legislation. Nor have they agreed standards for the transition from childhood to adulthood, either domestically or internationally.

Extensively based on States Parties' reports under the CRC, and therefore reflecting States' accounts of their own practice, *At what age?* brings to light problems that should be – but are not – effectively and urgently addressed. The main research question is concord or discord among the age at which children should be at school and the ages at which, instead, they are legally allowed (and sometimes compelled) to work, marry, or face criminal proceedings. The principal finding is that 18 years on from the beginning of the monitoring process, incoherence in domestic legislation governing the actions of children and young people remains the norm rather than the exception. Instead of safeguarding children's security and development, as they should, some laws on legal minimum ages actually pose serious threats to children's enjoyment of their universally recognised rights.

The data emerging from this research illustrate this point very clearly: in at least 35 countries of the world there is no specific age for the completion of compulsory education;² at least 25 States have no minimum age for employment;³ in 44 countries girls can be married earlier than boys;⁴ and in at least 142 States children may be taken to court for criminal acts at an age between 6 and 15, which often coincides with the age range for compulsory education.⁵ Moreover, in the same country, it is not rare to find that children are legally

¹ General Assembly resolution 44/25 of 20 November 1989. For the full text of the Convention and the functioning of its monitoring Committee, see www.right-to-education.org/node/91.

² *Infra*, p. 19.

³ *Infra*, p. 21.

⁴ *Infra*, p. 27.

⁵ *Infra*, p. 31.

Sources and methodology

obliged to go to school until they are 14 or 15 while a different law allows them to work at an earlier age or to be married at the age of 12.⁶ This widespread inconsistency between compulsory education and other related legislation jeopardises the development of the child's personality (which is the key aim of education according to human rights law)⁷ and leaves children more vulnerable to abuse or exploitation.

At what age? also raises questions about the extent of State compliance with the outcomes of the CRC monitoring process. Trends over time in this case show a few instances of progress, many cases where the status quo is maintained, and some retrogression, too. If minimum ages continue to be inconsistent or illogical, despite the Committee's persistent recommendations towards harmonisation and conformity with the thrust of the CRC, questions need to be asked as to what can be done better to ensure that children are protected, the right to education is fully upheld, and the Convention and its monitoring mechanism are taken seriously. This research offers some recommendations in this direction in order to encourage discussion on how to enhance the impact of the Convention and its Committee on States Parties' laws, policies and practices.

First published in 2002, *At what age?* drew on States Parties' reports submitted between January 1997 and August 2002. In 2004 it was revised to include reports from August 2002 to January 2004. The current analysis is an update of the previous findings, covering 18 years of monitoring (1993-2010). It therefore offers a timely occasion to assess whether or not the international children's rights community has "come of age" with respect to its treatment of minors.

State reports are the primary source for this research, accounting for more than 98% of the information harvested. Where clear minimum ages were not included in these reports, the interaction between States Parties and the Committee was consulted through Summary Records, Written Replies, and Concluding Observations issued for the relevant monitoring session. The decision to rely mainly on States Parties' reports was taken for two reasons. Firstly, these reports constitute public self-assessment by governments and are consequently



Tom Pierrel/ActionAid

⁶ *Infra*, Part 2 – Summary Table.

⁷ Art.29 CRC, art.26 Universal Declaration of Human Rights (UDHR) and art.13 International Covenant on Economic, Social and Cultural Rights (ICESCR).

INTRODUCTION

an authoritative source, emanating directly from those empowered to make critical decisions on domestic policy, i.e. the prime duty bearers. This type of analysis therefore permits a range of actors to hold governments accountable for the standards which they themselves report under the CRC. Secondly, using the interaction between States and the Committee allows both inter-national comparison and a world-wide overview of the global direction of children's rights implementation, as all States – except for Somalia and the US – are bound by the same process.

Whilst the reports of non-governmental organisations and UN agencies, as well as academic material or field work, would undoubtedly provide an important and insightful counterfoil to the sources used here, they have been omitted in the interests of uniformity. Not all reviews include alternative reports, nor do all States allow genuine NGO work and participation. Furthermore, examining only those countries for which additional reports are available would not do justice to the desire to develop inter-national comparison and global analysis. Ultimately, the rationale was to develop a methodology that could be applied universally.

That being said, it is important to explain that the applied research methodology did pose other challenges of interpretation. Comparing different ages across countries or even within the same country is a difficult task, and inferring a precise number from a general description is a dangerous exercise. Collecting, analysing and interpreting information from States Parties' reports requires a great deal of care, thought and patience. Individual country reports are often more than one hundred pages long, and written by diverse parts of the government (seemingly not always in close consultation with one another). Moreover, within some national legal systems there are various recognised sources of law which frequently generate conflicting minimum ages, further complicating the task of distilling a single age from the information provided.

Another equally serious challenge relates to transparency and/or lack of information. Firstly, there is a danger that those countries with a more honest engagement with the reporting process might come off worse when compared with those which would misrepresent the degree of compliance, whether wilfully or not. Secondly, failure to report on a particular area is

also difficult to interpret as it may indicate an indirect recognition of inconsistent practices (i.e. information on a specific age may at times not be included in an attempt to mask violations), a lacuna in domestic monitoring, or a simple oversight.

In order to maintain coherence, the following methodology has been followed uniformly to arrive at the interpretations presented in the summary table. Where no information is provided, this is indicated by a cross (X); where information is available but not sufficiently clear, or is self-contradictory, a question mark (?) is used. A star (*) indicates a proposed change in legislation, a division of competence in federal States, a particular exception or practice that begs closer scrutiny. Where the information comes from the Concluding Observations, Summary Records or Written Replies, a circle (°) is used. Otherwise, the information provided in the reports is translated into a precise number, or "no minimum", for each specific case according to the guiding criteria explained in Part One.



Tom Petrus/AfricanArt

Limitations

Compiling and writing States Parties' reports to UN Treaty Bodies is a cumbersome and rarely coordinated effort. Different institutions of the State Party are usually involved and even in the most efficient cases collecting comprehensive information from a variety of sources is still a very onerous task. Moreover, the periodic nature of UN report writing may result in a void in terms of continuity. It is not surprising therefore to find serious delays in the submission of reports to the Committee, as well as contradictory information contained in different sections, even on the same topic. The summary table and some excerpts from the reports testify to this.

UN report writing is a complicated matter. A variety of reasons (not all of which may be said to be 'in good faith') may influence a State in its reporting to the Committee, and the precision and comprehensiveness of the report it submits will reflect this. It is therefore rather complex to come to understand the degree to which these reports accurately reflect the realities of the reporting country. There is always a risk that they are not sufficiently self-critical but simply self-congratulatory and descriptive. Certainly, the reading and analysis of all the reports used in this research confirmed that only in few cases was there a sincere attempt at reflecting on reality and problems in a meaningful way, going beyond mere information sharing. This is a missed opportunity, however, as much could be gained by a fuller and better understanding of conditions within each State Party, especially those States which face the biggest obstacles in their attempts to secure children's rights. A fuller engagement with the Committee would provide a clearer sense of the (dis)connections with the real life of the direct subjects of children's rights, and would constitute an important step towards addressing the problems they face.

Discrepancies evidenced by this analysis are not limited to States, but include some aspects of the Committee's approach too. The latter emerge both from tensions caused by States parties' resistance to the Committee's recommendations that minimum ages should be harmonised, and from occasional inconsistencies among the Committee's Concluding Observations. According to the text of the CRC, the Committee's main role is to examine States Parties' reports in order to monitor and assess their implementation of the CRC. If the spirit of this exercise is to "foster the effective implementation of the Convention",⁸ it is important that the Committee's recommendations should be both unambiguous and feasible. This is why the Committee's use in its Concluding Observations of vague language such as "in conformity with international standards" or "internationally acceptable level" seems confusing and leaves room for a variety of outcomes. It certainly undermines the clear stand taken elsewhere by the Committee when recommending that the CRC's protection measures should still apply to all children below 18 regardless of whether they have achieved majority otherwise (through marriage or criminal responsibility, for example).⁹ Another area of inconsistency arises when the call for a specific recommendation is advanced during the meetings with States, but then this is not systematically reflected in the Summary Records or Concluding Observations. While the reasons for this discrepancy are not clear, this constitutes another missed opportunity to hold States accountable as it offers them an easy way out when it comes to follow-up.

Undoubtedly, the efforts of the Committee in engaging with States are commendable. However, Concluding Observations are as yet the best instruments at the disposal of the Committee (as well as States and civil society) to make sure that concerns are addressed and that implementation is enforced. If they remain vague or inconsistent, they will be rendered void of any meaningful persuasive

⁸ CRC, art.45.

⁹ For marriage see CRC Committee, General Comment No. 4: *Adolescent health and development in the context of the Convention on the Rights of the Child*, UN document CRC/GC/2003/4, 2003, paragraphs 1, 9 and 20; Concluding Observations on Nepal (UN Doc. CRC/C/15/Add.261, 2005, paragraph 66) and Liberia (UN Doc. CRC/C/15/Add.236, 2004, paragraph 51); for criminal responsibility see CRC Committee, General Comment No. 10: *Children's rights in juvenile justice*, UN document CRC/GC/10, 2007, paragraphs 36-38.

INTRODUCTION

power. This is why it is important to foster a more accurate understanding of the Committee's practice, between innovation and constraints, especially in terms of how its recommendations are (perceived to be) related to local contexts. This publication contributes to building this understanding.

Despite these limitations, there is room for a more positive engagement. Even if it is difficult to discern reality from elusive language, what is affirmed in these reports is what the State itself has publicly declared and what makes it accountable to its citizens and to the international community at large. *At what age?* is only a starting point, but it is hoped that it can be a useful tool for advocacy and action aimed at bringing about change for children.



Tom Pierrel/Actipah

Structure and links

The research data and findings are presented in a multi-dimensional format which consists of detailed, country-specific information available on the pages of the Right to Education Project's website (www.right-to-education.org), and a pdf/hard copy divided into four sections: Introduction, Part One, Part Two and Part Three.

Part One explains the theoretical and legal background of this review as well as the guiding criteria used for each area. The research rationale is also illustrated here by charts, tables and maps highlighting both the key issues of analysis and - in some cases - their geographical distribution. Part One then concludes with a first reading of trends over time and initial recommendations. The summary table in **Part Two** provides a user-friendly overview and comparison between and within States. It displays the chosen four different minimum ages for each country as well as the year of the most recent report to the Committee, to indicate the period covered. This is particularly important given the backlog in the reporting process and possible inconsistencies with the most recent legislation. **Part Three** includes all the relevant excerpts from States Parties' reports or other documents of the interaction with the Committee.

The online version reproduces the same material in the form of dedicated web-pages available at www.right-to-education.org/node/53.

The comparative table is also available electronically at www.right-to-education.org/node/279.

The excerpts from States Parties' reports are presented in the shape of a country database available at www.right-to-education.org/node/272.



Part One

The Right to Education Project's perspective

Education is a human right and it should be recognised and adhered to as such by States and other duty-bearers. This recognition also entails the creation of structures, systems and opportunities that enable rights-holders to know and claim their rights. When the right to education is confronted with, or even undermined by, adverse structures, systems and opportunities, it becomes necessary to mobilise action for greater respect, protection and fulfilment of this fundamental right, and to do so by involving a diverse range of actors working across disciplines.

The Right to Education Project (RTE Project) is based on the premise that, in addition to being an internationally-recognised human right in itself, education is an *enabling* right, the full enjoyment of which is fundamental to securing wider social and economic justice, and the best possible conditions to achieve a life in dignity. For children in particular, it is key to “the development of the child’s personality, talents and mental and physical abilities to their fullest potential.”¹⁰ It is therefore imperative to expose and oppose threats or obstacles to this and ensure that children’s rights are respected, protected and fulfilled *in, to, and through* education.

A strong body of international human rights law and standards on education already exists. Increased awareness of the content of these rights and standards, how they impact on each other and how they can and must be implemented at national, regional and international levels can only enhance the work of duty-bearers as well as human rights, development and education activists.

In particular, the focus on education as a legal entitlement is necessary for the sustainable achievement of the objectives of Education for All (EFA) and the Millennium Development Goals (MDGs), because these policy frameworks do not include enforceability and accountability measures. In some respects they also lack an appreciation of how they can be achieved for the most marginalised groups, such as for example minorities, persons with disabilities, indigenous people and people living in extreme poverty, all of whom are often among the prime victims of violations of the right to education.

By looking at legal frameworks for the protection of children’s rights and how they impact on the right to education, the RTE Project fosters not only better understanding of the CRC, necessary for enhanced implementation, but also a more holistic approach to the child ‘as a whole’ and to the indivisible and interdependent nature of all human rights. This perspective offers multiple entry points for potential advocacy and change: from partnerships with civil society groups to strengthening the capacity of States; from lobbying to law implementation; from research to action.

Figure 1. The right to education space



¹⁰ CRC, art.29.1(a).

The 4A approach to education

The RTE Project was created in 2000 by the then Special Rapporteur on the Right to Education, Dr. Katarina Tomaševski. Central to her work, and subsequently to how education rights have come to be viewed and understood by all actors, are the 4As, which operationalise both the obligations of duty-bearers and the entitlements of rights-holders: **Availability, Accessibility, Acceptability and Adaptability.**¹¹

The 4A framework guides the RTE Project's work and captures the multiple interactions between fulfilling the right to education and eliminating threats to children's rights. Children for whom education is available and accessible are more likely to be protected from situations of domestic or child labour, child marriage or juvenile delinquency, which bring with them greater risks of suffering abuse or exploitation; acceptable education can guarantee children a space free from threats to their physical and

psychological integrity in which to develop to their full potential, and gain the skills and knowledge to resist and to report mistreatment; and finally adaptable education moulds itself to the specific needs of each community and child, for example through offering a timetable compatible with permitted working activities, ensuring working children the opportunity to acquire the same fundamental skills and knowledge as their peers.

The interconnection between the 4As is also important: if one is missing, the risks for children increase. For instance, it is not sufficient merely to ensure that children attend school (availability and accessibility) if they face violence and abuse in and around that school (lack of acceptability). Equally, the minimum age for the end of compulsory education may well be aligned with the minimum age for employment, and all children be in school rather than at work, but if the education they receive is not acceptable or adaptable they may find it more difficult to stay in school and access all types/levels of further education. If what they learn is not relevant for their future development or for their work prospects, they may also be more prone to drop out and not make the most of the education that is available to them.

All the above prompts us to think about education in broader terms than simply those of enrolment and provision of infrastructures and services: each aspect of education must be assessed – from intake to learning outcomes and from the suitability of curricula to levels of participation in the governance of schools. It forces us to reflect on quality, non-discrimination, the best interests of the child, participation and accountability, not just to education, but also *in* and *through* education. In situations where child labour, child marriage or juvenile delinquency are more likely to occur, it is important to clearly identify causes and consequences: are these practices and situations making it impossible for children to attend school and receive education? Or is the lack of educational opportunities and of quality learning pushing them out of the system? Are curricula and learning methodologies and outcomes acceptable and conducive to children's full development? Or are they perpetuating discrimination, disadvantage and stereotypes? Do children and their parents have a say in the educational process? Are there accountability mechanisms in place to redress situations of abuse, violence, or similar distortions of the right?

Both the 4A framework and the children's rights perspective support such an exploration.

Box 1. The 4 As

Availability: human, material and budgetary resources should be sufficient and adequate to ensure education for all. Individuals should also be free to choose or found schools in accordance with their religious and moral convictions and with minimum standards set by the State.

Accessibility: education systems should not discriminate on any ground and positive steps should be taken to reach the most marginalised. It includes physical and economic accessibility.

Acceptability: the content of education and teaching methods should be relevant, culturally appropriate and of quality. The human rights of all those involved should be upheld in education.

Adaptability: education should be flexible to respond to the needs and abilities of students, meet the best interests of the child, and adapt to different contexts.

¹¹ Tomaševski K., 1999, *Preliminary Report of the Special Rapporteur on the right to education*, UN document E/CN.4/1999/49, 1999, paragraphs 42-74; UN Committee on Economic, Social and Cultural Rights, *General Comment No. 13: the right to education*, UN document E/C.12/1999/10, 1999, paragraph 6.

The right to education in the CRC

All the main international human rights treaties contain provisions on the right to education.¹² However, the CRC offers the broadest approach to date, devoting two specific provisions to the right to education and including a number of other articles that are directly or indirectly related to it. The comprehensive nature of the CRC's provisions on education and the focus on the enhancement of opportunities for the child's full development are powerful tools for the protection of children from abuse and exploitation.

Art.28 of the CRC refers to:

- free, compulsory primary education for all;
- different forms of secondary education available and accessible to all;
- higher education made accessible on the basis of capacity;
- vocational education and guidance;
- access to scientific and technical knowledge;
- modern teaching methods.

As for the aims of education, art.29 of the CRC among other aspects focuses in particular on:

- the full development of the child's personality;
- his or her talents and abilities, requiring that these too are developed to their full potential.

Additional articles particularly relevant to education are those dealing with child labour (art.32) and, perhaps slightly less directly, criminal responsibility (art.40) and harmful traditional practices (art.24.3), given their detrimental impact on the completion of education, especially at the compulsory level.

Focusing on compulsory education is necessary for several reasons. Firstly, it is a State obligation under the CRC (and other widely-ratified human rights instruments)¹³ to ensure that education is free and compulsory at least at the primary level. The fact that the interpretation of the compulsory nature of

education has evolved over time to extend beyond primary education in the majority of countries in the world bodes well for the future. However, this is less encouraging if enforcement and implementation are threatened by other factors and if legislation itself presents lacunae or overlaps that heighten risks for children's full development. True, the CRC does not mention enforcement, but it does require States to "take measures to encourage regular attendance at schools and the reduction of drop-out rates".¹⁴ Exploring the extent to which States comply or not with this requirement is not just a matter of statistics. Root causes, obstacles and constraints need to be considered, too.

Secondly, compulsory education is not only an obligation for States but also a duty for parents and, indirectly, for children too. It is therefore important to factor in their own views of education and its relevance for them, in order to assess challenges to the actual implementation of compulsory education. Here it is also useful to question the intended and unintended consequences of compulsory education: does it imply the criminalisation of parents who cannot afford to send their children to school? Or does it make children themselves liable for non-attendance through elevating truancy to the level of a punishable offence? And how do these questions square with potentially contradictory laws and policies about expulsion from school (for pregnancy, for instance)? The excerpts from State Parties' reports illustrate a variety of opinions on these aspects.

Thirdly, compulsory education can also be seen as a key factor in combating discrimination and in ensuring that the child is at the centre of educational laws and policies (compelling attendance implies that education is in the best interest of the child, though further questions need to be raised here, as suggested throughout this research). This reinforces the need to look at practices that contravene these approaches (for gender discrimination the issue of child marriage is a case in point). Further support in this sense is provided by the holistic nature of the Convention and the links between the right to education, the CRC general principles (non-discrimination; best interests of the child; life, survival and development; view of the child) and the respect for the evolving capacities of the child (art.5). This is particularly evident when looking at the definition of the child (art.1) and minimum ages.

¹² For a list of these treaties, what they entail and how to use them, visit www.right-to-education.org.

¹³ See for example art.26 UDHR and art.13 ICESCR.

¹⁴ CRC, art.28.1.e.

Minimum ages and the CRC

At the level of practical law implementation, setting age limits is no easy task. Any decision on this matter requires balancing at least two principal concerns: 1) to protect children from prematurely assuming responsibilities and engaging in activities that would harm their full development; 2) to empower children in accordance with their maturity and capacities (art. 5). In addition, there is also the need to respect the general principles of the Convention: non-discrimination (art.2); the best interests of the child (art.3); the right to life, survival and development (art.6) and respect for the views of the child (art.12). How to achieve this concretely within national measures of implementation is very complex and requires an equally complex response.

It is standard practice that national laws set at least an age of majority above which any individual is considered an adult, fully capable of making autonomous decisions. The majority of States also use their legislation to set additional age thresholds for particular purposes, with or without qualifications. This can certainly be useful in terms of clarity if it is done in a coherent way. However, if national laws contradict each other and their purposes are not supported by a solid justification, the results can be confusing and counterproductive: instead of protecting children and their rights or recognising their autonomy in exercising rights, developing their potential and assuming responsibilities, the law may in fact jeopardise them further. If domestic legislation does not provide for the implementation of birth registration, for example, the concepts of minimum ages and majority are deprived of any meaning. In addition, majority can vary depending on whether it concerns civil, penal, political or other spheres. The same person could thus be considered a child for one purpose but an adult for another

– a confusion which would compound the difficulties in assessing his or her actual situation and pose a serious threat to his or her physical and psychological integrity, as well as to the enjoyment of his or her rights, including the right to education.

The CRC does not offer much clarity here. In fact, art.1 – which defines a child as “every human being below the age of eighteen years *unless, under the law applicable to the child, majority is attained earlier*” [emphasis added] – proves to be particularly critical in situations in which children acquire majority through marriage or criminal responsibility. Such cases, paradoxically, would not seem to be in breach of the Convention. At the same time, though, if majority is acquired at a very young age, the whole thrust of the CRC loses its meaning. Indeed, the status of these girls and boys is not clear: they are still children from a strictly psychological and physical point of view, but are already considered ‘adults’ according to the law of their country. Their childhood is denied, and so are their corresponding rights.

The language of art.1, therefore, leaves room for confusion over the definition of the child, the notion of majority, and the different legal minimum ages. This alone can have a prejudicial impact on children and on their development and generates a legitimate concern for coherence, both between art.1, the CRC general principles and possible age thresholds, and among those thresholds themselves.

This research shows that the CRC ideal definition is still at odds with a reality in which the concept of who a child is and the notion of protecting and promoting the corresponding rights and capacities vary significantly, leading to a great deal of inconsistency. A cursory look at our summary table confirms this, showing that a huge variety of minimum ages exist under the law, even in the same area. Moreover, not only do these ages vary from country to country, but at times also within the same country. They also vary over time according to changing circumstances, decision-making powers, social perceptions and cultural and social developments. In addition, while legislation on minimum ages can sometimes intend to ensure protection, at others it aims to respect autonomy and the child’s capacity to act and make decisions. These variations reflect

a lack of national and international consensus and indicate an apparent perplexity about the idea of universal minimum age standards and their purpose.

Each of the minimum ages considered in this research encompasses both protection and autonomy as they can all be set in order to protect the child from risks and premature responsibility, but also to recognise that there are situations in which the child is actually willing and able to make an independent decision. Setting a minimum age then becomes a matter of finding the 'right' balance: it is not so much a matter of the 'right' age, but rather of the 'right' approach. This is why it is important to examine them in their own merit but also in connection with each other, as explained in the following sections.

Box 2.

Relevant articles of the Convention on the Rights of the Child (1989)

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration [...]

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child [...].



Article 24.3

States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children [...]

Article 28

1. State Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. State Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child human dignity and in conformity with the present Convention.

3. State Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language

and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. State Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- a) Provide for a minimum age or minimum ages for admission to employment [...]

Article 40.3

States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of or recognized as having infringed the penal law, and, in particular:

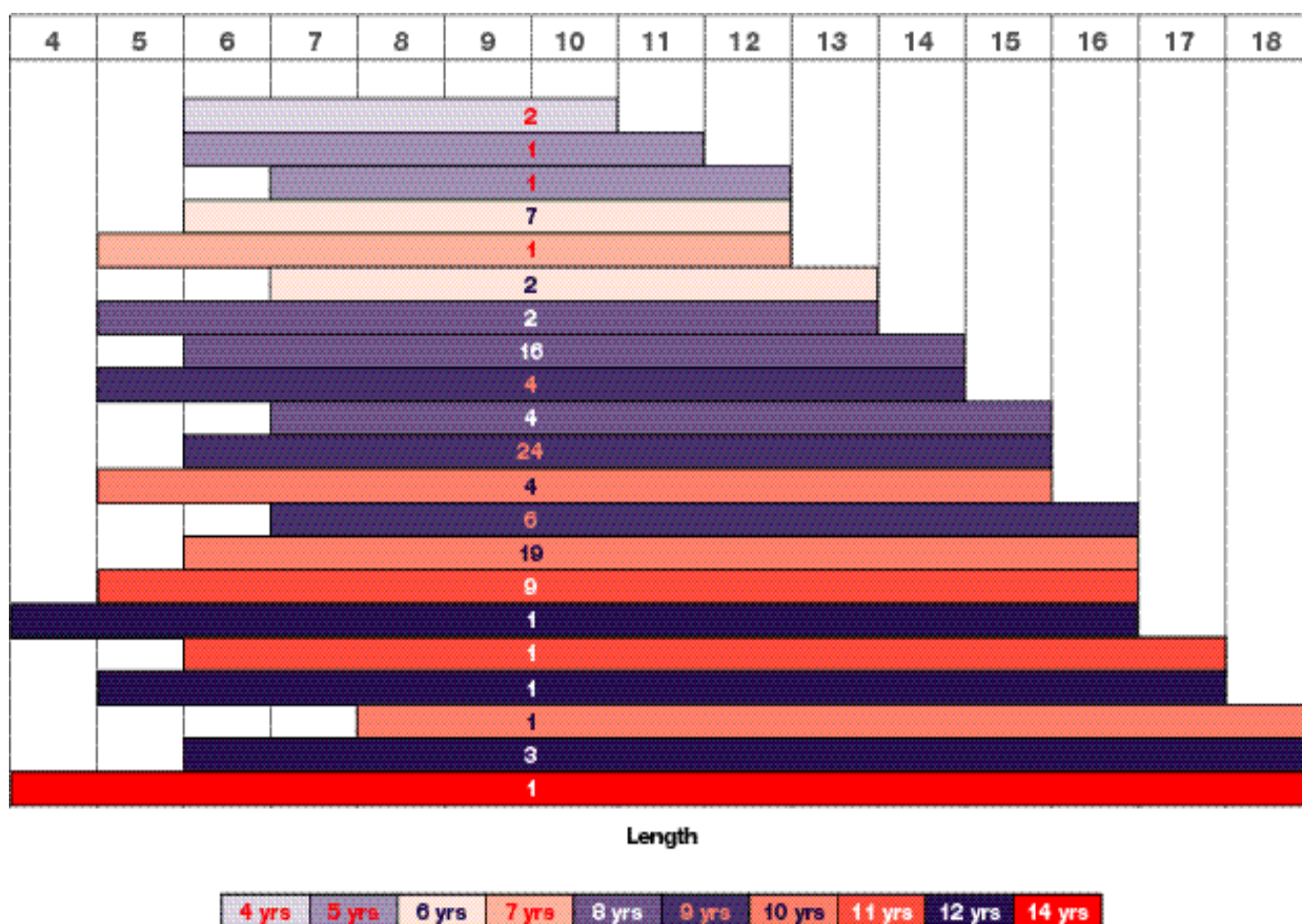
- a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law [...]

End of compulsory education

Art.28 of the CRC requires States to ensure that primary education is free and compulsory. However, the Convention neither mentions an explicit minimum age for the completion of compulsory education, nor recommends a specific compulsory length. This is understandable given that the text of each article needed to be agreed by consensus and that the choice of particular ages had already raised

debates and difficulties in the case of art.1 (definition of the child) and art.38 (children in armed conflicts).¹⁵ A more flexible formulation may have seemed more amenable to agreement. This flexibility and vagueness, however, allows a variety of implementation measures and entails the risk of significant disparities in the application of one of the core elements of the right to education.

Figure 2. Length of compulsory education (by starting and finishing age)¹⁶

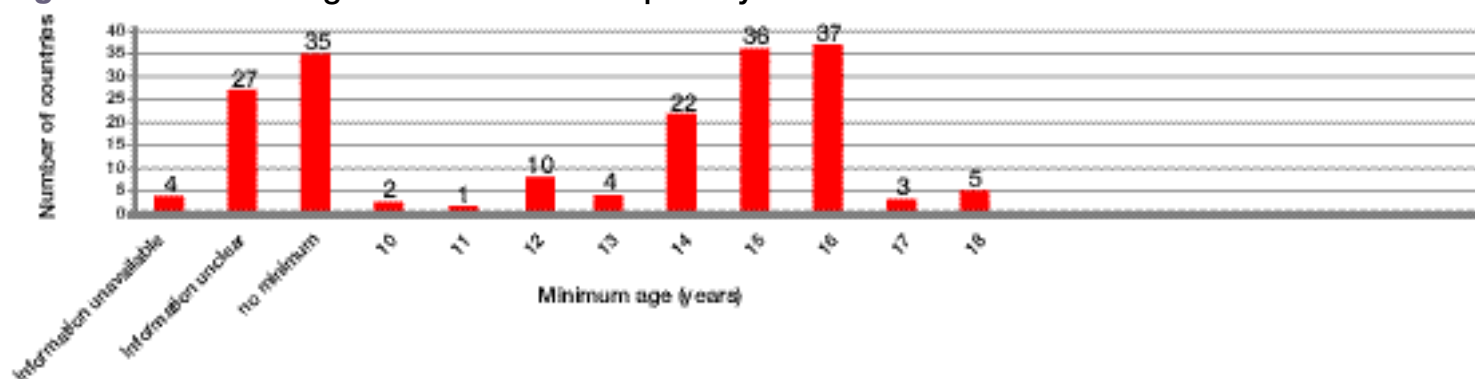


¹⁵ For the full discussions see Office of the United Nations High Commissioner for Human Rights, *Legislative History of the Convention on the Rights of the Child* (New York and Geneva: United Nations, 2007), pp. 301-313 and 775-799.

¹⁶ The number inside each bar represents the number of countries with the corresponding length, starting and finishing ages for compulsory education.

MINIMUM AGES CRITERIA

Figure 3. Minimum age for the end of compulsory education



Despite the lack of a defined age for the end of compulsory education in the CRC, the Committee has indicated that States should establish clear limits. The first set of Guidelines for Periodic Reports, for instance, required States to “indicate the particular measures adopted to make primary education compulsory and available free for all, particularly children, *indicating the minimum age for enrolment in primary school, the minimum and maximum ages for compulsory education*”¹⁷ [emphasis added].

In this respect, it is worth noting that it is no longer valid to assume that the length of compulsory education maps exactly onto that of primary education. The vast majority of countries considered here have in fact extended compulsory education beyond primary schooling and some have also included early childhood education at the other end of the spectrum.

Figure 2 shows that the highest number of States considered in this review (24) set compulsory education between 6 and 15 years of age, thus ensuring it for 9 years. However, variations in the starting or finishing age should alert us to the fact that compulsory education still seems subject to the vagaries of national systems and resources. As briefly mentioned above, additional concerns may arise from the difficulties in some States of relying on birth registration and census for the implementation and monitoring of the right to compulsory education for all the children who are supposed to receive it. Such difficulties are of particular relevance for remote or neglected geographical areas or other situations in which such indicators may be lacking or unavailable, thus posing severe threats to the provision of available and accessible education.

Research findings also show that education is still not compulsory in at least 35 countries. This figure can be assumed to be even higher in practice given the number of countries which fail to report at all whether or not education is compulsory, or report unclear information (an additional 31 countries, as indicated in Figure 3). There are a number of different situations

which are categorised as “not compulsory”. For example, in their reports certain States acknowledge outright that education is not compulsory. Others affirm that the right to education is enshrined in the Constitution or other legal instruments but the report fails to specify an age range between enrolment and completion through which it is possible to verify compliance and make education truly available to all. Whether this is a gap in the legislation itself or a fault in reporting, the case remains that the State is not providing the necessary parameters as required by the CRC Committee, hence the age falls under the “not compulsory” category. In very few instances there are also exceptions or exemptions from the obligation of compulsory education. In such cases compulsory education is equated with public/State schooling, whereas in other countries it is clearly a far broader concept encompassing all educational establishments regulated by public authorities, including those which are privately administered, or even in some cases “home schooling”. Some States cite economic or social conditions as obstacles to the full realization of free and compulsory primary education, and as factors which impede accessibility, availability and adaptability. As the 4A framework indicates, declarations that education is compulsory are not in themselves sufficient guarantees that human rights requirements are being met. Nor do they ensure protection from abusive or exploitative situations. This is why the gap between principles and reality needs to be evaluated more accurately.

In terms of specific ages: when indicated, they range from 10 to 18, with the majority of countries setting the end of compulsory education between the ages of 14 and 16. This age bracket is broadly aligned with the minimum age for employment (see next section), however, this positive correlation is overshadowed by the fact that education is not compulsory in 35 countries. The issue, then is how to bring those 35 countries to the other side of the graph and make sure that the relationship between the end of compulsory education and other minimum ages is made more coherent, as indicated in the following sections.

¹⁷ CRC Committee, *General Guidelines regarding the form and contents of periodic reports to be submitted by States Parties under article 44, paragraph 1(b), of the Convention*, UN document CRC/C/58, 1996, paragraph 107.

Employment

The guiding principle for the minimum age of employment in the CRC is article 32. Its paragraph 2(a) does not require the establishment of a single minimum age for admission to employment which is uniformly applicable without exception to all minors and to all kinds of employment. It simply requires States to “provide for a minimum age or minimum ages for admission to employment”. This potentially vague approach in the CRC is however supplemented and clarified by more specific standards set by the International Labour Organisation (ILO). Reciprocal support and action is key in this area.

While the CRC itself does not prescribe a precise age for admission to employment, the Committee has consistently indicated and recommended that minimum ages should be set in the light of the provisions of other international instruments and in particular of ILO Minimum Age Convention N. 138. The analysis of States Parties’ reports discloses that almost all governments do in fact base their reporting on the ILO standards. Therefore the guiding principles and rules of interpretation of this review follow the same pattern.

The thrust of the ILO principles is that the general minimum age for admission to any employment should not be lower than the age of completion of compulsory schooling and should, in any case, be no less than 15; where the economy and educational facilities of a country are insufficiently developed, it may be initially reduced by one year to 14. There are various exceptions to this general rule. The main ones concern: (a) light work, which is permissible on a set of conditions and for which the minimum age may be set at 12 or 13 years; (b) hazardous work for which a higher minimum age is required (18); (c) other activities (Table 1).

A significant number of countries have established legislation that prohibits the employment of children below a certain age. In those cases where children are legally permitted to work, States often specify the conditions under which this can happen (in line with ILO standards): the work should not be harmful to the child’s health or development, should not interfere with school instruction,

should not take place during school hours and should not be for more than specifically prescribed hours of work. These achievements notwithstanding, a great deal of ambiguity, as well as inconsistency with compulsory education standards, remains in many States Parties’ reports.

Many countries have not established a general minimum age for admission to any employment. Indications refer either to a basic minimum age limited to specified sectors or occupations, or to different minimum ages according to various economic activities. In some other cases the exceptions are broader than those falling under ILO standards. As such situations do not accord sufficient protection and have a detrimental impact on the accessibility and adaptability of education, they are recorded as “no minimum”. Difficulties relating to the definition of light work or referring to the conditions under which such work is permitted, as well as varying long lists of categories for limited application or particular exceptions, also constitute a major concern for a coherent interpretation of reports. In order to aim at the maximum consistency possible, only the generally determined minimum age is cited here.

Table 1. Definition of child labour¹⁸

WHAT IS CHILD LABOUR?

- All forms of slavery, or practices similar to slavery, (e.g. bonded labour, sale and trafficking of children) and forced recruitment for use in armed conflict.
- The use, procuring or offering of a child for prostitution.
- The use of children for illicit activities (e.g. trafficking of drugs).
- Work that is likely to harm the health, safety or morals of a child.
- Work that prejudices a child’s education and training.

WHAT ISN’T?

- Light work that is not harmful to the child’s health and development.
- Light work that does not prejudice the child’s attendance at school, or in vocational and training programmes.
- Work within family and small-scale holdings producing for local consumption (non-commercial).
- Work done in schools for general, vocational or technical education.

¹⁸ ILO, *Guidelines for combating Child Labour Among Indigenous Peoples* (Geneva: International Labour Office, 2006), p. 9.

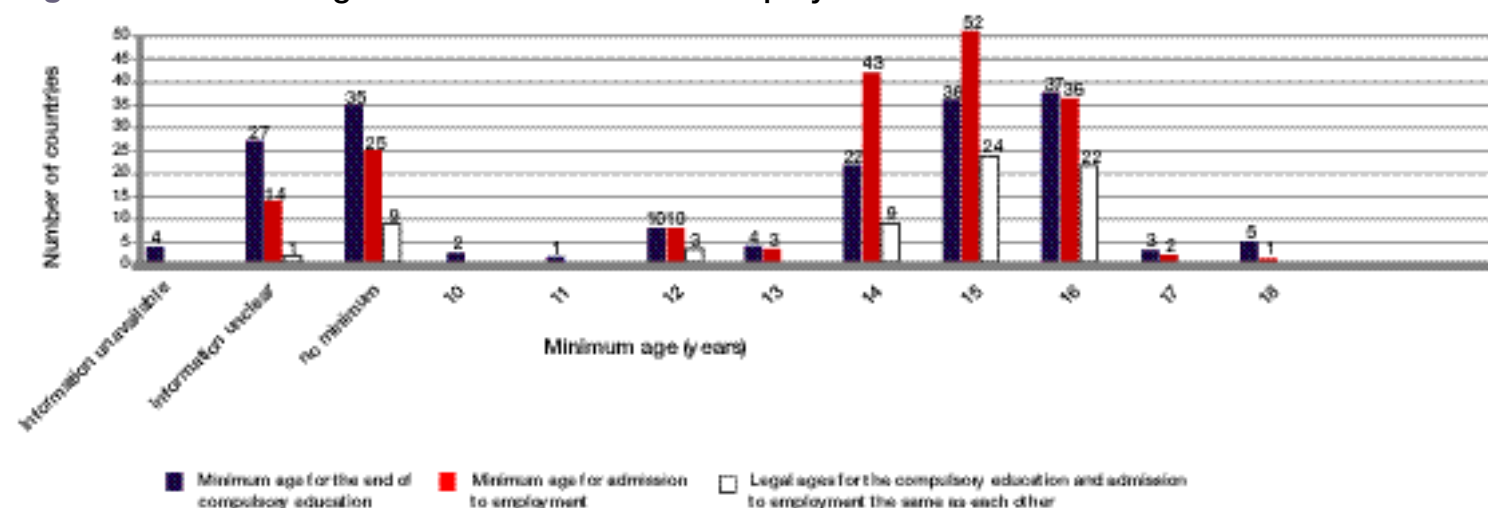
The link between the minimum age for completion of compulsory education and the minimum age of employment

The goals of universal education and the elimination of child labour are inextricably linked. Free and compulsory education of good quality secured until the minimum age for entry to employment is a critical factor in the struggle against the economic exploitation of children, while child labour constitutes a fundamental obstacle to the development and implementation of compulsory education strategies. Minimum age labour laws and compulsory education laws are therefore interdependent: the enforcement of one contributes to the enforcement of the other. Equally, even if one of the two areas is well-legislated, it is necessary to ensure that this strength is not undermined by the weakness of the other. This is why it is crucial to establish a link between school and labour authorities, legislation and practice.

In law, the connection is clear: article 32 of the CRC requires States to protect the child from performing any work that is likely to interfere with his or her education. As mentioned above, ILO standards are even more explicit and state that the minimum age for employment should not be lower than the age for completion of compulsory education. In addition, the Guidelines for Periodic Reports reinforce the link by requesting States to indicate “how the minimum age for employment relates to the age of completion of compulsory schooling”.¹⁹

As shown in Figure 4 and Table 2, almost a third (58) of the countries analysed in this research have already aligned the two ages. However, the table also illustrates that discrepancies are still prevalent and a cause of serious concern. In 17 cases the minimum age for the end of compulsory education is up to four years lower than the minimum age for employment, which sounds alarm bells at the risk of exploitation of those children ‘in limbo’, beyond the age of compulsory education but too young to be legally employed. Conversely, in another 23 cases, there is an overlap, with the age for the end of compulsory education higher than the minimum age for employment: a further indication that compulsory education standards may not be reflected in practice. Moreover, 20 states have no minimum ages for either area and a troubling 66 countries have a minimum age only for one of the two areas. In terms of

Figure 4. Minimum ages for education and for employment



¹⁹ CRC Committee, *General Guidelines regarding the form and contents of periodic reports to be submitted by States Parties under article 44, paragraph 1(b), of the Convention*, UN document CRC/C/58, 1996, paragraph 24.

geographical distribution, Africa is the region most affected by the lack of clear minimum ages and corresponding alignments. While Europe is the region with the highest number of countries where the two ages are the same, the need for further harmonization is also present there too. Clearly, the necessity to align these standards remains urgent and goes hand in hand with the need to focus more attention on secondary education, as the school-leaving age still tends to be too low in many countries when it is set below the minimum age for employment (Table 2). Future analysis should focus on the exceptions to the general minimum age, in order to expose where these may in fact signify a barrier to the realisation of the right to education and represent a danger for the protection of children from exploitation and abuse. Moreover, attention should also focus on the role of part-time or full-time employment and the negative impact that these practices could have on the development of the child and opportunities for making education accessible and adaptable.

Total Countries

No minimum age for education or employment	20
No minimum age for only one area (education/employment)	66
Minimum age for education lower than employment	17
Minimum age for education higher than employment	23
Minimum age for education and employment the same	60

Table 2. Comparison between minimum ages for education/employment

AFRICA		
No minimum age for education or employment	Côte D'Ivoire	n.c./No min*
	Ethiopia	n.c./No min*
	Gambia	n.c.*/No min°
	Guinea-Bissau	X/No min*
	Kenya	n.c./?
	Lesotho	X/No min*
	Papua New Guinea	n.c./No min
	Sierra Leone	?/No min*
	Swaziland	n.c./No min
	Uganda	?/No min*
	Zambia	n.c./No min
	Zimbabwe	n.c./No min
Minimum age for only one area (education/employment)	Benin	?/14
	Botswana	n.c./15
	Burkina Faso	n.c./14*
	Cameroon	n.c./14
	Cape Verde	16/?
	Central African Rep.	?/14
	Chad	15/No min*
	Comoros	14/No min*
	DRC	?/16*
	Djibouti	?/16
	Equatorial Guinea	12/No min*
	Guinea	16/?
	Liberia	?/16
	Madagascar	?/14
	Malawi	n.c./14
	Mozambique	?/15*
	Namibia	?/14
	Nigeria	15/No min
	Rwanda	12/No min*
	Sao Tome & Princ.	n.c.*/14
	South Africa	15/No min*
	Sudan	n.c.*/16
	Togo	n.c.°/14
	Utd. Rep. of Tanzania	?/14°
Minimum age for education lower than employment	Eritrea	13/14
	Mauritius	12/15
Minimum age for education higher than employment	Mali	15/14
	Niger	16/14
	Senegal	16/15
Minimum age for education and employment the same	Angola	14
	Burundi	12*
	Congo	16
	Gabon	16*
	Ghana	15
	Seychelles	15
Total		47

Key: X = information unavailable ? = information unclear * = see report for details n/c = not compulsory ° = information from dialogue

MINIMUM AGES CRITERIA

MIDDLE EAST & NORTH AFRICA

No minimum age for education or employment	Saudi Arabia ?/No min*	1
Minimum age for only one area (education/employment)	Bahrain n.c./14* Iraq ?/15 Morocco 13*/? Oman n.c. °/15 Yemen ?/14	5
Minimum age for education lower than employment	Lebanon 12*/13* Qatar 15/16 United Arab Emirates 12/15	3
Minimum age for education higher than employment	None	
Minimum age for education and employment the same	Algeria 16* Egypt 14 Israel 15* Jordan 16 Kuwait 14 Libyan Arab Jamahiriya 15 Mauritania 14 Syrian Arab Republic 12* Tunisia 16	9
Total		18

AMERICAS

No minimum age for education or employment	Guatemala ?/No min* Panama ?/? Saint Vincent & Gren. n.c./?	3
Minimum age for only one area (education/employment)	Bahamas 16/? Barbados 16/? Canada X*/17* Chile ?/15 Costa Rica ?/15 Cuba ?/17* Dominica 16/? Ecuador ?/15 Guyana ?/14 Haiti X/15 Nicaragua ?/14 Paraguay 12*/? Peru 18/? Saint Lucia ?/16 Suriname ?/14	15
Minimum age for education lower than employment	Brazil 14/16 Honduras 13/14 Uruguay 14*/15	3
Minimum age for education higher than employment	Argentina 15/14* Bolivia 16/14 Colombia 15/14 El Salvador 15/14 Jamaica 14/12	5
Minimum age for education and employment the same	Antigua & Barbuda 16* Belize 14* Dominican Republic 14 Grenada 14 Mexico 14* St. Kitts & Nevis 16 Trinidad & Tobago 12 Venezuela 14	8
Total		34

Key: X = information unavailable ? = information unclear * = see report for details n/c = not compulsory ° = information from dialogue

Table 2. Comparison between minimum ages for education/employment (cont.)

ASIA PACIFIC			
No minimum age for education or employment	Bhutan	?/No min*	4
	Brunei Darussalam	n.c./?	
	Indonesia	n.c.*/No min*	
	Pakistan	n.c.*/No min*	
Minimum age for only one area (education/employment)	Australia	15*/No min*	16
	Cambodia	n.c./16	
	Fiji	n.c./12	
	Lao PDR	?/15	
	Maldives	n.c.*/14	
	Micronesia	14/No min*	
	Myanmar	?/13	
	Nepal	n.c./14	
	New Zealand	16*/?	
	Palau	17/No min	
	Philippines	?/15*	
	Singapore	?/12	
	Solomon Islands	n.c./12	
	Timor-Leste	n.c./15	
	Vanuatu	n.c./12	
	Vietnam	10/?	
Minimum age for education lower than employment	Bangladesh	10/14	6
	China	15/16	
	Iran	11/12°	
	Malaysia	12/15	
	Marshall Islands	14*/18	
	Samoa	13/15	
Minimum age for education higher than employment	Mongolia	17/14*	2
	Sri Lanka	14*/10	
Minimum age for for education and employment the same	DPR Korea	16	6
	India	14*	
	Japan	15	
	Kiribati	14	
	Republic of Korea	15	
	Thailand	15	
Total		34	

EUROPE			
No minimum age for education or employment	None		6
	Armenia	?/15*	
	Azerbaijan	?/15	
	Bosnia & Herzegovina	?/15	
	Kazakhstan	?/15	
Minimum age for only one area (education/employment)	Tajikistan	?/14	3
	Turkmenistan	?/16	
	Albania	14/16	
	Georgia	14/16	
	Serbia	14/15	
Minimum age for education lower than employment	Belarus	15/14*	13
	Denmark	16/13	
	Finland	16/15	
	Hungary	18/16	
	Kyrgyzstan	16*/14	
	Malta	16/15*	
	Netherlands	18*/16	
	Norway	16/15	
	Republic of Moldova	16/15	
	Romania	18/15*	
	Turkey	14/12	
	Ukraine	17/16*	
Minimum age for education higher than employment	Uzbekistan	18/16	31
	Andorra	16	
	Austria	15	
	Belgium	15	
	Bulgaria	16	
	Croatia	15	
	Cyprus	15	
	Czech Republic	15	
	Estonia	15	
	France	16	
	Germany	15	
	Greece	15	
Minimum age for education the same	Iceland	16	53
	Ireland	16	
	Italy	16	
	Latvia	15	
	Liechtenstein	15	
	Lithuania	16	
	Luxembourg	15	
	Monaco	16	
	Montenegro	15	
	Poland	15	
	Portugal	15	
	Russian Fed.	15	
	San Marino	16	
	Slovakia	16	
	Slovenia	15	
Spain	16		
Sweden	16		
Switzerland	15		
FYR of Macedonia	15		
United Kingdom	16		
Total		53	

Key: X = information unavailable ? = information unclear * = see report for details n/c = not compulsory ° = information from dialogue

Marriage

Child marriage is repeatedly analysed not only as a harmful traditional practice involving great risks for children's health and often exposing them to sexual abuse, but also as a significant factor impeding the realisation of the right to education. However, questions should also be raised about the impact of irrelevant or bad quality education on child marriage. The interconnections between the two areas demand a more accurate analysis that takes into account broader issues including: consent; cultural, religious, economic and customary factors; the role of parents and families; and gender/power dynamics. Furthermore, it is not uncommon for majority to be reached upon marriage, which raises the question of the applicability of the CRC to married children (especially girls who are often married at a younger age and therefore risk losing the protection of the Convention before boys). The need for effective protection of children is redoubled in such scenarios.

Marriage is not considered directly in the CRC. One must look to other rights (health, education, life, development and survival...) or the CRC general principles for guidance on this. Nevertheless, it is clear that the Committee places a great deal of importance on ensuring that marriage should not be concluded too early. In fact, in its approach, the monitoring body has consistently recommended that States increase the minimum age for marriage when it is too low, and has advocated that it "should be the same for boys and girls and closely reflect the recognition of the status of human beings under 18 years of age as rights holders, in accordance with their evolving capacity, age and maturity".²⁰ In its General Comment No. 4 the Committee has also specifically recommended that this minimum age should be set at 18.²¹ In this they are also aided by the most recent Guidelines for Periodic Reports which require that "[t]he State party should indicate the minimum marriage age for girls and boys".²²

In general terms, States do indicate minimum ages for marriage in their reports. However, this is the area in which precise or clear information is most lacking: almost half of the world's countries – 91 in total – are currently unable to ensure the respect of the best interest of the child or the child's point of view and consent when it comes to marriage, one of the most important steps in the transition from childhood to adulthood. Looking at the breakdown: 17 countries provide no or unclear information and 74 countries (almost two in five) have no minimum age set for marriage. Additionally, analysis of those reports with clear responses shows that:

- 18 is a much more common minimum age for marriage for boys than for girls;
- 16 is the most common minimum age for marriage for girls and for boys (Figure 5).

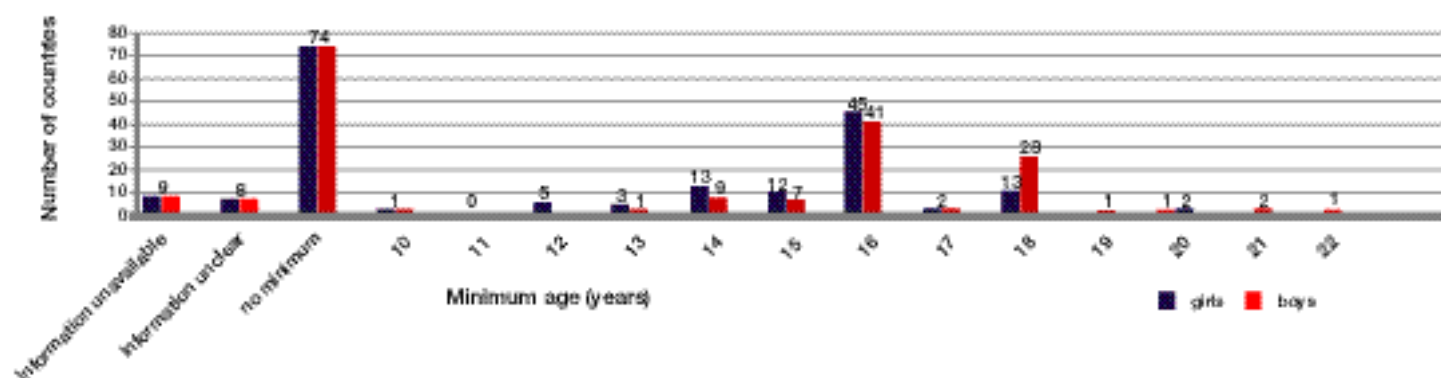
Given the emphasis on 18 as the age limit for the end of childhood in the CRC and the CRC Committee's General Comments and Concluding Observations, it is interesting to explore further how this ideal is implemented in reality with regard to marriage. From a geographical point of view, one can notice a prevalence of no minimum ages or ages below 18 all around the world. Only a handful of States set this age at 18 (again, in disparate regions) and only China stands out for setting

²⁰ Committee, *General Comment No. 4: adolescent health and development in the context of the Convention on the rights of the Child*, 2003, UN document CRC/GC/2003/4, paragraph 9.

²¹ *Idem*, paragraph 20.

²² CRC Committee, *Treaty-specific guidelines regarding the form and content of periodic reports to be submitted by States parties under article 44, paragraph 1 (b), of the Convention on the Rights of the Child*, UN document CRC/C/58/Rev.2, 2010, paragraph 22.

Figure 5. Minimum age for marriage (by gender)



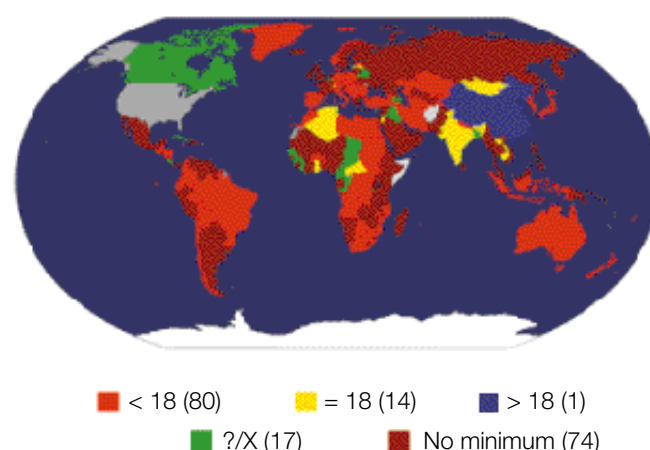
it above 18, for both girls and boys (Figure 6). From a more conceptual point of view, one cannot avoid wondering if the discrepancy between ideal and reality has to do with contextual conditions, practices and perceptions of both ‘the child’ and ‘marriage’. In common with notions of child/childhood, conceptions of marriage are constructed and influenced by social, cultural, religious, economic and political factors. Differences pertain to the typology of marriage but also to institutional, societal and interpersonal relationships. Meanings and perceptions of marriage are not homogeneous (either in space or time) and are tightly linked to structural power dynamics and, frequently, inequalities, not only between men and women but also between adults and children.

What this research shows is that more attention to contextual particularities is needed to go beyond prevalent conceptions of child marriage and really understand it from a bottom-up perspective. While there is no denying the need for protection, and while there is no single form of autonomy within and/or outside marriage, the variations in both areas need to be carefully evaluated. Figuring protection and autonomy, as well as marriage and context, as complementary allows a more balanced consideration. Understanding the role of education in such a space then becomes essential.

Research findings also make clear that in this area there are a large number of variables, with many countries having a plethora of rules but a lack of effective protection. This is especially important for girls, as shown in Figure 7. It is concerning to note that the number of countries in which the minimum age for marriage is different between girls and boys is almost the same as the number of States where such a

Figure 6.

World map of minimum ages for marriage



difference does not exist. A closer look at the data also shows that gender discrimination is widespread all around the world, with 44 countries still specifying a lower age for girls (Table 3).

In addition, data show that many problems arise not from general minimum ages but from exceptions to these, which are frequently very complex and rarely protective. Religious or other norms based on puberty or other such flexible criteria lack the necessary legal clarity to be considered protective. Similarly, parental consent is not protective when it is not regulated to ensure that it is applied in keeping with the principle of the best interests of the child. Dispensation by a competent administrative or judicial authority appears, *prima facie*, to pass a due process test, and it has here been interpolated that this is in fact based on the best interests of the child. However, when no absolute minimum age is clearly indicated, even this exception proves insufficient to protect the child and has therefore been interpreted as “no minimum”. Where pregnancy can act as an exception to allow child

Table 3. Gender discrimination in marriageable age (for girls/for boys)

Europe, North America		Asia-Pacific & Central Asia		Middle East & Northern Africa		Africa		Latin America & the Caribbean	
Albania	16/18	Cambodia	18/20	Algeria	18/21	Angola	15/16	Bolivia	14/16
Austria	16/18	China	20/22	Egypt	16/18	Benin	15/18	Colombia	12/14°
Kyrgyzstan	17/18	DPRK	17/18	Iran	13/15°	Botswana	14/16	Ecuador	12/14
Luxembourg	16/18	Fiji	16/18	Kuwait	15/17	Burkina Faso	15/18*	Guatemala	14/16*
Poland	16/18	India	18/21*	Morocco	15/18	DRC	15/18	Nicaragua	14/15
Rep. Moldova	14/16	Indonesia	16/19			SaoTome & Pri.	14/16	Panama	14/16
Romania	15/18	Japan	16/18			Senegal	16/?*	Peru	14/16
Turkey	14/15	Myanmar	14/No min.°			South Africa	12/14	St Vinc. & Gr.	15/16
Uzbekistan	16/17	Nepal	16/18					Suriname	13/15*
		Rep. Korea	16/18					Trinidad & Tob.	12/14
		Timor-Leste	15/18					Uruguay	12/14°
		Vanuatu	16/18						
		Vietnam	18/20						
9		13		5		8		11	

Key:

? = information unclear

* = see country report for details

° = information from dialogue

marriage, it is extremely difficult to discern whether this criterion is protective or non-protective, and indeed it may be both, as the best interests of both mother and child must be considered. Marriage may better protect the interest of the pregnant adolescent, and it would bear analysis whether pregnant girls are permitted to continue their education or not.

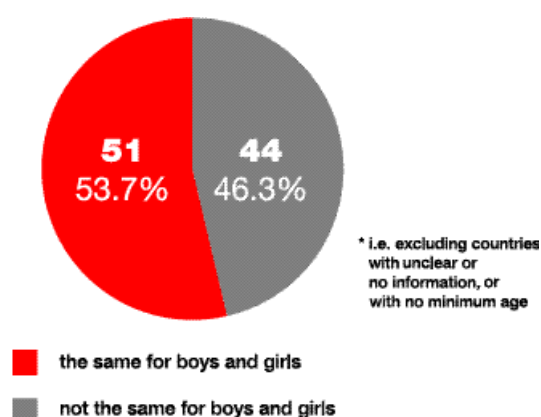
Adding to this complexity is the fact that civil, religious, customary and traditional laws often exist side-by-side, with no clear hierarchy between them. Moreover, marriages may not be registered, which renders the relevance of law doubtful.

While our comparative table does not indicate whether minimum ages are regulated by customary, religious, common or statutory law, or whether exceptions refers to pregnancy, court or parental consent or puberty, further explanation is provided in the excerpts from the reports. In the interests of consistency, interpretation has been given according to the indication of further guarantees. If a lower absolute minimum age was set and if it was explicitly mentioned that the CRC general principles were applied in decision making, then that lower age is recorded. Where no such guarantees are reported, “no minimum” is quoted in the summary table.

What emerges clearly is that while exceptions to a general minimum age for marriage may be valid, these should coexist with an absolute minimum age below which marriage is never permitted. The complexity of these experiences demands rigorous analysis of the multiple factors mentioned above, as well as attention to exceptions and their link with both protection and autonomy. In addition, it is important to recognise that quantitative data on the statutory minimum age for marriage reveal only one part of the legal landscape. Human rights standards for education and marriage demand attention to qualitative aspects, too. For instance, the fact that this is the only area under study in which there is widespread legalized gender discrimination raises important questions concerning the impact that this could have on gender equality in education and power dynamics in specific contexts.

Figure 7.

Gender discrimination in marriageable age (%)*



The link between the minimum age for completion of compulsory education and the minimum age for marriage

Almost all studies, surveys, statistics and research²³ dealing with child marriage confirm that the practice entails the abandonment or denial of education, especially for girls. This may happen for a variety of reasons, including religious or cultural views, negative perceptions of education or simply economic necessity. Boys, too, may be married at a young age due to societal and cultural pressures and consequently pushed out of the education system prematurely in order to cater for their new family. Whatever the reasons, the impact is always the same: these children's mental, social and emotional development is halted or impaired and with it their future, too. This is why it is important to understand how cultural and social perceptions of both marriage and education interact with each other.

Whether child marriage involves a girl, a boy, or both, if it results in a lack of education, removal from school or limited access to educational opportunities, the affected children's prospects of securing an adult life in dignity are severely threatened. Even more than that, child marriage often amounts to a denial of opportunities for children to develop their intellectual and social skills and to blossom in their own sense of self and autonomy, which are arguably the principal aims of education. On the other hand, if children are given educational and vocational opportunities, they will tend to delay marriage, postpone and space child-bearing and develop increasingly fuller participation in the life of the local and wider community. Therefore, as for the case of employment, here too it is important to acknowledge the inherent interconnectedness of the different factors, attitudes, and values which affect the impact that schooling and early marriage have on each other. What needs to be discussed and understood further in this case is the fact that this relationship does not always follow a one way path.

Firstly, gender discrimination in this area has a particularly detrimental impact on the education of girls. If girls can marry at a younger age than boys, and if this age is below the end of compulsory education, their development is placed at greater risk than boys. As shown in Table 4, out of 27 countries that report clear ages for the end of compulsory education and marriage (with a difference between girls and boys), only 8 set the former higher than the latter, thus guaranteeing nominally more protection against child marriage. However, questions in this case arise with regard to the concrete enforcement of school attendance as actual practices of child marriage may indeed contravene the law on the ground. What signal is the State giving to parents and children if they are supposed to comply with compulsory education until 18 but another law allows marriage at 14 for a girl and 16 for a boy? Those families who cannot afford to maintain their children in school for so long or who do not believe in the value of education would find in child marriage a more immediate solution to economic or societal pressures. This is where child marriage impacts as a pull factor on compulsory education.

At the other end of the spectrum, 19 countries set the age for marriage higher than the age for the end of compulsory education. A higher age for marriage in principle could be

23 UNICEF, *Early Marriage: Child Spouses*, Innocenti Digest No. 7 (Florence: Innocenti Research Centre, 2001); Office of the United Nations High Commissioner for Human Rights, *Harmful Traditional Practices Affecting the Health of Women and Children*, Fact Sheet No.23 (Geneva: OHCHR); S. Mathur, M. Greene, A. Malhotra, *Too Young to Wed: The Lives, Rights, and Health of Young Married Girls* (Washington: International Center for Research on Women, 2003); International Planned Parenthood Federation, *Ending Child Marriage: A Guide for Global Policy Action* (London: International Planned Parenthood Federation, 2006); A. Bunting, 'Stages of Development: Marriage of Girls and Teens as an International Human Rights Issue', *Social and Legal Studies* 14(1): 17-38, 2005.

MINIMUM AGES CRITERIA

Table 4.

Comparison between education (E) and marriage (M) when the latter is different for girls/boys

Minimum age for the end of compulsory education lower than minimum age for marriage			Minimum age for the end of compulsory education higher than minimum age for marriage			Education not compulsory			Minimum age for the end of compulsory education unclear		
E	M		E	M		E	M		E	M	
Albania	14	16/18	Bolivia	16	14/16	Botswana	n/c	14/16	Benin	?	15/18
Algeria	16	18/21	Colombia	15	12/14	Burkina Faso	n/c*	15/18*	DRC	?	15/18
Angola	12	15/16	Peru	18	14/16	Cambodia	n/c	18/20	Ecuador	?	12/14
Austria	15	16/18	Rep. Moldova	16/18	14/16	Fiji	n/c	16/18	Guatemala	?	14/16*
China	15	20/22	Romania	18	15/18	Indonesia	n/c	16/19	Myanmar	?	14/no min
DPRK	16	17/18	South Africa	15	12/14	Nepal	n/c	16/18	Nicaragua	?	14/15
Egypt	14	16/18	Uruguay	14	12/14	St. Vincent & Gren	n/c	15/16	Panama	?	14/16
India	14	18/21	Uzbekistan	18	16/17	Sao Tome & Princ.	n/c*	14/16	Suriname	?	13/15*
Iran	11	13/15				Timor-Leste	n/c	15/18			
Japan	15	16/18				Vanuatu	n/c	16/18			
Kuwait	14	15/17									
Kyrgyzstan	16	17/18									
Luxembourg	15	15/18									
Morocco	13	15/18									
Poland	15	16/18									
Rep. Korea	15	16/18									
Trinidad & Tob.	12	12/14									
Turkey	14	14/15									
Vietnam	10	18/20									
19			8			10			8		

Key: X = information unavailable ? = information unclear * = see report for details n/c = not compulsory ° = information from dialogue

protective, but in reality it could also put children, especially girls, at risk of being married illegally. What are the prospects for a girl who finishes compulsory education at 10 but cannot marry before she is 18? Or, in the same country for a boy who completes his compulsory education at the same age and cannot marry until he is 20? And, even worse, what happens if education is not compulsory at all or there is no clear age for its completion (as is the case in another 18 countries)? It is in such situations as these that the lack of availability, accessibility and acceptability of education impacts as a push factor into child marriage. This is also where the role of relevant, good quality post-compulsory education is fundamental.

While there is near-universal consensus on the negative impact of child marriage on education, especially for girls, little has been said about the negative impact of bad education or lack of educational prospects on the choice of getting married before 18 years of age. By looking at the positive, ideal side

only (of good quality education as a prevention strategy) one risks neglecting negative educational practices that are currently taking place. Moreover, in the case of girls, many other elements need to be examined, especially in terms of parental attitudes towards their daughters' education. In families where investing in school for a daughter is still seen as a waste of money and time if the girl will in any case only become a wife and mother, it is not so much education but rather the perceptions and beliefs of gender roles that need to be challenged and changed. Once again, quantitative analysis is important but not sufficient to identify strategies and action for change.

Looking at the issue through the 4A framework allows a better and more nuanced understanding: when availability and accessibility of education are supplemented with acceptability and adaptability, the relationship between education and child marriage can be understood and addressed in a more comprehensive manner.

Criminal responsibility

Article 40.3 of the CRC requires States to promote “the establishment of a minimum age below which children shall be presumed not to have the capacity to infringe penal law”. While the CRC does not establish a desirable minimum age for criminal responsibility, other international standards (such as the Beijing Rules) do however recommend that this age be based on emotional, mental and intellectual maturity, and not be too low.²⁴ The Committee’s Guidelines for Periodic Reports also require States Parties to indicate “the applicable minimum age of criminal responsibility”.²⁵ More recently, the Committee has further clarified that “a minimum age of criminal responsibility below the age of 12 years is considered by the Committee not to be internationally acceptable”.²⁶ However, variations and confusion about this age remain prevalent and further research is necessary to explore and expose the impact this has on the right to education, as well as on other children’s rights.

Assessing the developing maturity or capacity of the child to commit a criminal offence is somewhat subjective, and there are no agreed indicators (for example, while some countries use puberty as an indicator of maturity, others rely on psychological assessments). Moreover, the issue is complicated by a lack of clarity in art.40 of the CRC itself. It is not immediately clear how to interpret “a minimum age” since many countries have more than one minimum age for criminal responsibility. In fact, the range of ages generally follows this pattern:

- a) an absolute minimum below which the child is conclusively presumed to lack capacity to commit a crime (*doli incapax*);
- b) a minimum age for deprivation of liberty;
- c) an age of criminal or penal majority above which there is a rebuttable presumption of capacity and therefore the possibility of being tried as an adult (below this age and above the absolute minimum there is a burden of proof on the prosecution to show that the accused child had developed sufficient capacity).

In order to clarify the issue, the CRC Committee developed, not without difficulties,²⁷ General Comment No. 10 with a detailed section on the minimum age for criminal responsibility (MACR). Here States Parties are encouraged “to increase their lower MACR to the age of 12 years as the absolute minimum age and to continue to increase it to a higher age level”.²⁸ Furthermore, the Committee expressed its concern at the practice of setting exceptions allowing a lower minimum age for serious crimes and recommended that “States parties set a MACR that does not allow, by way of exception, the use of a lower age”.²⁹

The data presented in this research reflect to a certain extent the confusion that still exists over this topic despite the guiding opinions of the Committee. Some countries provide information on what appears to be the absolute minimum age of criminal responsibility and nevertheless continue to provide details on the administration of justice which seem to contradict or undermine the effective establishment of such an age (i.e. where children below this age may be arrested or temporarily detained or otherwise brought before a juvenile court). Many countries report that children can be held criminally responsible for serious crimes at a younger age than

²⁴ United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), General Assembly resolution 40/33, annex, paragraph 4.1.
²⁵ CRC Committee, *Treaty-specific guidelines regarding the form and content of periodic reports to be submitted by States parties under article 44, paragraph 1 (b), of the Convention on the Rights of the Child*, UN document CRC/C/58/Rev.2, 2010, paragraph 39 (e)(i).
²⁶ CRC Committee, *General Comment No. 10: children’s rights in juvenile justice*, UN document CRC/C/GC/10, 2007, paragraph 32.
²⁷ As for the minimum ages of criminal responsibility (MACRs): “When the Committee on the Rights of the Child considered issuing a General Comment specifically on MACRs in 2002, consensus proved impossible”. D. Cipriani, *Children’s Rights and the Minimum Age of Criminal Responsibility* (Farnham: Ashgate, 2009), p. xiv.
²⁸ CRC Committee, *General Comment No. 10: children’s rights in juvenile justice*, UN document CRC/C/GC/10, 2007, paragraph 32.
²⁹ *Ibid.*, paragraph 34.

MINIMUM AGES CRITERIA

for minor offences. Often the lists of these serious crimes are somewhat elastic and range from murder to malicious hooliganism or from terrorism to minor traffic offences, thus adding to the mystification of the issue.

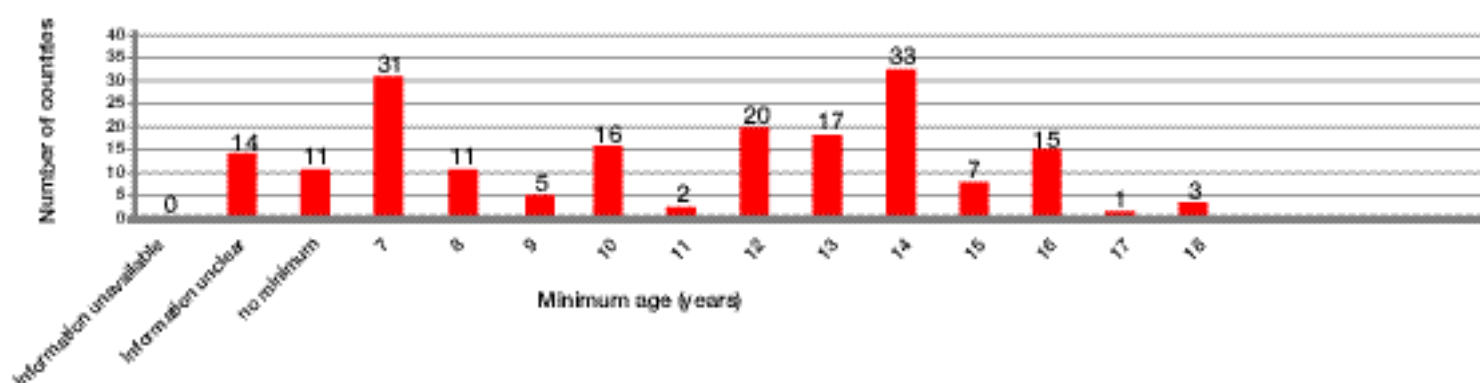
This research focuses on the absolute minimum age of criminal responsibility (case (a) above), and does not deal with the complexities of other ages (cases (b) and (c) above). The rule of interpretation is to record only the age below which there is no possibility for evidence to show that the child fulfils the criteria for criminal responsibility, that is to say that below that age he or she is fully exempt from being criminally liable. Overall, the research shows that this is the most complete area in terms of established minimum ages: in fact there are only 11 countries with no minimum age for criminal responsibility and only 14 with no or unclear information. Compared to the other areas under study this is commendable. On the other hand, though, it is troubling to notice that 31 countries still consider a child criminally responsible at 7. When this information is analysed in combination with the end of compulsory education, numbers become even more worrisome.

The link between the minimum age for completion of compulsory education and the minimum age for criminal responsibility

In a large number of countries, children are considered mature enough to take responsibility for their actions at or near the age at which they are required to begin their compulsory education. As shown in Figure 8, at least 142 countries hold children criminally responsible for at least some deviant behaviour during the age of compulsory education (often taken as 6-15).

One important area for future research would be to investigate the various measures of custody, reform, correction or protection that children in conflict with the law may be exposed to, and the extent to which these measures include adequate educational provision in full respect of the 4As.³⁰ The establishment of a very low minimum age for

Figure 8.
Minimum age for criminal responsibility



³⁰ On this, see *The right to education of persons in detention*, Report of the Special Rapporteur on the right to education, UN document A/HRC/11/8, 2 April 2009, especially paragraphs 37-46.

ANALYSIS

criminal responsibility could have a detrimental impact on the child and on his or her educational process and development. This would not only go against the principle of respect for the child's life, survival and development, but also against one of the principal aims of the right to education according to which the child's respect for the human rights and freedoms of others should be reinforced (acceptability). As poignantly put by the Committee, "if the key actors in juvenile justice, such as police officers, prosecutors, judges and probation officers, do not fully respect and protect these guarantees, how can they expect that with such poor examples the child will respect the human rights and fundamental freedom of others?"³¹

This also leads to the key question of education as a preventative measure for safeguarding children from entering into conflict with the law. Successful socialisation and integration of all children into society very much depends on their ability not simply to access education but to enjoy an education that is acceptable, relevant and adaptable, and which responds to their special needs, interests and concerns. This is all the more true for those children who are at the greatest risk of becoming involved in criminal activities. Setting a minimum age for criminal responsibility which clashes with compulsory education sends confusing signals both about the value of education and about the capacity of society to offer children a proper preparation for adult life and participation in the development of their society.

³¹ *Ibid.*, paragraph 13

TRENDS OVER TIME



Tom Petros/Anadolu

This research has brought to light the fact that as yet, only a small minority of States Parties to the CRC have thoroughly revised their legislation to bring it into line with the standards laid down in the Convention. Despite the Committee's repeated recommendations that governments increase minimum ages and eradicate disharmony among them with a view to guaranteeing all the rights enshrined in the Convention to all human beings under 18 years of age, most countries still have a long way to progress in this regard. While the complex process of harmonizing laws and policies around childhood cannot be expected to take place overnight, developing a collective understanding and awareness of the impact that disparate minimum ages have on the right to education (and on the child 'as a whole') is of immediate and far-reaching importance. Tangentially, such analysis is also useful to assess the extent of the impact of the CRC monitoring mechanism on States' performance.

Previous editions of this research revealed that the movement towards harmonization among the four minimum ages studied was sporadic at best. In a number of cases changes in legislative measures even appeared to move in the opposite direction. Having now completed a review of 18 years of the reporting process, it is possible to say that these trends remain to some extent, while others have emerged. Before going into details, however, it is important to introduce some important caveats.

Firstly, certain factors which exert significant influence over the reporting process to the CRC fall outside the scope of the research undertaken for *At what age?*. For example, a new government from a different political party in a reporting State may engage more openly with the Committee, where its predecessor had preferred to submit reports which did not highlight important shortcomings. In such a scenario the reported minimum ages might decrease, but the depiction of the situation in the country is more reflective of reality. There is clearly also a danger that governments may be tempted to omit those statistics which reflect least well on them, in order to avoid international criticism. A further complication in interpreting changes over time in domestic legislation stems from refinements in the methodology applied to this research, brought about by feedback and the related learning process. As detailed above, the sources consulted for this third update

are somewhat broader than those used for the 2002 and 2004 editions. While this expansion of the methodology has increased the accuracy and comprehensiveness of the research, at the same time it has rendered like-with-like comparison impossible. That being said, *At what age?* is in a unique position to offer some observations on trends over time as derived not only from a country-by-country analysis, but also from a cross-country reading:

- There has been a very small decrease in the number of countries in which education is not compulsory. This may indicate an evolution in the interpretation and importance attributed to compulsory education over the years. In proportionate terms, however, the difference over time is minimal and seems to confirm the lack of progress in this regard. It is true that the vast majority of States have introduced and even extended compulsory education, but to be in full compliance with human rights norms, education should be made universally free and compulsory, firstly at the primary level and then progressively at the secondary and higher levels. Even when considering economic or administrative obstacles, the slow pace at which some countries are reacting to this requirement and the corresponding concerns of the Committee is a worrisome trend.
- This situation may be even worse in those States that have neither a minimum age for compulsory education nor a minimum age for admission to employment. This research indicates only a minimal decrease in the number of countries falling under this category.
- Linked to the above point and on a more positive note, a good signal comes from the fact that the number of countries with the same age for both compulsory education and admission to employment is on the increase. It remains to be seen if the quality of education and the conditions for employment are compatible and guaranteed. However, it is encouraging to see countries following the integrated approach of both the CRC and ILO standards by moving towards harmonisation in these two areas
- As far as the minimum age for marriage is concerned, maintenance of the status quo seems to be the rule,

especially in terms of legalised discrimination between girls and boys. Here neither the passing of time nor the Committee's recommendations seem to have made much impact: the number of countries in which girls can marry at a younger age than boys remains proportionately close to 50% and is still at odds with some minimum ages for the end of compulsory education. Compounding this negative outlook is the fact that the majority of States still find it difficult to regulate exceptions to the minimum age for marriage in a clear and unequivocal manner. There is still no indication of a trend to ensure the establishment of an absolute minimum age for marriage (with or without exceptions).

- It is also interesting to note the little progress in changing the minimum age for criminal responsibility in those countries where it is still set very low. Together with marriage, this is perhaps the area which records the most persistent reluctance to implement the Concluding Observations of the Committee. Whether this is due to cultural and social resistance to such changes or to lack of will or resources on the side of the government, the fact remains that the maintenance of this state of affairs constitutes a threat to the right to education in a substantive number of countries.

Overall, a look at the four areas under study shows that the tendency is to concentrate the corresponding minimum ages between 14 and 16 years of age: 14 is the most common minimum age for criminal responsibility; 15 is the most common minimum age for admission to employment and 16 is the most common minimum age for both marriage and the end of compulsory education. This, however, does not necessarily indicate that the general trend is moving towards harmonisation. One needs to look at the detailed figures to check if this is happening in terms of absolute majority (for marriage, for example, the majority of States fall under the 'no minimum' category). What this research shows is that more work needs to be done to level up all the minimum ages under review here. More interestingly, it also shows how far we still are from 18 as the universal age for the beginning of adulthood across all areas of life. Whether this 'forced'

TRENDS OVER TIME

levelling exercise is desirable and will succeed remains to be seen and is a key issue to discuss in future work, especially in view of a parallel balancing exercise between protection and autonomy. For the time being, it is worth highlighting two positive trends:

- Failure on the part of reporting countries to provide clear information about minimum ages seems to be diminishing: reports in which the information is unavailable (indicated by an X) are becoming increasingly rare and in two areas – employment and criminal responsibility – not a single X has been registered this time. This appears to indicate a better understanding of the necessity for States and civil society to report on these minimum ages and for the Committee to stress the fact that failing to do so is unacceptable. Whether the ages reported are faithfully reflective of reality is a different matter. However, the pressure of complying with the requirement of the monitoring process seems to have had an impact at least in these two areas.
- The availability of more information, the clarity of the guidelines for States Parties' reports and the possibility to learn from 18 years of monitoring have certainly facilitated the task of some countries reporting for the first time. In several cases, their reports are more precise, complete and in line with the requirements of the process. This certainly shows the potential of the Committee's jurisprudence and practice to influence and guide States' implementation of the CRC. It also pinpoints the willingness of those same States to follow the Committee's guidelines and the thrust of the Convention.

A final remark needs to be made regarding the impact of the Committee's Concluding Observations on States' practice. If the majority of the new reporting States have been more diligent in following the guidelines and reporting more clearly on the various minimum ages, many periodic reports instead have shown no further reaction to the Committee's recommendations. If States have responded, it has not always been in the desired direction: while some have changed the laws and increased minimum ages, others have

actually decreased some ages under the 'justification' that this was done to eliminate discrimination between boys and girls. This illustrates the importance for the Committee to be unequivocal in its Concluding Observations and to reiterate the need to respect all general principles together.

Given the diversity of reasons for changes over time, this research limits itself to highlighting changes and raising questions about the rationale behind them, in the hope that this information will be used by children's rights advocates to build advocacy and lobbying efforts around a better understanding of domestic legislation and the use of international law (in this case the CRC) and the mechanisms that it affords. It is hoped that highlighting the intended and unintended consequences of existing inconsistencies in laws and policies, as well as the risks these pose to children, will contribute towards a more effective protection of their rights.

CONCLUSIONS

Awareness of the legal situation of children around the world is necessary for designing effective measures to improve it. Laws concerning the definition of the child in any one country are a key element in this process. However, if legislation itself presents gaps or contradictions that undermine the full spectrum of children's rights, it becomes important to look deeper and perhaps think of more effective approaches.

Universally considered to be the guarantor of childhood until 18, the CRC in fact acknowledges in art.1 that the age of majority is not the same in all countries. Moreover, in some cases, while requesting States to set certain minimum ages, it does not indicate with any precision what these ages should be. Its flexibility is both an asset and an obstacle: while this approach allows a more tailored implementation according to context, it also permits a variety of interpretations that challenge the alleged universality of its application. It is not surprising, therefore, that implementing a universal definition of the child at the national level is still problematic.

By looking at four minimum ages, concord or discord among them, and their impact on the right to education, this research has illustrated how complex the situation remains. A fresh look into the CRC, its influence and that of its Committee is needed. In fact, this analysis shows not only the sheer number and variety of different minimum ages within and between each area, but also the implicit recognition that the age of 18 as included in the CRC is still only an ideal target. It will still take a considerable amount of time to bring national laws to a level that fully conforms to the CRC. In the meantime, however, children and their rights cannot wait. If we are to find a way of distinguishing under the law who can claim what rights, and ensuring that children are afforded in practice the rights they are entitled to on paper, it becomes important to identify some limit(s). This is where minimum ages can help as they are a useful sorting mechanism. However, in setting an age as a legal minimum, it is important for the legislator and the decision-making authorities to be very clear both about the reasons for doing so and about possible additional qualifications or exceptions. In order for the law to be applicable and efficient, it must be grounded in a sound justification of need, purpose, and interests. In particular, more needs to be explored and explained about the links between the various minimum ages analysed here

and their reciprocal impact. Ironically, it is not sufficient to ask 'at what age?' More questions need to be posed and answered before coming to the definite establishment of a specific age, and more attention to the 'right' approach is needed. As shown by this research, an exclusive focus on ages or statistics can indicate apparent progress but hide real patterns of discrimination, exploitation and disadvantage. Analysis needs to ask relevant questions about each area but also about interconnections and cross-cutting issues. As explored below, a human rights approach to education allows us to do so.

Under international law, education is a human right with corresponding obligations. Its features and dimensions, exemplified by the 4As, are very useful frames for both quantitative and qualitative analysis. The 4A scheme also clearly illustrates the inherent interlinks and indivisibility, not only of all the elements of education but also of the other three areas under review (employment, marriage and criminal responsibility).

When considering availability, it is not sufficient to look at the number of schools or teachers per pupil. Attention should also focus on the compulsory nature of education and its effective application. Is compulsory education available to children who have entered in conflict with the law? Can married children still be enrolled in compulsory education? If children are involved in permitted forms of work, how does that relate to the obligation to attend compulsory education? Are laws and policies enhancing or hindering efforts to make compulsory education available to all? When the minimum age for the end of compulsory education clashes with the minimum ages for employment, marriage and criminal responsibility, the important and transformative role of education risks being undermined. If a State is to recognise and guarantee the availability of compulsory education, it must also ensure that nothing interferes with it and that correlated laws are in harmony with each other and with the thrust of the CRC.

In terms of accessibility, it is not enough to eliminate obstacles and make sure that all children are in school. Firstly, it is important to understand the reasons why children should be in school up to a certain age. Secondly, it is equally important to be aware of and recognise the evolving

capacities of the child and to balance access to education with other opportunities and prospects as the child grows older. Lastly, it is also important to guarantee the quality of the education that children have access to. Even if all minimum ages are aligned, States still have the duty to ensure that the learning experience is acceptable and adaptable to the pupil.

Indeed, acceptability requires education to be actually relevant and useful for the child, not only in terms of employability but also for the protection of his/her development, health, personality, integration in society, and respect for all without discrimination (especially based on gender). Acceptability recognises education as a multiplier of other rights and a space in which human rights should be taught but also upheld and transmitted. This is why it is fundamental to eliminate contradictory signals and practices such as legalised gender discrimination in the minimum age for marriage, interference of work with education or limited provision and poor quality of education within the juvenile justice system.

Adaptability is another essential element without which the jigsaw would not be complete. It offers a revolutionary approach since it lays down that education must adapt to the child, rather than the child to any education. This requires education to be more inclusive of all children, regardless of the situation they are in (including whether or not they are employed, married or taken to court). If adaptability is fully upheld, it may make governments, teachers, parents and other relevant actors less likely to fall into the trap of detrimental practices and instead more likely to appreciate the full value and power of education.

All of the above demonstrates the benefits of looking at education as a human right rather than just as a need or a good investment for economic returns, and the necessity for a more comprehensive and articulated approach to minimum ages and children's rights in general. Concretely, such an approach entails:

- raising awareness of what education means as a human right, what can be demanded and improved and what is needed to build the capacity of all those involved to work on the law in order to give legitimacy to claims, affect changes and improve the situation of children;

- looking at the child 'as a whole' and at rights in, to and through education. For instance, attention should focus on good but also bad quality education and its intended and unintended consequences. Compelling attendance is not sufficient or even necessary in the child's best interest if abuse, violence and exploitation occur in the school environment and if the human rights of learners are not upheld in and through education;
- thinking more about cross-cutting issues and seeing all four areas and their actors and decision-making processes as complementary rather than separated silos in order to encourage cross-sectoral coordination;
- working at different levels: laws are key but not a panacea, they need to be accompanied by work in the community, advocacy and campaigning strategies, more focused indicators, budget tracking, etc.;
- going beyond an antagonistic approach: governments hold the primary responsibility for education, but cannot succeed on their own without the engaged participation and constructive criticism of active citizens, civil society actors, independent bodies and agencies, and the international community as a whole. It is necessary to think about creating opportunities, not only to highlight gaps and violations, but also to engage in finding constructive solutions together.

Difficult? Maybe. But the fact that it is difficult should encourage us further to make sure that it be done properly and promptly. *At what age?* is a first step towards such a critical but constructive approach, one that hopes to engage all actors in an open and ongoing discussion about the protection and fulfilment of both the right to education and children's rights.

RECOMMENDATIONS

This research shows the complexity and the challenges of dealing with education, children's rights and minimum ages. It is therefore equally complex and challenging to come to some prescribed solutions. Nonetheless, it is worth putting forward some illustrative recommendations for:

States Parties to:

- Eliminate inconsistencies between different sources of domestic law concerning the minimum ages for the end of compulsory education, admission to employment, marriage and criminal responsibility.
- Promulgate and enact new and clearer laws where needed, ensuring that any changes introduced to relevant domestic legislation are towards, not further away from, coherence among minimum ages and are in keeping with the CRC and its Committee's Concluding Observations.
- Be more rigorous in providing information on the minimum ages for the four areas considered in this research, and in particular provide initial and finishing ages for compulsory education.
- Ensure that reports submitted do not contradict either themselves or the information supplied during the exchange with the Committee.
- Include national civil society in both preparing States Parties' reports and discussing the implementation of the Committee's recommendations.

The Committee on the Rights of the Child to:

- Consider preparing a General Comment on the importance of coherence among the minimum ages for the end of compulsory education, admission to employment, marriage and criminal responsibility.
- Ensure that the Summary Records and Concluding Observations fully reflect the issues and the recommendations raised during the direct interaction with States Parties.
- Ensure more concrete and coherent language in the Concluding Observations in order to make follow-up and implementation more tangible and achievable (avoiding such vaguely-worded recommendations as 'to an internationally acceptable standard', for instance).

- Systematically and consistently follow up previous Concluding Observations in the following reporting sessions.
- Strengthen cooperation with the relevant UN Special Procedures, such as the Special Rapporteur on the right to education and other UN bodies, to ensure consistency in reviews and recommendations.

Global civil society to:

- Make the most of the opportunities presented by the monitoring process by:
 - participating in the preparation of country reports (or pressing for such participation if it is not currently enjoyed);
 - preparing and submitting alternative reports;
 - using the outcomes of the dialogue as campaigning and lobbying tools.
- Check that the minimum ages reported by governments actually correspond to reality:
 - if governments have reported minimum ages that are either higher than de facto ones or which do not have any tangible effect, make the discrepancy known:
 - nationally, drawing public attention to the issue and pushing for real implementation;
 - internationally, by submitting a shadow report to the CRC Committee and other UN bodies.
- Echo and amplify the Committee's recommendations in the domestic sphere in order to shame the government into implementing such changes promptly, especially if changes are reported by the State as 'planned' or 'imminent'.



SUMMARY

Table

Part Two

SUMMARY

Country	Information as of	Minimum ages for				Page number (annex)	
		End of compulsory education	Admission to employment	Marriage			Criminal responsibility
				General girl/boy	Exception girl/boy		
Albania	2004	14	16	16/18		14	1
Algeria	2005	16	16*	18/21		13	1
Andorra	2001	16	16	16	14	16	1
Angola	2004	12	14	18	15/16	16	1
Antigua & Barb.	2003	16	16*	No min.		8	2
Argentina	2002	15	14*	16/18*	No min.	16	2
Armenia	2003	?	15*	17/18	?	14	3
Australia	2004	15*	No min.*	18	16	10	3
Austria	2004	15	15	18	16/18	14	5
Azerbaijan	2005	?	15	X		14	5
Bahamas	2004	16	?	15	13	10	5
Bahrain	2001	n/c	14*	X		?	6
Bangladesh	2008	10	14	18/21	No min.	9	6
Barbados	1997	16	?	18	16	7	6
Belarus	2001	15	14*	18	No min.	14	7
Belgium	1994	15	15	18	No min.	16*	7
Belize	2004	14*	14*	18	14	9	8
Benin	2005	?	14	15/18		No min.°	8
Bhutan	2007	?	No min.*	18		10	8
Bolivia	2009	16	14	14/16		16*	9
Bosnia & Herz.	2004	?	15	18	16	14	9
Botswana	2004	n/c	15	14/16		8	9
Brazil	2003	14	16	18	16	12	9
Brunei Daruss.	2003	n/c	?	No min.		7	10
Bulgaria	2007	16	16	18	16	No min.*	10
Burkina Faso	2002	n/c*	?	17/20	15/18*	13	11
Burundi	1998	12	12*	?	No min.	13	12
Cambodia	1999	n/c	16	18/20		No min.	12
Cameroon	2001	n/c	14	15/18*	No min.	10	12
Canada	2003	X*	17*	X*		12	13
Cape Verde	2001	16	?	?		16	17
Central Afr. Rep.	1999	?	14	18		13	17
Chad	2007	15	No min.*	?		13	17
Chile	2005	?	15	16		14*	18
China	2005	15	16	20/22		14	18
Colombia	2005	15	14	18	12/14°	?	19
Comoros	1998	14	No min.*	?		13	19
Congo	2006	16	16	X		No min.*	20
Costa Rica	2004	?	15	X		No min.	20
Côte D'Ivoire	2000	n/c	No min.*	21	No min.	10	20
Croatia	2003	15	15	18	16	14	20
Cuba	1996	?	17*	X		16	21
Cyprus	2002	15	15	16/18°	No min.°	10	21
Czech Republic	2002	15	15	18	16	15	22
DPR Korea	2008	16	16	17/18		14	22
DRC	2008	?	16*	15/18		?	23
Denmark	2005	16	13	18	15	15	23
Djibouti	2007	?	16	18	No min.	13	24
Dominica	2004	16	?	18	16	12	24

Key: X = information unavailable ? = information unclear * = see report for details n/c = not compulsory ° = information from dialogue

SUMMARY TABLE

Country	Information as of	Minimum ages for					Page number (annex)
		End of compulsory education	Admission to employment	Marriage		Criminal responsibility	
				General girl/boy	Exception girl/boy		
Dominican Rep.	2007	14	14	?	No min.	13	24
Ecuador	2004	?	15	18	12/14	12	25
Egypt	1999	14	14	16/18		7	25
El Salvador	2003	15	14	18	No min.	12	26
Equatorial Guinea	2004	12	No min.*	?		No min.°	26
Eritrea	2007	13	14	No min.		12	27
Estonia	2002	15	15	18	15	13	27
Ethiopia	2005	n/c	No min.*	No min.*		9	28
Fiji	1996	n/c	12	21	16/18	10	28
Finland	2005	16	15	18	No min.	15	29
France	2008	16	16	18	No min.	No min.*	29
Gabon	2001	16	16*	?	No min.	13	29
Gambia	2000	n/c*	No min.°	X		7	30
Georgia	2007	14	16	18	16	12°	30
Germany	2003	15	15	16		14	31
Ghana	2005	15	15	18		12	31
Greece	2001	15	15	18	No min.	12	32
Grenada	1997	14	14	21	No min.	7*	32
Guatemala	2000	?	No min.*	14/16*		12	33
Guinea	1997	16	?	17/18	?	18	33
Guinea-Bissau	2001	X	No min.*	No min.		16	34
Guyana	2003	?	14	16	No min.	10	34
Haiti	2002	X	15	18	No min.	13*	35
Honduras	2006	13	14	18	16	12	35
Hungary	2005	18	16	18	16	14	36
Iceland	2002	16	16	18	No min.	15	36
India	2003	14*	14*	18/21*		7	37
Indonesia	2003	n/c*	No min.*	21	16/19	8	37
Iran	2003	11	12°	13/15°		No min.	38
Iraq	1996	?	15	X		No min.*	39
Ireland	2005	16	16	18	No min.	7*	39
Israel	2002	15*	15*	No min.*		?	39
Italy	2002	16	16	18	16	14*	40
Jamaica	2003	14	12	18	16	12	41
Japan	2003	15	15	16/18		12*	41
Jordan	2006	16	16	18		7*	42
Kazakhstan	2006	?	15	18	16	14	42
Kenya	2006	n/c	?	No min.		8	43
Kiribati	2005	14	14	16		10	43
Kuwait	1996	14	14	15/17		7	44
Kyrgyzstan	2004	16*	14	18	17/18	14	44
Lao PDR	1996	?	15	18		15	44
Latvia	2005	15	15	18		16	45
Lebanon	2005	12*	13*	No min.		7	45
Lesotho	1998	X	No min.*	?	No min.	7	46
Liberia	2003	?	16	?		16	47
Libyan Arab Jam.	2002	15	15	20	15	14	47
Liechtenstein	2005	15	15	18	No min.	14	48
Lithuania	2005	16	16	18	No min.*	14	49

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SUMMARY

Country	Information as of	Minimum ages for					Page number (annex)
		End of compulsory education	Admission to employment	Marriage		Criminal responsibility	
				General girl/boy	Exception girl/boy		
Luxembourg	1997	15	15	16/18		16	49
Madagascar	2003	?	14	18	No min.	13	50
Malawi	2008	n/c	14	No min.		7	51
Malaysia	2006	12	15	18	No min.	?	51
Maldives	2006	n/c*	14	18	No min.	?	52
Mali	2006	15	14	15/18	No min.	13	53
Malta	1998	16	15*	16		9	53
Marshall Islands	2005	14*	18	18		10	53
Mauritania	2008	14	14	18	No min.	7	54
Mauritius	2005	12	15	18	16	No min.	54
Mexico	2005	14	14*	14/16	No min.	11	54
Micronesia	1996	14	No min.*	No min.		?	55
Monaco	2000	16	16	15/18	No min.	13	55
Mongolia	2004	17	14*	18		14	55
Montenegro	2010	15	15	18	16	16*	56
Morocco	2003	13*	?	15/18		12*	56
Mozambique	2009	?	15*	18	16	16	57
Myanmar	2003	?	13	14/ No min.°		?	57
Namibia	1993	?	14	21	No min.*	7	58
Nepal	2004	n/c	14	21/18	16/18	10	58
Netherlands	2008	18*	16	18	No min.	12	58
New Zealand	2003	16*	?	20	16	10	59
Nicaragua	2004	?	14	18/21	14/15	13	60
Niger	2008	16	14	?	No min.	13	61
Nigeria	2004	15	No min.	18*	No min.°	No min.	61
Norway	2004	16	15	18	16	15	62
Oman	2006	n/c°	15	18	No min.	9	63
Pakistan	2009	n/c*	No min.*	16/18*	No min.	7	63
Palau	2000	17	No min.	No min.		10	64
Panama	2003	?	?	14/16		14	64
Papua New Guinea	2003	n/c	No min.	No min.		7	64
Paraguay	2001	14	14	16	14	14	65
Peru	2005	18	?	18	14/16	12	65
Philippines	2009	?	15*	No min.		?	66
Poland	2002	15	15	18	16/18	10	67
Portugal	2001	15	15	18	16	16	67
Qatar	2008	15	16	16/18	No min.	7	68
Republic of Korea	2002	15	15	16/18		?	68
Rep. of Moldova	2008	16	15	16/18	14/16	14	69
Romania	2008	18	15*	16/18	15/18	14	69
Russian Federat.	2004	15	15	18	No min.	14	70
Rwanda	2003	12	No min.*	21	No min.	14	70
St. Kitts & Nevis	1997	16	16	16		8	71
Saint Lucia	2004	?	16	18	No min.	?	71
St. Vincent & Gren.	2001	n/c	?	15/16		8	71
Samoa	2006	13	15	19/21	No min.	8	72
San Marino	2003	16	16	18	16	12	72
Sao Tome & Princ.	2003	n/c*	14	18	14/16	17	72
Saudi Arabia	2005	?	No min.*	No min.		7°	73

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SUMMARY TABLE

Country	Information as of	Minimum ages for					Page number (annex)
		End of compulsory education	Admission to employment	Marriage		Criminal responsibility	
				General girl/boy	Exception girl/boy		
Senegal	2006	16	15	16/?*		?	73
Serbia	2007	14	15	16		14	74
Seychelles	2002	15	15	18	No min.	7	74
Sierra Leone	2006	?	No min.*	No min.		16	74
Singapore	2003	?	12	18	No min.	7	75
Slovakia	2006	16	16	18	16	14	76
Slovenia	2003	15	15	18	No min.	14	76
Solomon Islands	2002	n/c	12	No min.		8	77
South Africa	1999	15	No min.*	21	12/14	7	78
Spain	2001	16	16	14		12	78
Sri Lanka	2002	14*	14	18	No min.	8	79
Sudan	2001	n/c*	14*	21	10	7*	79
Suriname	2005	?	14	13/15*		10*	80
Swaziland	2006	n/c	No min.	21	No min.	7	81
Sweden	2004	16	16	?	No min.	15	81
Switzerland	2001	15	15	18		7*	82
Syrian Arab Rep.	2002	12*	12	17/18	No min.	7	82
Tajikistan	1998	16	14	17	16	14	83
Thailand	2005	15	15	17	No min.	7	84
FYR of Macedonia	1997	15	15	18	16	14	84
Timor-Leste	2007	n/c	15	15/18		12	85
Togo	2004	n/c°	14	No min.°		?°	85
Trinidad & Tobago	2004	12	12	12/14		7	86
Tunisia	2001	16	16	18		?	86
Turkey	2000	14	12	18	14/15	11	87
Turkmenistan	2005	?	16	18	16	14	87
Uganda	2004	?	No min.*	No min.		7*	88
Ukraine	2001	17	16*	17/18	No min.	14	88
United Arab Em.	2001	12	15	X		7	88
United Kingdom	2008	16	16	16*		8	89
Un. Rep. Tanzania	2005	?	14°	15/18	No min.	12	89
Uruguay	2006	14*	15	12/14°		18	90
Uzbekistan	2005	18	16	17/18	16/17	13	90
Vanuatu	1997	n/c	12	21	16/18	10	91
Venezuela	2007	14	14	18	No min.	18	91
Vietnam	2002	10	?	18/20		14	91
Yemen	2004	?	14	15	No min.°	7	92
Zambia	2002	n/c	No min.	No min.		8	92
Zimbabwe	1995	n/c	No min.	16/18	No min.	7	93

Key: X = information unavailable ? = information unclear * = see report for details n/c = not compulsory ° = information from dialogue



At what age?...

Part Three

...are school-children
employed, married
and taken to court?

States Parties' reports

Angela Melchiorre and Ed Atkins

ALBANIA

Source:

Initial report: CRC/C/11/Add.27, 5 July 2004

Minimum age for the end of compulsory education

47. [...] A child finishes obligatory education at the age of fourteen or fifteen years, depending on the age when he has started school.

388. The preparation of children to pursue compulsory 8-year education takes place while they go to kindergartens [...] to which children aged 3-6 are admitted.

396. Children pursue compulsory education after they attain the age of 6 years.

Minimum age for admission to employment

48. Under Articles 98 and 99 of the Labour Code, children are admitted for employment at the minimum age of 16 years. Children aged 14-18 may be employed to do light work during school vacations. The Council of Ministers defines light work and establishes the working hours.

Minimum age for marriage

47. [...] Under the family law, any female who has attained the age of sixteen years and any male who has attained the age of eighteen years are entitled to marry.

Minimum age for criminal responsibility

52. A child faces criminal responsibility for criminal offences after he attains the age of fourteen years, and for criminal transgressions after he attains the age of sixteen years.

ALGERIA

Source:

2nd periodic report: CRC/C/93/Add.7, 3 March 2005

Minimum age for the end of compulsory education

94. (c) As regards education, article 5 of the Ordinance of 16 April 1976 lays down that "education is compulsory for children aged between 6 and 16 years" [...]

Minimum age for admission to employment

94. (e) Ordinance No. 75-31 of 29 April 1975, relating to general labour conditions, stipulates that the minimum age for admission to employment is 16 years (art. 180). Article 182 prohibits the employment of young people under the age of 16 years except where an exemption is granted by the Minister of Labour and Social Welfare in the case of certain fixed-term temporary jobs [...]

Minimum age for marriage

94. (g) Act No. 84-11 of 9 June 1984 establishing the Family Code stipulates in article 7 that the marriageable age is 21 years for men and 18 years for women [...]

Minimum age for criminal responsibility

332. Article 49 of the Criminal Code states that: "Only protective or re-education measures may be applied to a minor aged under 13", and that "no criminal proceedings may be taken against a child aged under 13".

ANDORRA

Source:

Initial report: CRC/C/61/Add.3, 3 July 2001

Minimum age for the end of compulsory education

116. Education is compulsory and free from the ages of 6 to 16. Nevertheless, the law provides for free attendance at school from the age of 3 if parents or guardians so request, as well as

an option of extending attendance to the age of 18 to complete secondary education.

Minimum age for admission to employment

117. Minors under the age of 14 are prohibited from exercising any employment. Between the ages of 14 and 16, minors may work only during school vacations up to a maximum of two months a year. They must, however, have at least two consecutive weeks of vacation in the summer and half of school vacations at other periods. The working day cannot exceed six hours, with a break of at least one hour a day and a weekly rest period of at least one and a half days.

118. From the age of 16 on, minors may work, but their working day is limited to a maximum of eight hours, with a break of at least one hour and a weekly rest period of at least one and a half days.

119. In all cases of employment of minors, the law specifies that the work must be light and must not harm the physical and emotional development of the minor. The law prohibits night work and requires a minimum rest period of two hours between working days and a written contract of employment, which must be signed by the legal representative of the minor (parents or guardian).

Minimum age for marriage

120. Minors may marry from the age of 16 and may, from the age of 14, request a court dispensation to marry.

Minimum age for criminal responsibility

125. [...] the age of criminal responsibility is set at 16. [...]

ANGOLA

Sources:

2nd, 3rd and 4th periodic reports combined: CRC/C/AGO/2-4, 26 February 2010

Initial report: CRC/C/3/Add.66, 10 August 2004

Minimum age for the end of compulsory education

From 2nd, 3rd and 4th reports combined

306. Primary education consists of six years of schooling, all of which are mandatory, beginning at six years of age. Secondary education consists of two cycles of three classes each.

Minimum age for admission to employment

From initial report

80. For adolescents aged 14 to 16, written authorization from the father, guardian or legal representative is required. Legislation carefully regulates the work of minors between the ages of 14 and 18 in order to ensure that it does not interfere with their training or studies (arts. 283 and 289).

Minimum age for marriage

From initial report

81. Under the Family Code, only persons over the age of 18 may marry (art. 24). The law provides that, exceptionally, boys may marry at 16 and girls at 15 with the permission of a person having authority over the minor, or when, after a review of the circumstances and taking into account the minor's interests, the marriage appears to be the best solution.

Minimum age for criminal responsibility

From initial report

75. Attribution of criminal responsibility begins at age 16, according to the statute of legal age for minors (Decree No. 417/71, which replaces the former criminal norms on the attribution of criminal responsibility to minors).

ANTIGUA AND BARBUDA

Source:

Initial report: CRC/C/28/Add.22, 9 December 2003

Minimum age for the end of compulsory education

32. The Education Act of 1973 stipulates that all children between the ages of 5 and 16 years are to stay in school. Thus, the compulsory school age is 16 years.

Minimum age for admission to employment

306. The Education Act provides a minimum age of 16 years for a child to remain in school. The Act further states that no person who is of the compulsory school age is to be employed during school hours. This law is strictly enforced.

307. Under the Labour Code, Division E [...] a “child” is defined as a person under the age of 14 years [...] no child shall be employed in a public or private or industrial undertaking or on any ship. Exceptions are provided for family ventures where only members of the same family work.

308. In addition, [under] the Labour Code, Division E, [...] a “young person” is defined as a person between 14 and 18 years, but it notes that no young person between the ages of 14 and 16 can be employed during school hours.

Minimum age for marriage

38. The Marriage Act, Cap.347, places a restriction on marriage in cases of “minority”. The Act defines a “minor” as a person under the age of 18 years. In cases where a minor wishes to be married, the consent of a parent must be given.

Minimum age for criminal responsibility

31. The Juvenile Act, Cap. 42, of 1951 [...] states that a person under the age of 8 years cannot commit a crime.

282. [...] Thus, the minimum age for criminal responsibility is 8 years.

ARGENTINA

Sources:

3rd and 4th periodic reports combined: CRC/C/ARG/3-4, 16 September 2009

2nd periodic report: CRC/C/70/Add.10, 26 February 2002

Initial report: CRC/C/8/Add.2, 23 August 1993

Minimum age for the end of compulsory education

From 2nd report

421. The Constitution and legislation of the Argentine State guarantee the provision of compulsory and free education throughout the education system.

424. Where specific legislation is concerned, Act No. 1.420 of 1884, the forerunner of the Federal Education Act (No. 24.195 of 1993), made school attendance compulsory for all children from ages six to 14 and provided for free and progressive secular education at the primary level (seven grades).

425. Article 10 of the Federal Education Act extends the period of compulsory school attendance to 10 years (one year in a kindergarten/reception class at age five, plus nine years of basic general education), while article 39 stipulates that education shall be free: “The national State, the provinces and the municipality of Buenos Aires shall guarantee, by allocating funds to their respective education budgets, the principle of free education in publicly funded education services at all levels and under all special systems”.

Minimum age for admission to employment

From 3rd and 4th reports combined

113. With regard to the need for adjustment or harmonization of the norms relating to the minimum age for admission to employment, it should be noted that Act No. 20.744 on Employment Contracts prohibits the employment of persons under 14 years of age.

114. In this connection, in response to international obligations assumed on ratification of International Labour Organization (ILO) Convention No. 138 (1973) concerning the minimum age for admission to employment, and in keeping with the National Education Act and the Act on the Comprehensive Protection of the Rights of Children and Adolescents which recognize the desirability of prioritizing the social and educational inclusion of children and adolescents at this stage, attention should be drawn to the work of the National Commission for the Eradication of Child Labour (CONAETI) on a draft law which would provide for a gradual increase in the minimum age for admission to employment.

115. In this context the Senate of the Nation gave preliminary approval to a joint bill (Files Nos. 2185-D-2005, 0782-D-2006, 2968-D-2006 and 3582-D-2006) whereby employers are prohibited from hiring minors under 15 years of age for any kind of profitmaking or non-profit-making activity; the minimum age will be set at 16 years with effect from 25 May 2010.

From 2nd report

544. The Employment Contracts Act (No. 20.744) contains the current legislation on the prohibition of the performance of paid work by minors:

“Article 187. Minors of either sex aged over 14 and under 18 may enter into any contact of employment subject to the conditions laid down in articles 32 et seq. of this Act. All regulations, collective employment agreements and wage scales shall guarantee minors equal pay when they work the same number of hours a day or perform tasks usually performed by adults. The apprenticeship and vocational training of minors aged over 14 and under 18 shall be governed by the relevant legislation in force or by legislation adopted for this purpose”.

“Article 189. Employers are prohibited from employing minors aged under 14 in any kind of activity, whether for profit or not. This prohibition does not extend to minors employed, with the permission of the school attendance office, in enterprises employing only family members, provided that the work is not harmful or dangerous. Minors of school age but older than the age indicated above may not work unless they have completed their compulsory schooling, except with the express permission of the school attendance office and when their employment is regarded as essential to their own subsistence or that of their direct relatives, and provided that they complete, in a satisfactory manner, the minimum period of compulsory schooling”.

Minimum age for marriage

From 3rd and 4th reports combined

238. [...] in November 2007 the Senate gave preliminary approval to a draft law (File No. 3496/07), the purpose of which is to set the marriageable age in all cases at 18 years. This requirement would be applicable to both women and men, thereby ensuring equal treatment, and it represents a major step towards putting the initiative into practice.

From initial report

71. Act No. 23,515, of recent date, stipulates that women must be 16 years of age and men 18 in order to marry:

"Art. 166, para. 5. If the woman is aged under 16 or the man under 18, this shall constitute an impediment to matrimony." If minors have not reached the minimum age for matrimony, the impediment may be lifted only with the permission of the courts, even if the permission of the parents has been granted; this decision is known as judicial dispensation.

"Art. 167. It shall be possible lawfully to enter into matrimony in the circumstances defined in article 166, paragraph 5, subject to prior judicial dispensation."

"Art. 168. Even if minors have been legally emancipated, they may not marry one another or another person without the consent of their parents or of the person exercising parental authority, or failing either of these without the consent of their guardian, or failing this without the consent of the judge."

Minimum age for criminal responsibility

From 2nd report

615. Act No. 22.278 of 25 August 1980, as amended by Act No. 22.803, established the prisons regime applicable to minors. It reads in part:

"Article 1. No punishment may be imposed on any person under the age of 16 years. Nor may any punishment be imposed on a person under the age of 18 years for a privately actionable offence, an offence carrying a custodial sentence of not more than two years, or an offence punishable by a fine or disqualification." [...]

"Article 2. Punishment may be imposed on a person between the ages of 16 and 18 years who has committed an offence other than the ones specified in article 1."

ARMENIA

Sources:

2nd periodic report: CRC/C/93/Add.6, 17 July 2003

Initial report: CRC/C/28/Add.9, 30 July 1997

Minimum age for the end of compulsory education

From 2nd report

44. Under the Education Act, children remain in general education until the age of 16. In article 18, paragraph 7, the Act states that basic general education is compulsory and that children must remain in basic general education until the age of 16, unless they have completed the basic general education course earlier.

From initial report

10. Under article 35 of the Constitution, all citizens have the right to education. Secondary education in State educational establishments is free of charge. A minimum of eight years of attendance at a general-education school is compulsory.

Minimum age for admission to employment

From 2nd report

45. In article 198, the Code of Labour Legislation sets the minimum age for employment at 16. In exceptional cases, however, children aged 15 may be taken into employment (Children's Rights Act, art. 19).

46. Minors (persons under the age of 18) have the same rights as persons of majority age in their labour relations and, with regard to job security, working hours, leave and certain other employment conditions, enjoy certain advantages established by the country's labour legislation (Code of Labour Legislation, art. 199).

47. The employment of persons under the age of 18 in heavy labour or in jobs involving hazardous or harmful working conditions, or underground, is prohibited.

From initial report

84. [...] Under the Labour Code, children under the age of 16 are not allowed to work. Fifteen year-olds are taken on only in exceptional circumstances. Hiring youths under the age of 18 for work in particularly arduous, dangerous or underground occupations is prohibited. Children taking jobs before the age of 18 are subject to periodic medical checks. Night work, work outside school hours, and work on feast days and holidays is prohibited.

Minimum age for marriage

From 2nd report

48. Article 15 of the Marriage and Family Code sets the marriageable age for men at 18 and for women at 17. To be recognized, marriages in Armenia must be registered with the civil registration authorities. In cases where, under law, persons under the age of 18 are permitted to marry, such persons acquire full legal capacity from the moment of entry into marriage. Legal capacity acquired as a result of marriage is fully retained even in the event of the divorce of a minor spouse.

49. To protect the interests of a person below the marriageable age, that person's marriage may be declared invalid in legal proceedings brought by parents, tutors, guardians, the authorities responsible for tutelage and guardianship, and also by persons who have contracted such marriages provided they have reached the age of 18. In all cases, the tutelage and guardianship authorities must take part in the proceedings. When declaring a marriage invalid, the court may decide to revoke the full legal capacity of a minor spouse with effect from the moment the court takes its decision on that spouse's legal capacity.

Minimum age for criminal responsibility

From 2nd report

52. The minimum age of criminal liability in Armenia is 16. Under article 10 of the Criminal Code, persons who, at the moment of commission of an offence, have attained the age of 16 may be held criminally liable. Children aged 14-16 committing offences may incur criminal liability only for murder (arts. 99-103), the premeditated infliction of bodily harm and damage to health (arts. 105-108 and 109, part 1), rape (art. 112), assault with intent to rob (art. 88), theft (art. 86), robbery (art. 87), aggravated extortion (art. 94, part 3), riotous conduct and aggravated riotous conduct (art. 222, parts 2 and 3), the deliberate destruction or damaging of government or public property or the private property of citizens, with further serious consequences (art. 96, part 2), the theft of narcotic substances (art. 229), the theft of firearms, ammunition or explosives (art. 232) and the deliberate performance of acts capable of causing a train crash (art. 81).

AUSTRALIA

Sources:

2nd and 3rd periodic reports combined: CRC/C/129/Add.4, 29 December 2004

Initial report: CRC/C/8/Add.31, 1 February 1996

Minimum age for the end of compulsory education

From initial report

130. In all States and Territories except Tasmania education is compulsory for children between the ages of six and 15 years. In Tasmania education is compulsory for children between the ages of six and 16 years. Exceptions to this include where the child or parent is ill, the child is satisfactorily educated at home, or where special psychiatric treatment is required and it is deemed to be in the best interests of the child to be exempt from school attendance.

Minimum age for admission to employment

From 2nd and 3rd reports combined

478. Australian governments have not found it necessary to legislate for a general minimum age for employment (as per Article 2 of ILO Convention No. 138). As current law and practice is sufficient to protect children from harmful or exploitative forms of child labour, there is no perceived need for additional legislation.

From initial report

STATE AND TERRITORY MATTERS

Australian Capital Territory

1698. The Childrens Services Act 1986 regulates the employment of children under the age of 15. The Act prohibits the employment of a child in hazardous employment without the consent of the Director of Welfare. Conditions are outlined for children employed for light work (eg errands, distributing newspapers, baby-sitting etc). A person may only employ a child in certain occupations, which are listed, or in a family business. The employment must be for less than 10 hours per week, and must not have a detrimental effect on the child's schooling. The Act imposes a penalty where activities may be dangerous to the health and safety of the child.

New South Wales

1699. The employment of children under the age of 15 years is regulated by the Department of Community Services under Part 4 of the Children (Care and Protection) Act 1987. There is a regulation (which includes a Code of Practice) under that Part which, together with the Act itself, give effect to the protection of the child from abuse and exploitation.

1700. The employment of children aged 16 to 18 years is regulated by the Department of Industrial Relations, Employment, Training and Further Education, and the relevant legislation is consistent with the terms of Article 32. Division 7 Part III of the Factories, Shops and Industries Act 1962 contains provisions safeguarding: the employment of children and young persons in factories (section 49); the employment of young persons in connection with machinery (section 51); the employment of young persons at night (section 54); and the weights that can be lifted or carried by young persons in factories (section 36).

Northern Territory

1702. The Education Act 1979 provides that no child between the age of six and 15 years is to be employed during school hours or at any other time which would make the child unfit or unable to attend school or receive instruction provided. The Community Welfare Act 1983 provides that children under 15 years of age will not be employed between 10.00 pm and 6.00 am and prohibits employment of children in dangerous activities without the consent of the Minister. While there is no inconsistency between the Convention and Territory legislation, there is no legislation which currently provides for employment or regulation of hours and conditions of employment or a minimum age for employment.

Queensland

1703. The relevant Acts do not specify minimum ages for employment, with the exception of the Workplace Health and Safety Act 1989. The Workplace Health and Safety Act 1989 provides that an employer shall not permit any male under the age of 18 years or any female to operate at a workplace where lead processing is used. The Health Act 1937 prohibits a person who has not attained the age of 18 years from obtaining a pest control operators licence or preparing pesticides for use

by a pest controller. The Act also prohibits a person under the age of 17 years from mixing or loading agricultural chemicals intended for the use in aerial or ground application.

1704. The Education (General Provisions) Act 1989 indirectly addresses the issue of the legal minimum age for part-time and full-time employment by providing that a parent shall not employ or cause to be employed his or her child during school hours unless special dispensation has been granted. Education is mandatory until 15 years and therefore labour restrictions do not apply after that age.

1705. The Childrens Services Act 1965 prohibits any female child under the age of 17 years from engaging in street trading. However, boys over the age of 12 years may engage in street trading between the hours of 6.00 am and 10.00 pm, under certain conditions. Children are prohibited from engaging in street trading during school hours.

1706. The Childrens Services Act also makes it an offence for adults to employ children in the following occupations: relating to the procurement of children for employment in the performing arts, (for money); children who are under school leaving age are prohibited from working in racing stables, or as a jockey. This work is permitted if betting was not permitted in relation to the employment and if the proceeds were to go to schools, churches, or charity; under this section of the Act, it is also an offence to employ children in any dangerous or indecent performances; and any such children engaged in the cinematographic industry, or who are working as a model or engaged in public entertainment, who are under school leaving age require a permit issued by the Director-General of the Department of Family Services and Aboriginal and Islander Affairs. (In practice this delegation rests with the Regional Manager of the area in which the child resides.)

1710. Section 78 of the Education Act provides that a child of compulsory school age may not be employed during the hours at which he or she is required to attend school or during any part of a day of night in any labour or occupation that is such as to render the child unfit to attend school or to obtain the proper benefit from the instruction provided for him or her.

Tasmania

1711. The Child Welfare Act 1960 governs the public performance of children under 14 years, trading in a public place under the age of 11 years and trading in a public place under the age of 14 years after 9.00 pm.

Victoria

1712. In Victoria the Community Services Act 1970 prohibits the employment of a child under 15 years of age without a child employment permit issued by the Department of Labour.

Western Australia

1715. In Western Australia a child may engage in part-time employment at any age subject to any restrictions relating to the particular occupation.

1716. The Child Welfare Act 1947 limits the part-time employment of children in street trading to those aged 12 and above and to daylight and out of school hours, licences the employment of children under 15 in entertainment and advertising and imposes penalties for employing children for indecent or pornographic purposes.

Minimum age for marriage

From initial report

121. In all States and Territories the age of majority is 18. Under

the Federal Marriage Act 1961, the legal minimum age for marriage is 18 years. However, with court approval in exceptional circumstances, a marriage may take place if one of the parties has attained 16 years.

Minimum age for criminal responsibility

From 2nd and 3rd reports combined

72. [...] Recent changes to State, Territory and federal laws have resulted in the standardisation of the age of criminal responsibility to 10 years of age in all jurisdictions. Furthermore, there is a rebuttable presumption that children aged between 10 and 14 are incapable, or will not be held accountable, for committing a crime, either because of the absence of criminal intent, or because they did not know that they should not have done certain acts or omissions.

AUSTRIA

Source:

2nd periodic report: CRC/C/83/Add.8, 8 July 2004

Minimum age for the end of compulsory education

74. General compulsory schooling commences on 1. September following a child's sixth birthday and lasts for nine school years.

Minimum age for admission to employment

666. In Austria child labour is generally inadmissible, hence children under 15 must not be used for work of any type.

669. [...] the employment of children over the age of 12 is [...] only admissible in the following cases: Work in enterprises in which only members of the owner's family are employed, work in private households, errands, assistance at sports grounds and playgrounds, picking of flowers and equivalent activities.

Minimum age for marriage

79. [...] With the lowering of the age of majority as a result of the Parent and Child Amendment Act of 2001, the unequal treatment of man and woman in defining the legal age of marriage (18 for men, 15 for women) that had been in effect until then was eliminated. Now all persons who attain the age of 18 can marry. The court can declare a 16-year old woman of marriageable age, if she files a petition and the future spouse has reached the age of majority and the person appears mature for marriage (para. 1 of the Marriage Act).

Minimum age for criminal responsibility

618. In Austria criminal liability starts at the age of 14 as a matter of principle. Adolescents under 14 years of age are not liable to punishment. Adolescents under 16 are not liable to punishment in misdemeanours (offences committed with intent liable to punishment not exceeding a three-year prison term and all offences due to negligence) if their guilt is not serious and if there is no need for punishment as a means of special prevention.

AZERBAIJAN

Sources:

2nd periodic report: CRC/C/83/Add.13, 7 April 2005

Initial report: CRC/C/11/Add.8, 29 May 1996

Minimum age for the end of compulsory education

From initial report

51. In 1992, the National Assembly of the Azerbaijani Republic adopted the Education Act which provides for compulsory basic education (from classes I to VIII).

Minimum age for admission to employment

From 2nd report

40. The minimum age for admission to work is 15 years (art. 42 of the Code). Children aged 14 may be allowed to work, with their parents' consent, for periods of production-work experience as well as at light tasks which have no harmful effects on their health.

39. Under article 258 of the Labour Code, in exceptional circumstances children aged 14 or 15 may be allowed to work in a family enterprise. However, they may not be employed in heavy, hazardous or harmful work or in night work. Such children may be employed only to perform light tasks which will help to develop the work habit or tasks essential to their vocational training.

42. Article 46 of the Code stipulates that parental consent is required for the conclusion of a labour contract with persons aged 15 to 18.

Minimum age for marriage

Information unavailable

Minimum age for criminal responsibility

From 2nd report

409. Pursuant to article 20.1 of the Criminal Code, persons aged 16 or older at the time of the commission of a crime may be held criminally liable for it.

410. Persons aged at least 14 years at the time of commission of the crime incur criminal liability in respect of intentional murder, intentional infliction of serious or less serious harm to a person's health, kidnapping, rape and other acts of sexual violence, theft, robbery, robbery with violence, extortion, unlawful taking of an automobile or other means of transport without intention to steal, intentional aggravated destruction or damage of property, terrorism, hostagetaking, aggravated hooliganism, theft or misappropriation of firearms, ammunition, explosives or explosive devices, theft or misappropriation of narcotic drugs or psychotropic substances, and rendering means of transport or communication unusable (Criminal Code, art. 20.2).

BAHAMAS

Source:

Initial report: CRC/C/8/Add.50, 28 January 2004

Minimum age for the end of compulsory education

246. [...] The Education Act was amended on 13 November 2001, and the compulsory school age is now raised from 5 to 16 years.

Minimum age for admission to employment

27. The Employment of Children (Prohibition) Act, 1939 prohibits the employment of children. "Child" was defined in the Act as any person under the age of 14 years. Under this Act, a child cannot be employed in an industrial undertaking or in any work during school hours.

28. The Employment of Young Persons Act, 1939 prohibits the employment of any person under 14 years on a ship. Section 59 of this Act makes it unlawful to employ a young person under the age of 16 years on a ship, except on a ship which employs only family members within the waters of the Bahamas. It also prohibits engaging a young person in night work in the Bahamas. In this Act, a "young person" is defined as anyone who is 12 years and older, but below the age of 16 years.

Minimum age for marriage

38. Under the Marriage Act, 1908 a marriage contracted between parties either of whom is under the age of 15 years is void. Under section 50 of this Act, the Supreme Court may, upon application of

either party to an intended marriage who has reached the age of 13 years, but is under the age of 15 years, grant a dispensation, in which case the intended marriage may be lawfully solemnized.

39. Under section 32 of the same Act, persons who have reached the age of 18 years may marry without consent. However, the consent of a parent or guardian is needed if the person is under 18 years of age.

Minimum age for criminal responsibility

83. This [Rehabilitative and Welfare Services] Division also has responsibility for the Williamae Pratt Centre For Girls and the Simpson Penn Centre For Boys, which are juvenile residential facilities, designed for the detention and career-training of juvenile offenders, between the ages of 10 and 16 years.

BAHRAIN

Source:

Initial report: CRC/C/11/Add.24, 23 July 2001

Minimum age for the end of compulsory education

70. In the State of Bahrain, the stage of basic education ends when the child obtains the General Certificate of Preparatory Education, i.e. on reaching the age of 15.

253. Article 7 of the Constitution of the State of Bahrain stipulates that education shall be compulsory and free of charge in the initial stages specified by law and in the manner provided for therein [...] although compulsory education is not regulated by law [...]

273. In keeping with this education policy, the Ministry of Education has intensified its endeavours to develop its education system by: [...] Endeavouring to secure the promulgation of the laws and legislation needed to enforce compulsory basic education [...]

Minimum age for admission to employment

67. Article 50 of the Private Sector Employment Act of 1976 prohibits the employment of persons of either sex who are under 14 years of age. [...]

322. The employment of juveniles is dealt with in section VIII of the Private Sector Employment Act of 1976, which prohibits the employment of young persons of either sex who are under 14 years of age. The Act makes the employment of young persons conditional on the fulfilment of a number of requirements. For example, they must obtain authorization from the Ministry of Labour and Social Affairs, they must undergo a medical examination prior to their entry into service and at periodic intervals thereafter and they must not be employed in industries or occupations that are hazardous or detrimental to their health.

Minimum age for marriage

Information unavailable

Minimum age for criminal responsibility

62. [...] With regard to impediments to criminal responsibility, article 32 of the Bahraini Penal Code of 1976 stipulates that a person under 15 years of age cannot be held responsible for the commission of an act constituting an offence, being liable solely to the measures provided for in the Juveniles Act. Article 101 of the Penal Code further stipulates that the provisions concerning permissibility, causation and impediments to responsibility, as contained in chapter II concerning criminal responsibility, also apply to minor infractions of the law.

BANGLADESH

Sources:

3rd and 4th periodic reports combined: CRC/C/BGD/4, 23 October 2008

2nd periodic report: CRC/C/65/Add.22, 14 March 2003

Minimum age for the end of compulsory education

From 3rd and 4th reports combined

402. Under the existing law, every child must attend school up to Grade V or until the age of 10 years.

312. [...] Compulsory Primary Education Law [was enacted] in 1990 (for children aged 6 to 10 years).

Minimum age for admission to employment

From 3rd and 4th reports combined

404. Under the Mines (Amendment) Act, 2004 the age of children who can be engaged in mines has been revised from 15 years to 18 years to conform to the CRC. Bangladesh Labour Law, 2006 deals, inter alia, with some prohibitions related to child labour. Hazardous work by a person below 18 is prohibited by this law. [...] For any other (non-hazardous) economic activity, the lower limit of admission into employment is 14 years but with the certification of a registered medical doctor about fitness and age of the child/adolescent. The employer must preserve the certificate; allow her/him to continue on-going education adjusting working hours, ranging from 30 to 42 hours per week (during the day time only meaning restriction of work during 7:00 pm to 7:00 am).

Minimum age for marriage

From 3rd and 4th reports combined

16. Under the existing law, minimum age of marriage is 18 for females and 21 for males, and there are provisions for punishment of the persons involvement in child marriages.

89. MICS [Multiple Indicator Cluster Survey] 2006 shows that a large proportion of girls are married at an early age. Nationally, about 33 percent of girls aged below 15 years and 74 percent below 18 years are married. In rural areas, the rate was 78.4 percent and in urban areas 65.4 percent. There is regional difference in age of marriage. Among the tribal population, the rate of child marriage is somewhat low (44 percent). There is a negative co-relation between child marriage and educational level and child marriage and economic status.

From 2nd report

47. Information on the minimum legal age set by national legislation for various purposes is given below [...] (c) Marriage – 18 years for girls and 21 years for boys under the Child Marriage Restraint Act 1929, but religious personal laws permit marriage at an earlier age.

Minimum age for criminal responsibility

From 3rd and 4th reports combined

71. The age of criminal responsibility has been raised to 9 from 7 years (Penal Code Amendment Act, 2004).

BARBADOS

Source:

Initial report: CRC/C/3/Add.45, 11 February 1997

Minimum age for the end of compulsory education

27. The Education Act 1981 (chap. 41) provides for a coordinated and effective system of public education related to the needs of the people of Barbados. In this Act, a child is defined as “a person under the age of sixteen (16) years” (sect. 2 (1)). Consequently, section 2 (1) affirms that compulsory school age means any age between 5 and 16 years.

Minimum age for admission to employment

28. The Employment (Miscellaneous Provisions) Act 1977

(chap. 346) makes provisions regarding the employment of persons, referred to as “child” and “young person”. Section 2 states that a child is “a person under the age of fifteen (15) years while section 2 (d) defines a young person as “a person who is at least fifteen (15) years of age but under the age of eighteen (18) years”.

29. This definition of a young person is further supported by the Factories Act (chap. 347), which was passed to revise and consolidate the Law relating to factories and the safety, health and welfare of persons employed therein. Section 2 of that Act defines a “young person” as one who has attained the age of 15 years but is under the age of 18.

31. From the above, one can infer that the legal minimum age at which an individual may be employed is after the attainment of his/her sixteenth birthday or the completion of compulsory school age. This inference was made because compulsory school age ceases at age 16. A person of 15 years may be employed outside of school hours (sect. 2).

Minimum age for marriage

34. The minimum legal age at which a person may enter into marriage is 16 years. The Marriage Act (chap. 218 (A)), states that: “a marriage solemnized between persons either of whom is under the age of sixteen (16) is void” (sect. 4). “However, where one of the persons intending to marry is over sixteen (16) years but under eighteen (18) years a parent or lawfully appointed guardian’s consent is required, and in the absence of the consent of the above-mentioned parties the Court may dispense with such consent on the application to the Court by either party” (sect. 26).

Minimum age for criminal responsibility

37. The Juvenile Offenders Act (chap. 138) addresses the issue of criminal liability. In this Act, the age of criminal responsibility is fixed at age seven years. Below this age a child is considered, in law, to be incapable of committing a crime. In addition to the age requirement, the court must be satisfied that the child has sufficient mental capacity to commit the crime.

BELARUS

Sources:

2nd periodic report: CRC/C/65/Add.15, 26 September 2001

Initial report: CRC/C/3/Add.14, 29 June 1993

Minimum age for the end of compulsory education

From 2nd report

198. [...] Basic schooling is compulsory for all children. [...]

From initial report

33. The age for basic education (which lasts nine years) is defined in article 16, “General secondary education”, of the Education Act of the Republic of Belarus. Article 16 (3) of the Act reads as follows: “Education shall begin from the age of six or, on medical grounds and with the parents’ consent, later”. In most cases, therefore, a child’s basic education is completed at 15 years of age. [...]

Minimum age for admission to employment

From 2nd report

51. Under article 173 of the Labour Code, no contract of employment may be concluded with persons below the age of 16. With the written consent of one of the parents (tutors or guardians) a contract of employment may be concluded with a minor who has reached the age of 14.

Minimum age for marriage

From initial report

29. The minimum age for marriage is set by article 16 of the Code on Marriage and the Family at 18 years [...] There is, however, an additional stipulation in article 14 (4) of the Civil Code that citizens contracting a marriage before reaching 18 years of age acquire full legal capacity from the time of the marriage.

Minimum age for criminal responsibility

From 2nd report

43. The general rule is that criminal liability may be incurred by persons aged 16 and over when the offence is committed. Those committing an offence when aged between 14 and 16 may incur criminal liability for certain grave offences (murder, rape, assault with intent to rob, and robbery).

BELGIUM

Source:

Initial report: CRC/C/11/Add.4, 6 September 1994

Minimum age for the end of compulsory education

50. Under the Act of 29 June 1983, full-time education is compulsory from the age of 6 to 15. From his sixteenth to his eighteenth birthday, a young person is obliged to pursue at least part-time education; he thus has a choice between full-time or part-time education.

Minimum age for admission to employment

51. From the age of 15, a young person engaged in part-time education can enter into a contract for part-time ordinary work. In such cases, the young person is normally covered by all aspects of the social security system, except the pension fund, to which he accordingly does not contribute. In addition, a working pupil can be recruited part-time under a practical training contract on condition that he is registered as seeking part-time work.

52. Under article 7.1.1 of the Labour Act of 16 March 1971 it is forbidden to employ minors who are still covered by the full-time education requirement or to employ them on work that is outside the framework of their education or training. It is thus only from the age of 18 that a young worker can enter into a full-time employment contract.

Minimum age for marriage

55. The age at which a person can lawfully enter into marriage was changed under the Act of 19 January 1990. New article 144 of the Civil Code states that the minimum age for marriage, both for young men and for young women, is uniformly fixed at 18. As things now stand, the age of legal capacity is the same as the age for marriage: a young person of 18, being of age, can marry without needing parental consent. It is possible to obtain permission for marriage at a younger age “on serious grounds”. The juvenile court is competent to give such permission.

Minimum age for criminal responsibility

61. A person under the age of 18 at the time when he committed an “act characterized as an offence” is not dealt with under the criminal law, but, at the federal level, under the Protection of Young Persons Act of 8 April 1965. This Act has been amended and supplemented by decrees by the Communities, which are now competent in the matter of protection of young persons.

63. Under article 38 of the Act of 8 April 1965, a minor brought before the juvenile court can nevertheless be tried as an adult if he was over the age of 16 at the time of the offence and if the

court considers that any custodial, preventive or educational measure would be inadequate. In that case, the juvenile court may, giving reasons for its decision, relinquish jurisdiction and refer the case to the Procurator's Office with a view to proceedings before the competent court. In the eyes of the law, however, such relinquishment of jurisdiction should remain an exception. A minor under the age of 16 can never be prosecuted before an ordinary criminal court.

BELIZE

Source:

2nd periodic report: CRC/C/65/Add.29, 13 July 2004

Minimum age for the end of compulsory education

35. [...] Belizean legislation provides the following minimum ages: [...] End of compulsory education: 14 years (Education Act, S.2 (b)) [...]

229. [...] Education is compulsory for those aged five to fourteen years, although enforcement of attendance and classroom capacity continues to be a problem.

Minimum age for admission to employment

35. [...] Belizean legislation provides the following minimum ages: [...] Admission to employment or work, including hazardous work, part-time and full-time work: 14 years, 12 years and 14 years, respectively (Labour Act, Ss. 54 & 169) [...]

295. [...] The Families and Children Act reinforces the provisions of the Labour Act by providing that: "Subject to the provisions of the Labour Act and the District Courts (Procedure) Act, no child shall be employed or engaged in any activity that may be detrimental to his health, education, or mental, physical or moral development". (S. 7)

296. However, enforcement remains a problem, and numbers of children clearly of compulsory school age can continue to be seen assisting household members in produce markets and vending refreshments at bus stops, as well as reportedly working in household or local market gardens or in domestic labour. Often this will be for no direct remuneration, but at the direction of a parent or other adult. [...]

Minimum age for marriage

35. [...] Belizean legislation provides the following minimum ages: [...] Marriage: 14 years (with parental consent) (consent not required if the person is a widow or widower), 18 years (without consent) (Marriage Act, S 5 (1)) [...]

Minimum age for criminal responsibility

35. [...] Belizean legislation provides the following minimum ages: [...] Criminal responsibility: 9 years (Criminal Code, S.25 (1), as amended by the Criminal Code (Amendment) Act 1999); a child between the ages of 9 and 12 years inclusive who is considered not mature enough to judge the consequences of his or her actions is also exempted (S. 25 (2)); a child between 16 and 18 years inclusive who is fined may be placed under supervision until the fine is paid (Summary Jurisdiction (Procedure) Act, S. 70 (5)) [...]

BENIN

Sources:

Concluding Observations: CRC/C/BEN/CO/2, 20 October 2006

2nd periodic report: CRC/C/BEN/2, 24 November 2005

Minimum age for the end of compulsory education

From 2nd report

486. In primary and secondary education, the picture is as follows. The official age of admission to primary school is still 6. Primary schooling lasts six years.

510. [...] No upper age limit is specified for enrolling a child in school.

474. [...] At the present time, education is not free for all children in Benin, despite some progress in this area. Girls have access to free education in rural areas, a measure now being extended nationally to all children irrespective of gender.

Minimum age for admission to employment

From 2nd report

214. The minimum age for employment is 14, under the Labour Code [Article 166]. For dangerous work, it is set at 18, in accordance with the provisions of inter-ministerial order No. 132/MFPTRA/MSP/DC/SGM/DT/SST of 7 November 2000, which specified the categories of work and workplaces forbidden to pregnant women and children, and the corresponding age restrictions.

Minimum age for marriage

From 2nd report

194. Under the Civil Code, the minimum legal age for marriage is 18 for boys and 15 for girls (art. 140).

Minimum age for criminal responsibility

From 2nd report

201. As for children's criminal responsibility, the 1969 ordinance mentioned above deals with proceedings against minors in conflict with the law. The legislation distinguishes between minors under 13 years of age, who may not be detained, and minors aged above 13, who can be placed in pretrial detention.

From concluding observations

75. [...] the Committee regrets the lack of a minimum age for criminal responsibility.

76. [...] the Committee recommends in particular that the State party: [...] Urgently establish an age for criminal responsibility at an internationally acceptable level [...]

BHUTAN

Source:

2nd periodic report: CRC/C/BTN/2, 16 July 2007

Minimum age for the end of compulsory education

288. Primary education is free and from the age of six, every Bhutanese child has a right to eleven years of free "basic education" consisting of one year of pre-primary school, six years of primary and four years of secondary schooling to take the child up to grade ten. There are some costs, however, for uniforms, school shoes and the school development fund.

Minimum age for admission to employment

400. The Labour and Employment Act provides for a minimum age for admission to employment. It proposes that children under 15 years of age be prohibited from work, with some exceptions.

402. According to the Act, permissible work for children between the ages of 13 and 15 years for up to a maximum of eight hours include: Babysitting, running errands or golf caddying; Working in the theatre or public performances; and Work supervised by the school that complements a child's education or training, or gives the child work experience to enable the child to make a career choice in the future.

403. There is no child labour in the industrial sector but young domestic workers continue to be employed, particularly in urban

towns where both parents work. It is still a difficult issue to tackle although it is being more widely discussed. Although such children are physically provided for, they are not often able to go to school. One reason is the shortage of non-formal schooling placements since many of these children are unable to attend school on a full-time basis.

406. The results of different surveys may be inconsistent, but they lead to some general conclusions. At least one quarter of Bhutanese children aged 10-14 are working. In the rural areas, most of them help their parents in agriculture. In towns, children can be found working in shops and restaurants or as street vendors. Many more girls are employed as domestic workers.

407. Many of the working children come from large and poor families where it is believed that they would be better off working for someone, particularly in the home where the understanding is that it is an easier and more protected environment. The lack of baseline data and other studies make it difficult to ascertain the causes and extent of child labour.

Minimum age for marriage

431. [...] the minimum age for marriage [...] is 18 years [...] the previous age of marriage for girls was 16.

Minimum age for criminal responsibility

387. According to the Penal Code of Bhutan 2004, the minimum age for criminal responsibility is ten years of age. Discussions are underway to increase this to 13 years in accordance with international practice.

BOLIVIA

Source:

4th periodic report: CRC/C/BOL/4, 25 March 2009

Minimum age for the end of compulsory education

195. a) The State has the obligation to ensure primary schooling for children and adolescents from age 5 (or earlier) through age 16; it must also provide those who do not timely enter the school system with the possibility of entering Adult Education as from age 15, with schedules that are compatible with work [...]

Minimum age for admission to employment

195. f) According to the Code, the minimum age to work is 14 [...]

Minimum age for marriage

195. b) The minimum age for marriage, according to the Family Code is 14 years for women and 16 for men (article 44) [...]

Minimum age for criminal responsibility

195. i) Adolescents from age 12 up to their 16th birthday who break the law are subject to social responsibility, and adolescents over age 16 who are responsible for conduct characterized as criminal are subject to criminal liability. Children who have not reached the age of 12 are exempt from social responsibility and may not in any event be deprived of liberty [...]

BOSNIA AND HERZEGOVINA

Source:

Initial report: CRC/C/11/Add.28, 14 October 2004

Minimum age for the end of compulsory education

Elementary education

256. This type of education is obligatory, free and available under the same conditions for all children.

258. Elementary education lasts 8 years (4+4).

Minimum age for admission to employment

46. Minors are allowed to work only when they reach the age of 15, but they are not allowed to work in dangerous occupations, or in occupations with difficult conditions.

384. According to the provisions of the Law on Basic Employment Rights, a person under the age of 18 and who is generally in good health can be employed, but the lower age limit for employment is 15 years of age.

Minimum age for marriage

37. According to the provisions of Family Law, a person may not enter into marriage before the age of 18. However, if reasons justify it, a court may in a special procedure allow a minor older than 16 to enter into marriage if it finds that this person (regardless of sex) is physically and psychologically capable of carrying out the rights and duties resulting from marriage.

Minimum age for criminal responsibility

40. Punitive measures cannot be imposed on a minor who has not reached the age of 14 (i.e. a child). Minors who were between 14 and 16 years of age at the time when the criminal act was committed may receive only corrective measures.

BOTSWANA

Source:

Initial report: CRC/C/Add.9, 27 February 2004

Minimum age for the end of compulsory education

275. Basic education is free but not compulsory at primary and secondary school levels.

Minimum age for admission to employment

93. For purposes of the Employment Act (Cap 47:01), which deals with regulation of the employment of children, a distinction is made between a child and a young person. A "child" is defined as a person under 15 years of age and as such the employment of children is prohibited. A "young person" is a person between 15 and 18.

348. A child who has attained the age of 14 years and is not attending school may be employed doing light work not harmful to his health and development by a member of his/her family and if such work is of a character approved by the Commissioner of Labour.

Minimum age for marriage

85. No male below 16 years of age or female below 14 may marry.

Minimum age for criminal responsibility

86. Persons below the age of 8 years are not criminally responsible for any act or omission in terms of section 13 (1) of the Penal Code. Between the ages of 8 and 14 it is possible that they can be demonstrated to be criminally responsible if it is proved by the prosecution that the child had the capacity to know that she/he ought not to perform the act or make the omission at the time.

BRAZIL

Source:

Initial, 2nd and 3rd periodic reports combined:
CRC/C/3/Add.65, 17 December 2003

Minimum age for the end of compulsory education

88. [S]chool education is compulsory and free from the age of 7 until the completion of primary education (Law No. 9.394, 20 December 1996, Law of National Education Guidelines and Bases, art. 6).

431. Brazil has universalized access to primary education for 97 percent of children and adolescents between the ages of 7 and 14, the key stage in the effort to eradicate illiteracy.

479. Because of repetition, student take an average of 10 years to complete the 8 years of mandatory education.

Minimum age for admission to employment

601. The prohibition of the use of the labour of children and of adolescents in Brazil is stated in the Constitution, in article 7, item XXXIII, as modified by Constitutional Amendment 20 (16 December 1998), which sets the minimum working age at 16 [...]

604. [...] The allowance of apprenticeship in Brazil, beginning at age 14, is not an impediment to setting the minimum age at 16, in line with article 6 of Convention No. 138.

Minimum age for marriage

88. The new Civil Code lays down that, from 2003 onward, a male and a female of 16 can marry, provided that they have the consent of both their parents or their legal guardians, while they have not reached the age of legal majority (art. 1.517).

86. Relative majority is reached at 18 and absolute majority at 21, the age at which persons are entitled to practise all the acts of civil life (Civil Code, art. 9). Brazilian legislation provides for the possibility of emancipation of a minor, which means bringing forward the age of majority, and the consequent right to practise all the acts of civil life (Civil Code, art. 9).

87. Since 2003, with the coming into force of the new Civil Code, Law No.10.406 of 10 January 2002, minority ends when the person reaches 18 years. Emancipation, however, may be reached at 16 through the consent of the parents, or of one of them in the absence of the other, through the sentence of a judge, after consulting with the guardian, through marriage, through the full exercise of public employment, on bestowal of a university-level degree, through civil or commercial stability, or through the existence of an employment link, provided that, as a result thereof, the minor of 16 is self-supporting.

Minimum age for criminal responsibility

575. Children may not be confined. Only adolescents can be confined, when submitted to due legal process with full rights to defence, and only for having committed offences with violence or making serious threats against a person. The longest period of confinement allowed for acts committed by a person under 18 is three years, and it must be served in an establishment created exclusively for adolescents, who are forbidden to be held together with adults.

85. The Statute of the Child and Adolescent defines a child as a person up to 12 years of age and an adolescent as being someone between 12 and 18 years of age (art. 2) [...]

BRUNEI DARUSSALAM

Source:

Initial report: CRC/C/61/Add.5, 13 March 2003

Minimum age for the end of compulsory education

246. This Education (Non-Government Schools) Act (cap. 55) does not have a provision concerning the right of a child to education. [...]

253. Although education is not compulsory, it is estimated over 99 per cent of the children in Brunei Darussalam attend primary schools.

Minimum age for admission to employment

33. Under the Labour Act (cap. 93) a child is defined as being under 14 years old and a young person is defined as any

person who has ceased to be a child but who is under 18 years old. The difference here is that young persons may be employed in any industrial undertaking as long as it is not done between 10 p.m. and 7 a.m. The act further makes provisions prohibiting the employment of children and young persons less than 18 years in ships or in underground work. [...]

319. The law prohibits the employment of people under the age of 16. The Employment of those below 14 is considered as child labour. The Labour Act (cap. 93, sect. 24 (1)) prohibits the employment of children in any industrial undertaking. Under this law a child is defined as a person under the age of 14 years old.

321. Most job-seekers are above the age of 18; there are also a small number of young job-seekers. Parents may apply for the consent of the Commissioner of Labour to allow their under-age children to work. In exercising his discretion, the Commissioner would act on the best interests of the children. Consent is only given if the type of work is not physically and mentally taxing and jeopardizes their safety. [...]

Minimum age for marriage

34. The Marriage Act (cap. 76) provides for the solemnization and registration of church and civil marriages. Under this law, minor is defined as a person not being a widow or a widower who is under the age of 18 years. The age for marriage is 14 years old. Where there is a solemnization of marriage and one of the parties to the marriage is a minor, consent of the father or the guardian or the mother of the minor is necessary. The act provides that it is an offence to solemnize the marriage of a minor where the requisite consent is absent. This is an offence punishable by a term of three years' imprisonment and a fine. This act does not apply to Muslim marriages, as such marriages are governed by the Shariah laws. Despite these provisions, according to the Registry of Marriages the number of marriages among minors are small and are usually between people in the rural areas or among the indigenous groups.

35. The Religious Council and Kadi's Court Act (cap. 77) does not limit the minimal age for a Muslim to get married and as outlined by Shariah law such marriage may be registered under the provisions of section 137 (3) of the act.

Minimum age for criminal responsibility

292. Section 2 (1) of the Criminal Procedure Code confines the definition of youthful offender to those between the ages of 7 and 18. By this definition a child below the age of 7 commits no offence. This is also specifically provided by section 82 of the Penal Code (cap. 22). Under section 82 of the Penal Code, nothing is an offence, which is done by a child under 7 years of age. By section 83 of the same, nothing is an offence that is done by a child above 7 years of age and under 12, who has not attained sufficient maturity of understanding to judge the nature and consequences of his conduct on that occasion.

BULGARIA

Sources:

2nd periodic report: CRC/C/BGR/2, 1 November 2007

Initial report: CRC/C/8/Add.29, 12 October 1995

Minimum age for the end of compulsory education

From 2nd report

101. In relation to article 28 of CRC, the basic legal acts that regulate this matter, namely the Constitution and the Public Education Act (PEA), provide for the absolute right to education of every child, mandatory education until the age of 16, and free of charge primary and secondary education in State and

municipal schools. In accordance with the Public Education Act, school education starts at the age of 7, from the year when the pupil has enrolled in first grade. Children who have turned 6 years of age may also be enrolled in first grade if their physical and mental development, in the judgement of their parents or guardians, so permits.

Minimum age for admission to employment

From 2nd report

147. According to the law, the minimum age for admitting a person to work is 16 years of age. With the explicit consent of parents some exceptions may be made for children of 15 years of age. They may perform easy work that does not pose any threat to their psychological or physical health.

Minimum age for marriage

From initial report

36. Under the Family Code persons have the right to marry after completing 18 years of age. As an exception and if there are important reasons, persons aged 16 may also enter into marriage with the permission of the court.

Minimum age for criminal responsibility

From 2nd report

135. Pursuant to the Penal Code, the minimum age for criminal liability is 14. Children below that age may not assume criminal liability and only the prevention correctional measures envisaged in article 13 of the Juvenile Delinquency Act may be applied to them. The correctional measures may be: warning; obligation to apologize to the victim; obligation to take part in trainings and other programmes aimed at overcoming behavioural deviations; placement under correctional supervision of parents or persons who replace them, with the obligation to enhance their care of the child in question; prohibition to visit particular places and locations; prohibition to meet or establish contacts with certain persons; prohibition to leave the present place of residence; obligation to repair the damage caused with his own labour, if such is within his capacity; obligation to work for the public benefit; placement in social educational boarding school; warning for placement in social educational boarding school with a probation period of six months; placement in correctional boarding school.

BURKINA FASO

Sources:

Concluding Observations: CRC/C/BFA/CO/3-4, 29 January 2010

Written replies by the government of Burkina Faso: CRC/C/BFA/Q/3-4/Add.1, 11 December 2009

3rd and 4th periodic reports combined: CRC/C/BFA/3-4, 30 March 2009

2nd periodic report: CRC/C/65/Add.18, 13 February 2002

Initial report: CRC/C/3/Add.19, 15 July 1993

Minimum age for the end of compulsory education

From 3rd and 4th reports combined

267. Non-enrolment in school is characteristic of at least 44.2 per cent of the population [...]

286. Moreover, the current restructuring of the education system is expected to allow: Implementing the principle of compulsory education from 6 to 16 years of age, in accordance with article 2 of the Framework Act on Education, and article 10 of the same Act, relating to basic education, including pre-

school education and basic teaching;

From 2nd report

36. The Education Act sets forth an obligation to enrol children in school from the age of 6 through 16 years (art. 2). Legally speaking, this is a step forward. Practically, however, its implementation is thwarted by lack of school infrastructure, human resources, teaching materials, logistical means for follow-up and by poverty.

37. Thus the scope of this provision appears to be limited. It affected only 37.7 per cent of the school-age population in 1996, and destroyed the previously-existing balance between the ages of compulsory schooling and of employment (14 years). Harmonization is needed.

Minimum age for admission to employment

From concluding observations

68. The Committee welcomes the Act No. 028-2008/AN of 13 May 2008 issuing the Labour Code which prescribes 16 years as the minimum age for access to any kind of employment or work, thus aligning this age to the age of compulsory schooling. However, the Committee expresses concerns that: a) Exploitation of child labour is a common practice throughout the State party, with 47% of children between 5 to 14 years being economically active, most of them in the agricultural sector

From 2nd report

21. The minimum age of employment (14) no longer corresponds to the maximum age of compulsory education (16). Harsh living conditions lead parents to send their children out to work early, especially in the agricultural and informal sectors.

456. Children generally operate in the informal economy, where there is a real risk of their being exploited, especially as there is no appropriate legislation or regulations to protect them.

Minimum age for marriage

From concluding observations

24. The Committee expresses concern at the disparity in the age of marriage between girls (17 years) and boys (20 years) and notes that possibility in exceptional circumstances to lower the girl's legal age of marriage to 15 years old.

25. The Committee urges the State party to set the minimum age for marriage for girls and boys at 18 years and to penalize early and forced marriage.

From 3rd and 4th periodic reports combined

59. Marriages celebrated at the population register office by the registrar comply with the minimum age stipulated by CPF, namely, 17 years for girls and 20 years for boys. This age difference reflects social reality insofar as girls not having enrolled in school or having dropped out tend to get married [...]

61. Forced and early marriages fall outside the purview of public administration, in the form of traditional and religious weddings which are neither recognized nor prohibited by the law [...]. As part of the CC review, CNC will amend CC article 376 so as to prohibit any marriage at odds with the provisions on minimum age and consent of the parties.

From initial report

11. Article 238 of the Code on the Individual and the Family sets the minimum age for marriage at 20 for boys and 19 for girls. However, derogations may be made by the judge in certain cases in which the age is 18 for boys and 15 for girls. The Code on the Individual and the Family stipulates that there must be mutual consent to the marriage, which brings an end to forced marriages.

Minimum age for criminal responsibility

From 2nd report

417. Children under the age of 13 are presumed to lack the capacity to infringe criminal law (Penal Code, art. 74) and are presumed not to be responsible for their actions. These children are either returned to their parents or placed in care; they are subject to educational measures only.

BURUNDI

Source:

Initial report: CRC/C/3/Add.58, 31 July 1998

Minimum age for the end of compulsory education

50. Compulsory education begins at the age of 7 and lasts for a period of six years. Theoretically, therefore, compulsory education applies to children aged between 7 and 12.

Minimum age for admission to employment

51. In keeping with the Convention on the Minimum Age for Admission to Employment, which defines the minimum age for admission to employment or work at 15, the minimum age for admission to employment or work is set at 16 years under article 3 of the Burundi Labour Code. Derogations may be obtained, provided that the child in question is at least 12 years old. Article 126 of the Burundi Labour Code contains an exceptional clause authorizing the employment of children under 16 years of age on light and healthy work or in a programme of apprenticeship, providing that such work is not harmful to them.

Minimum age for marriage

44. There are some, slight, differences between civil law, which establishes the age of majority at 21 years, and matrimonial law. A man under 21 years of age may not conclude marriage with a woman aged below 18. However, the governor of the province may agree to waive the age restrictions, where sufficiently serious reasons so warrant. A man and a woman who have not attained their majority may not contract marriage without the consent of their parents. If the mother or father is deceased, or either of them is absent or subject to an order of local banishment, the consent of the other parent shall be deemed sufficient. If the child is the sole surviving member of the family, the Family Council may, upon deliberation, give the necessary consent. In November 1990, Burundi ratified the African Charter on the Rights and Welfare of the Child, which establishes the minimum age for marriage at 18 years for both boys and girls (par. 2, article 21).

Minimum age for criminal responsibility

46. The minimum age of criminal liability is 13 years (art. 12 to 19 of the Criminal Code). While legal minority constitutes sufficient grounds for exoneration from criminal liability, the same does not apply to civil reparations. Offences committed by minors under 13 years of age are liable for civil reparations only. Minors aged between 13 and 18 are criminally liable for offences committed, although they benefit from consideration of attenuating circumstances. [...] Full criminal liability begins at the age of 18.

CAMBODIA

Source:

Initial report: CRC/C/11/Add.16, 24 June 1998

Minimum age for the end of compulsory education

189. The Constitution provides as follows: "Art. 68: The State

shall provide all citizens with primary and secondary education in State schools free of charge. Citizens shall receive education for at least 9 years."

190. State Council Decree-Law No.30 dated 20 November 1986 relating to general education provides as follows: "Chapter 2, art. 3: Primary education establishments shall accept children from the age of 6 and shall encourage them to complete their schooling."

Minimum age for admission to employment

24. Article 173 of the Labour Act provides that children of either sex below the age of 16 may not be employed as wage or salary earners, supervisors or apprentices in any enterprise. Article 177 specifies that parental consent is required for the employment of children below the age of 18.

Minimum age for marriage

23. Article 2 of the Marriage and Family Act strictly prohibits early marriage. Article 5 of the same Act sets the minimum marriageable age as 18 for girls and 20 for boys. [...]

Minimum age for criminal responsibility

25. While the minimum age of criminal responsibility is not specified, the provisions relating to the judicial system, criminal law and criminal procedure in force during the transitional period, which are still valid inasmuch as they do not run contrary to the Constitution and have not been replaced by new provisions (hereinafter referred to as the "Transitional Criminal Law"), provide in their article 14 that minors aged below 12 years may not be held in pre-trial detention. Minors aged between 13 and 18 may not be held in pre-trial detention for longer than one month. [...]

CAMEROON

Sources:

Concluding observations: CRC/C/CMR/CO/2, 29 January 2010

2nd periodic report: CRC/C/CMR/2, 22 October 2009

Initial report: CRC/C/28/Add.16, 26 March 2001

Minimum age for the end of compulsory education

From initial report

23. As far as schools are concerned, the provisions of the Constitution and of article 9 of Act No. 98/004 of 14 April 1999 on education guidelines in Cameroon provide that primary education is compulsory, but do not refer to any age limit for school attendance.

Minimum age for admission to employment

From initial report

22. In social matters, according to article 1 of Order No. 17 of 27 May 1969 on child labour, "Any person of either sex, whether a wage earner or an apprentice, who is below the age of 18 years shall be regarded as a minor" However, the annex to Order No. 16 of 27 May 1969 contains a list of work prohibited to minors. According to article 86-1 of the Labour Code, moreover, "Minors may not be employed in any enterprise, even as apprentices, before the age of 14, except as otherwise provided by order of the Minister of Labour in the light of local circumstances and the work that may be required of them." On 14 April 1998, Cameroon adopted a law authorizing the President of the Republic to ratify ILO Convention No. 138 on the Minimum Age for Admission to Employment and thus considers that the minimum age for admission to employment or work is 14 years, in accordance with its domestic legislation.

Minimum age for marriage

From 2nd report

42. [...] The preliminary draft code on the protection of children will not permit the marriage of children.

From concluding observations

25. The Committee notes the State party's efforts to harmonize its legislation with the Convention including the preparation of a draft Code on Child Protection which defines the child as a person below the age of 18 years. The Committee also notes that the draft Code on Persons and Family will establish the minimum legal age for marriage of boys and girls at 18 years. However, the Committee is concerned that the definition of the child is not yet in full conformity with the Convention and that under the current law there are still disparities between the minimum legal ages for marriage of boys (18 years) and girls (15 years).

From initial report

20. [...] With regard to marriage and according to article 52-1 of Order No. 81/02 of 29 June 1981 on the organization of the civil register, "No marriage may be celebrated if the girl is below the age of 15 years or the boy below the age of 18 years, except under an exemption granted by the President of the Republic for serious reasons." [...]

Minimum age for criminal responsibility

From initial report

221. Since the Decree of 30 November 1928 establishing special courts and the probation system for minors, Cameroon has adopted the principle of the criminal responsibility of certain juvenile delinquents; they are not, however, indiscriminately penalized. Act No. 65/LF/24 of 12 November 1965 instituting a penal code and Act No. 67/LF/1 of 12 June 1967 containing the Penal Code introduced that colonial decree into the law applicable in independent Cameroon and established a classification of juvenile delinquents. They receive differentiated treatment according to whether they are below 10 years of age, between 10 and 14 years or between 14 and 18 years.

222. Minors below the age of 10 are considered as totally without responsibility; they can therefore not be tried for the acts they have committed. Cameroonian legislation considers this category of minors as completely lacking in discernment. They can therefore never be handed over to the Public Prosecutor's Office or brought before a judge for sentencing. The parents alone can be sentenced to provide compensation for the harm caused to the victim pursuant to the rules relating to civil liability.

223. A child between the age of 10 and 14 is criminally responsible; however, only one of the special measures provided for by the law can be imposed on him.

224. For minors between the ages of 14 and 18 years, the Penal Code provides for parallel measures.

CANADA

Sources:

2nd periodic report: CRC/C/83/Add.6, 12 March 2003

Initial report: CRC/C/11/Add.3, 28 July 1994

Minimum age for the end of compulsory education

Measures adopted by the Government of Canada

Information unavailable

Measures adopted by the Governments of the Provinces

British Columbia

From 2nd report

599. British Columbia's age of attainment of majority and legal minimum ages for various purposes are as follows: [...] (b) end of compulsory education – 16 [...]

Alberta

From initial report

499. [...] School attendance in Alberta is compulsory to the age of 16. Attendance is enforced by "attendance officers" who have the right to enter buildings other than dwelling places and to accompany the child to school. An Attendance Board will review the situation of students who persistently fail to attend school.

Saskatchewan

From initial report

573. Pursuant to The Education Act, school attendance is compulsory for children between the ages of 7 and 16 years. In addition, schooling is provided to anyone between the ages of 6 to 21 years. Both primary and secondary education are free. [...]

Manitoba

From initial report

649. The Public Schools Act requires compulsory attendance at school by school-age children (6 to 16 years of age). Primary and secondary education is provided free of cost.

Ontario

From initial report

808. The Education Act provides for the attendance at school of compulsory school-age children (6 to 16 years of age). Primary and secondary education is free of charge. [...]

Québec

From initial report

939. According to the Education Act, school attendance is compulsory from 6 to 16 years of age, that is, for the entire duration of primary and secondary instruction. Section 3 of the same Act provides that educational services are to be provided free to residents of Québec until they attain 18 years of age.

New Brunswick

From 2nd report

1166. [...] the Education Act which says that a youth must continue their education until eighteen years of age or high school graduation.

1255. The New Brunswick Education Act requires the Minister of Education to provide free school privileges to all residents aged 5 to 21 years until they meet graduation requirements. It further requires children to attend school from the age of five until they graduate or attain the age of 16 years. The legal school leaving age will become 18 years as of July 1999.

Nova Scotia

From 2nd report

1300. Regulations made pursuant to the Education Act provide for compulsory education to all children who have attained the age of 6 years and who have not attained the age of 16 years. The Education Act also provides for free public education for children over the age of 5 and under the age of 21.

Prince Edward Island

From initial report

998. The Government of Prince Edward Island provides free

education and transportation to school for all children in the province between the ages of 6 and 20 years. School attendance is mandatory between the ages of 7 and 16. Under the School Act of this province, parents are required to take responsibility for the child's attendance in school.

Newfoundland

From 2nd report

1444. The Schools Act, 1997 SN, c. S-12.2, section 3 states that a person who on December 31 in a school year is five years of age or older and younger than 21 years of age and who is a Canadian citizen, lawfully admitted to Canada for permanent residence, a child of a Canadian citizen, or a child of a person who is lawfully admitted to Canada for permanent or temporary residence is entitled in that year to an education program. The Board has the discretion to admit a person over 21 years of age to an education program. Attendance at school is compulsory for those between the ages of 6-16. There are no enrolment or attendance fees.

Measures adopted by the Governments of the Territories

Yukon

Information unavailable.

Northwest Territories

From 2nd report

1552. The new Education Act S.N.W.T. 1995, c.28 came into force on July 1, 1996. Under section 12, school is compulsory for every child from the age of 6 until the child turns 16.

Minimum age for admission to employment

Measures adopted by the Government of Canada

From initial report

43. Employment of persons under 17 years of age is subject to special regulation pursuant to the Canada Labour Code to ensure that it does not interfere with their education and is not harmful to them.

353. Section 179 of the Canada Labour Code, in conjunction with the regulations enacted pursuant to it, permits the employment at the federal level of persons under 17 years of age if the following conditions are met:

- (a) The child is not required under the law of the province where he or she resides to be in attendance at school;
- (b) The work is not underground in a mine nor as an atomic energy worker;
- (c) It is not work prohibited for young workers under the Explosives Regulations or the Canada Shipping Act;
- (d) It is not likely to be injurious to the child's health nor to endanger his or her safety and
- (e) The work is not carried out between 11.00 p.m. of one day and 6.00 a.m. of the next day.

Measures adopted by the Governments of the Provinces

British Columbia

From 2nd report

599. British Columbia's age of attainment of majority and legal minimum ages for various purposes are as follows:

- (c) part-time employment – 15;
- (d) full-time employment – 15;
- (e) hazardous employment – 15;

678. Child labour is prohibited in British Columbia except under

the special authority of a permit issued by the Director of Employment Standards. In 1997, the province set conditions for the employment of children under the age of 15 who work in the film, television and radio commercial industries. These conditions cover hours of work, education, workplace safety and protection of income.

Alberta

From 2nd report

808. As mentioned in the first report in 1994 on Alberta, children under the age of 15 are generally not allowed to work; however, some exceptions exist. Under the Employment Standards Act, a person may be employed at age 15 to work from 6 a.m. to midnight without the consent of the parents, but younger persons require parental consent to perform any kind of work. Children who work also are subject to the Occupational Health and Safety Act, which applies to all workers in industries under provincial jurisdiction.

Saskatchewan

From initial report

591. The Labour Standards Act, which provides for minimum wage, hours of work, overtime pay, vacation entitlement, public holidays, equal pay, and days of rest, makes no reference to age.

593. By law, the minimum age at which employees may be employed in any educational institution, hospital, nursing home, hotel or restaurant is 16 years.

594. The Occupational Health and Safety Act prohibits the employment of any person under the age of 16 years:

- (a) At or about any construction site, work of engineering construction, trench or excavation;
- (b) At any pulp mill, saw mill or woodworking establishment;
- (c) In the vicinity of industrial processes at any factory;
- (d) In any silo, storage bin, vat, hopper, tunnel, shaft, sewer or other confined space;
- (e) On the cutting line of any packing plant or the evisceration line of any poultry plant;
- (f) In any forestry or logging operation;
- (g) On any drilling or servicing rig;
- (h) As an operator of any heavy, mobile equipment, any crane or other hoisting equipment; or
- (i) As an operator of a forklift truck or similar mobile equipment within a place of employment or in the vicinity of other workers.

595. In addition, Regulations passed under the Act prohibit the employment of any minor:

- (a) Underground or at the open-pit face of any mine;
- (b) As a radiation worker; or
- (c) In any activity for which respiratory protective equipment is required by any regulations made under the Act, except where that work is performed under close and competent supervision

Manitoba

From initial report

603. [...] Thus, the legal minimum age:

- (b) To commence part-time employment without parental consent is 16 years (The Employment Standards Act);
- (c) To be employed in hazardous work without parental consent is 18 years of age (The Employment Standards Act);
- (d) To commence full-time employment without parental consent is 18 years;

671. The Employment Standards Act of Manitoba defines a "child" as a person under the age of 16 years and an "adolescent" as a person who has reached his or her sixteenth

birthday but not the eighteenth birthday. Under the Act, no child shall be employed except with the written permission of the Minister and in accordance with a permit issued by the Department of Labour. A child shall not be employed in any manner, work or service detrimental to safety, health or moral well-being.

675. The Public Schools Act requires that every child of compulsory school age (under the age of 16 years) attend school unless specifically excused by the Minister responsible for the Act in accordance with the Act and Regulations. The Act prohibits the employment of an individual during those hours in which the individual is required to be in attendance in the school.

Ontario

From initial report

840. The Regulations for Industrial Establishments stipulate that a worker must have reached the minimum age of 14 to work in a workplace other than a factory, 15 to work in a factory and 16 to work in a logging operation. The Regulations for Construction Projects require that no person employ a person younger than 16 years of age at a project. A person aged 15 and who is excused under the Education Act from attending school, or is required to attend school only part-time, may be employed as a worker at a project. The Regulations for Mines and Mining Plants require that a person be 16 years to work at a mining plant or a surface of a mine (excluding the working face) and 18 years to work at an underground mine or at the working surface of a mine. No person is allowed to operate a mine hoist unless over 18 years where the hoist does not transport persons, and over 21 years where the hoist does transport persons.

Québec

From 2nd report

1034. As mentioned in the first report, there is no minimum age limit for admission to employment in Québec, except for certain specific kinds of employment or vocations. However, in the course of its work on Bill 172 of 1997, one of the purposes of which was to prohibit night work by children aged 16 and under, the Parliamentary Commission on the Economy and Labour decided to examine in depth the whole issue of child labour in Québec. A working committee was therefore created in order to produce a discussion paper on this issue and present recommendations to the Parliamentary Commission on the Economy and Labour.

From initial report

860. At present, there is no general minimum age limit for admission to employment in Québec. However, Québec legislation does, for health or safety reasons, establish various minimum ages for being allowed to take certain specific kinds of employment or for exercising certain trades or vocations, and for obtaining certain licences (Act respecting Manpower Vocational Training and Qualification, R.S.Q., c. F-5). The most frequently adopted minimum age for performing certain jobs is 16 years. This is true of most of the construction trades, of several apprenticeship positions and of jobs requiring a driver's licence. Furthermore, a minimum age of 18 years has been adopted for the exercise of certain trades or vocations involving a higher risk (such as the performance of underground work) or requiring higher levels of theoretical knowledge (forestry engineers, real estate agents or security guards). However, a person aged at least 15 may be an assistant lifeguard, although a lifeguard must be 17. It should also be noted that school attendance is, according to the Education Act (R.S.Q., c. I-13.3), compulsory until 16 years of age.

New Brunswick

Information unavailable.

Nova Scotia

From 2nd report

1301. The Labour Standards Code restricts the types of occupations in which and the hours of work during which children under the ages of 14 and 16 may be employed.

1341. Under the Act and Regulations pursuant to the Education Act, no person shall employ a child under the age of 15 years in any work during school hours. The Regulations permit the granting of an employment certificate to a child having attained the age of 15 years provided the school board is satisfied, after review and discussion with the student and the student's parents, that continued attendance in school is not beneficial to the student.

1362. The Labour Standards Code stipulates that children under the age of 14 may not work for more than eight hours in any day or for more than three hours on any school day unless the child has an employment certificate under the Education Act. Children under 14 cannot work after 10 p.m. and prior to 6:00 a.m. nor can they be employed to do work that is or is likely to be unwholesome or harmful to his or her health or development or interfere with school attendance. Children under 16 cannot be employed in an industrial undertaking, forest industry, garages and automobile services stations, hotels and restaurant, theaters, dance halls, shooting galleries, bowling-alleys, billiard and pool rooms or in the operation of elevators. The total hours of combined school attendance and employment cannot exceed 8 hours in any one day. The responsibility of ensuring that children do not work in contravention of the Code lies with the parents, who may be subject to fine unless they can demonstrate that the employment occurred without their knowledge or consent.

1363. The restrictions on the employment of children under the age of 16 in certain industries, as outlined in the Labour Standards Code, do not apply to the employment of such children by their parent or guardian.

Prince Edward Island

From initial report

976. The Youth Employment Act (proclaimed in 1990) prohibits the employment of persons under the age of 16 years in any employment that is likely to be "harmful to the health or safety or moral physical development of a young person". This Act further limits the hours that can be worked by a young person in any employment, avoiding hours between 11.00 p.m. and 7.00 a.m. and normal school hours. There are further limits to the numbers of hours which can be worked on a school day.

977. Exceptions can be made to these limitations on hours worked, but only under very strict conditions and with the consent of a parent. Employers are required to take further steps when they employ someone under the age of 16 to ensure that the young person is safe. The minimum age of 16 years applies to both part-time and full-time employment.

Newfoundland

From 2nd report

1403. The province's Occupational Health and Safety Regulations, C.N.R. 1165/96 prohibits a person under 18 years of age from being employed in a silica process or any cleaning or maintenance work that involves exposure to silica. The Regulations also require candidates for blasting certificates to be at least 19 years of age.

1404. The Mines Safety of Workers Regulations, C.N.R. 1145/96 prohibits persons under 18 years of age from being employed in the underground works of a mine and persons under 20 years of age from being in charge of equipment used for hoisting, lifting or haulage; blasting with explosives, signaling for putting machines in motion and those under 21 years of age shall not be in charge of hoisting and lowering workmen.

From initial report

1168. [...] Under] The Labour Standards Act, persons under 14 years are allowed to work at certain prescribed occupations and in the case of persons under 16, restrictions apply to type of occupations and circumstances surrounding the employment;

1259. Children under the age of 14 years are prohibited from being employed in areas other than those prescribed by regulation under the authority of the Labour Standards Act. [...]

Measures adopted by the Governments of the Territories

Yukon

From 2nd report

1490. Although there is no legal minimum age for employment, the Employment Standards Board can, under the Employment Standards Act, specify the circumstances and occupations in which persons under 17 years of age may be employed, fix the conditions of such employment and prescribe the minimum age for such employment.

1491. Pursuant to the Occupational Health and Safety Act, the Mine Safety Regulations state that the minimum age of a worker in a mine shall be 16 years of age for surface mines (excluding the working face of such a mine); and 18 years of age at an underground mine or the working face of a surface mine. All individuals under the age of 21 years are prohibited from handling explosives.

Northwest Territories

From initial report

1302. Although there is no legal minimum age for employment, the ability of children to work is restricted by the compulsory school attendance provisions of the Education Act and also by other legislation.

1303. The Employment of Young Persons Regulations, made pursuant to the Labour Standards Act, restrict the employment of persons under 17 years of age. Such young persons cannot be employed in the construction industry or late at night without a permit from the Labour Standards Officer. Also, employers must be able to satisfy the Officer, on demand, that the employment of a young person is not liable to be detrimental to his or her health, education or moral character.

1304. In addition, specific statutes limit the age of workers in designated industries. For example, pursuant to section 6 of the Mining Safety Act, a person under the age of 16 may not be employed in or around a mine and a person under the age of 18 may not be employed underground or at the working face of any open cut workings, pit or quarry.

Minimum age for marriage

Measures adopted by the Government of Canada

Information unavailable.

Measures adopted by the Governments of the Provinces

British Columbia

From 2nd report

599. British Columbia's age of attainment of majority and legal minimum ages for various purposes are as follows:

(g) marriage – 16;

Alberta

From initial report

446. [...] A person may marry without parental consent at the age of 18 or at age 16 with parental consent. No one may marry under the age of 16 except females who are pregnant or already mothers [...]

Saskatchewan

Information unavailable.

Manitoba

From initial report

603. [...] Thus, the legal minimum age: [...] (e) To marry without parental consent is 18 years, although persons between 16 and 18 years of age can marry with the consent of their parents, legal guardian, a Family Court judge, or the Director of Child and Family Services (The Marriage Act);

Ontario

From initial report

684. The Marriage Act provides that any person who is of the age of majority may obtain a marriage licence or be married by publication of banns. If a person is under 18 but is 16 years of age or more, section 5 requires consent of parent(s) or guardian unless the "child" is a widow, a widower or divorced.

Québec

From initial report

858. A minor 16 years of age or over may marry with the consent of the person having parental authority; as a result of the marriage, the minor obtains full emancipation and the capacity to exercise civil rights as if he or she were of full age...

New Brunswick

From 2nd report

1160. Marriage Act: The minimum legal age for marriage without consent of a parent or judge is 18 years. Children who have attained 16 years of age may marry with the consent of parents. A child under 16 years of age who has a dependent may marry without the consent of a parent or judge.

Nova Scotia

From 2nd report

1302. The Solemnization of Marriage Act requires a license from all persons who wish to be married and to obtain a license a person must be 19. A person under 19 but over the age of 16 may marry with parental consent. Marriages of persons under the age of 16 shall not be solemnized without special application to a judge of the Family Court who must make a determination that it is expedient and in the interests of the parties to authorize solemnization of the marriage.

Prince Edward Island

From initial report

974. The Marriage Act of Prince Edward Island provides in section 17 that individuals under the age of 16 years cannot be married. An exception may be made in the case of a female who is either pregnant or the mother of a living child. Any individual under the age of 18 requires the consent of a parent or guardian or the order of a judge of the Supreme Court of Prince Edward Island.

Newfoundland

From initial report

1168. [...] The following Acts contain age requirements pertaining to children:

The Solemnization of Marriage Act, that there can be no solemnization of marriage if either party is under 16, except in cases of pregnancy, that 16 to 19-year-olds can be married with parental consent, that 19-year-olds can marry without parental consent, and finally that those 18 years of age and living apart from parents, with no financial support, can marry without parental consent.

Measures adopted by the Governments of the Territories

Yukon

Information unavailable.

Northwest Territories

From 2nd report

1554. The Marriage Act R.S.N.W.T. 1988, c.M-4 requires that a person under the age of majority must have the consent of his or her parents before the publication of banns or the issue of a marriage licence, so that he or she may be married. A minor may make an application to court to dispense with his or her parents' consent and the court has the discretion to make an order dispensing with parental consent. In addition, no consent is required in the case of a minor who has attained the age of 18 years, if he or she makes a statutory declaration that he or she has withdrawn from parental charge for no less than 6 months prior to the date of the declaration, or for other specified reasons. A person under the age of 15 years may not marry unless there is proof that the female party is pregnant. In these circumstances parental consent is still necessary.

Minimum age for criminal responsibility

Measures adopted by the Federal State

From 2nd report

484. The minimum age for an individual to become involved in the youth justice system is 12 and will remain at 12.

485. The Standing Committee had recommended that, in exceptional circumstances, 10 and 11 year old youth suspected of committing extremely violent offences should be subject to the youth justice system. The Standing Committee further recommended that this be done at the consent of the provincial Attorney General and that the court's authority would include placing the child in the care of child welfare authorities if required.

486. However, the federal government, after careful consideration of the recommendation, concluded that referral to the appropriate provincial/territorial social and mental health services would provide a better response to the needs of these youth. The Government of Canada believes that these services are more age-appropriate, family-oriented and therapeutic than those available through the criminal justice system for children of this age.

CAPE VERDE

Source:

Initial report: CRC/C/11/Add.23, 9 January 2001

Minimum age for the end of compulsory education

52. Children go to primary school at age six. Primary school is universal and obligatory and the obligation ends when the child has reached the age of 16.

Minimum age for admission to employment

185. Children of compulsory school age are expressly forbidden from working by the Constitution. From the age of 14, minors may enter into an employment contract, but any contract they sign can be invalidated at the request of their parents or legal representatives if the latter did not give their consent.

Minimum age for marriage

56. In general, minors may not marry. However, the law allows them to do so in exceptional circumstances. The courts authorize a minor under age 16 to marry, based on a substantiated request by him or his legal representative. The marriage of a minor under age 18 is invalid.

Minimum age for criminal responsibility

59. Criminal responsibility on the grounds of age begins at age 16.

CENTRAL AFRICAN REPUBLIC

Source:

Initial report: CRC/C/11/Add.18, 18 November 1998

Minimum age for the end of compulsory education

64. From the standpoint of schooling, the end of compulsory education and the age of majority are indicated in Order No. 84/031 of 14 May 1984 on the organization of the educational system. An exception is made in respect of children who find a job at the age of 14. However, under Order No. 66/26 of 31 March 1996, education is compulsory for girls up to the age of 21 in order to protect those of school age.

Minimum age for admission to employment

62. Under article 125 of the Labour Code of the Central African Republic a child of 14 may be hired as a worker except for jobs entailing risks, in which case he or she must have reached the age of majority, namely, 18. He is not allowed to carry loads of over 50 kg or to work at night, in other words, between 10 p.m. to 5 a.m.

Minimum age for marriage

59. According to this draft code, a minor is not empowered to perform a juridical act, and under article 214 "no person may contract marriage before the age of 18".

Minimum age for criminal responsibility

7. Under article 49 of the Central African Penal Code children up to the age of 13 have complete immunity from criminal liability; those between 13 and 16 enjoy attenuated liability and receive only admonitions. [...]

CHAD

Sources:

2nd periodic report: CRC/C/TCD/2, 14 August 2007

Initial report: CRC/C/3/Add.50, 24 July 1997

Minimum age for the end of compulsory education

From initial report

42. The right to education and vocational training is guaranteed by article 35 of the Constitution. State education is non-religious and free. Compulsory schooling lasts for nine years from the age of six.

Minimum age for admission to employment

From 2nd report

50. The minimum age for admission to employment (14 years) is rarely respected. The endemic poverty in which parents live prompts them to send their children to the labour market very young, exposing them to the worst forms of work; the

commonest are the use of children as livestockherders or domestic servants; in the latter case they are often subjected to sexual abuse and exploitation.

Minimum age for marriage

From 2nd report

45. A draft code on the person and the family prepared in 1999 raises the minimum age of marriage to 18 years for boys and 17 years for girls.

63. [...] article 277 of the Criminal Code implicitly fixes the age of marriage at 13 years, for it prohibits only customary marriage before that age.

From initial report

46. Under article 144 of the 1958 French Civil Code, which is in force in Chad, men aged under 18 and women aged under 15 may not contract matrimony. However, in practice customary marriage is often entered into below the minimum legal age.

Minimum age for criminal responsibility

From 2nd report

54. The age of criminal responsibility is 13 years in Chad.

CHILE

Sources:

3rd periodic report: CRC/C/CHL/3, 20 December 2005

2nd periodic report: CRC/C/65/Add.13, 25 June 2001

Minimum age for the end of compulsory education

From 3rd report

168. [...] On 7 May 2003 a new constitutional reform came into force establishing compulsory and free secondary education, with the State responsible for guaranteeing access to that level of education for all Chileans up to the age of 21. In this way, the Government is seeking to ensure that children and adolescents receive a minimum of 12 years' schooling.

Minimum age for admission to employment

From 3rd report

260. In conformity with the standards set forth in ILO Convention No. 138, in June 2000 the Senate adopted Act No. 19.684 amending the Labour Code and raising the minimum age for admission to employment from 14 to 15 years of age.

Minimum age for marriage

From 3rd report

35. [...] Under the new Civil Marriage Act of 2004 the minimum age for contracting marriage is set at 16 years for males and females without distinction.

Minimum age for criminal responsibility

From 3rd report

240. The Act establishing a system of responsibility of adolescents for breaches of criminal law, described above [Act No. 19.806 introducing provisions in response to the reform of the criminal procedure, which amends, among other legal instruments, the Juvenile Act (No. 16.618)] and about to be promulgated, establishes 14 as the age of criminal responsibility. Children under that age shall be considered not to be criminally responsible.

From 2nd report

212. The following persons are exempt from criminal responsibility:

(a) Children aged under 16 years; (b) Children aged over 16 but

under 18 who are not deemed to possess "discernment".

1032. Briefly, it may be said that the formula used for purposes of declaration of non-imputability is a combination of biological and psychological criteria based on three presumptions, viz.: (a) beginning at age 18: automatic presumption of full imputability; (b) under age 16: automatic presumption of absolute non-imputability; (c) between ages 16 and 18: simple legal presumption of non-imputability, which may be invalidated if it is established by a special procedure conducted by a juvenile judge that the minor acted with discernment.

CHINA

Sources:

2nd periodic report: CRC/C/83/Add.9, 15 July 2005

Initial report: CRC/C/11/Add.7, 1 August 1995

Minimum age for the end of compulsory education

From 2nd report

25. With regard to the age when compulsory education ends, China has a system of nine years' compulsory education which, according to the Education Act, may not begin before the age of 6. In actual practice, owing to differences in regional conditions, the age at which children begin their education varies nationwide, and the age at which they finish it varies accordingly, usually between 15 and 17. By law, the youngest age at which a worker may be hired is 16, and the great majority of children in China have finished their compulsory education by that age.

Minimum age for admission to employment

From 2nd report

336. On 1 October 2002, the State Council promulgated amendments to the regulations prohibiting child labour, article 2 of which now states: "State organs, social organizations, commercial and non-commercial institutions, civil non-commercial agencies and individual enterprises may not employ minors under the age of 16. It is prohibited for any agency or individual to take on a minor below the age of 16, and for any minor below the age of 16 to found a business or undertake private business activities." These regulations clearly demonstrate that the minimum age for employment permitted under the laws and regulations of China is 16. The law also prescribes penalties for the employment of child labour.

Minimum age for marriage

From initial report

19. Article 5 of the Marriages Act states: "The marriageable age for boys shall be not less than 22 years, and for girls, not less than 20 years."

Minimum age for criminal responsibility

From 2nd report

23. [...] Article 17 of the Criminal Code stipulates, "A person who has reached the age of 16 and who commits a crime shall be held criminally liable. A person aged between 14 and 16 who commits intentional homicide, intentionally hurts another person so as to cause serious injury or death, or commits rape, robbery, drug-trafficking, arson, explosion or poisoning, shall be held criminally liable. A person aged between 14 and 18 who commits a crime shall be given a lighter or mitigated punishment." Article 49 states: "The death penalty shall not be imposed on offenders who were under 18 at the time the crime was committed or on women who are pregnant at the time of trial."

COLOMBIA

Sources:

Concluding Observations: CRC/C/COL/CO/3, 8 June 2006

Summary Record of the 1147th Meeting: CRC/C/SR.1147, 7 June 2006

3rd periodic report: CRC/C/129/Add.6, 24 August 2005

2nd periodic report: CRC/C/70/Add.5, 5 January 2000

Initial report: CRC/C/8/Add.3, 10 June 1993

Minimum age for the end of compulsory education

From initial report

39. The Colombian Constitution of 1991 states in article 67, paragraph 3, that: “The State, society and the family are responsible for education, which shall be compulsory for all children between the ages of five and fifteen years and shall include at least one year of pre-school education and nine years of basic education”.

Minimum age for admission to employment

From 2nd report

349. The various national agencies consider that the spirit of ILO Convention No. 138 has in fact been broadly incorporated into domestic legislation, which prohibits minors under the age of 14 from working and regulates the working days, salaries and other labour rights of young people aged between 14 and 18.

From initial report

43. Decree No. 2737 of 1989, Colombia’s Minors’ Code deals in its articles 237 to 264 with the question of minors working in circumstances that are not authorised by law. It states that work by minors under the age of fourteen is prohibited and requires the parents to arrange for them to attend education centres. Exceptionally, and in special circumstances defined by the Defensor de Familia, children over the age of twelve years maybe allowed to work by the labour inspector or, in his absence, by the senior local authority, upon application made by the parents or, in their absence, by the Defensor de Familia.

Minimum age for marriage

From concluding observations

33. The Committee is concerned that the minimum age for marriage is too low and discriminatory, as it is set at 12 years for girls and 14 years for boys.

From summary record

28. Ms. LONDOÑO SOTO (Colombia) said that [...]

30. Under Colombian legislation [...] the minimum age for marriage was 14 for boys and 12 for girls, although marriage at such a young age was subject to parental consent.

From initial report

49. This question is dealt with in article 116 of the Colombian Civil Code, which states that: “Persons over the age of 18 years may enter freely into matrimony”. Article 117 of the Code goes on to state that minors may not enter into matrimony without the express written permission of their parents or legal representatives.

Minimum age for criminal responsibility

From 3rd report

623. [...] As stated in chapter II of this report, the Government has drafted bills for a reform of the Juvenile Code. Nevertheless, the Juvenile Code currently in force contains in section V comprehensive provisions with regard to the commission of or participation in a criminal offence by a minor. In Colombia,

persons under 18 are considered to have no penal responsibility and a special procedure is in force for their protection.

628. Central to the plans and programmes designed to assist the above group is the issue of the administration of justice in accordance with the legislation in force. Placement in an institution presupposes the need for effective control based on criteria such as relapse into the given offence, non-compliance with measures previously imposed, seriousness of the fault committed or perceived threat to life or personal safety. That option is regarded as a measure of last resort and the relevant decision is made by the competent authority, namely, in the case of adolescents aged 12 to 18 in conflict with the law, a juvenile judge or family comprehensive judge, and in the case of children or adolescents having committed a minor offence or those under 12 having committed a criminal offence, the Family Ombudsman.

COMOROS

Source:

Initial report: CRC/C/28/Add.13, 7 October 1998

Minimum age for the end of compulsory education

125. The obligation to provide an education is [...] enshrined in the preamble to the Constitution, which proclaims “the right of each child to an education and to instruction by the State, by parents, and teachers chosen by the latter”. In addition, under the outline act on the education system promulgated on 20 January 1995, school attendance is mandatory for all children between 6 and 14 years of age.

Minimum age for admission to employment

144. [...] labour law prohibits minors under 15 from taking paid employment. In addition, it is unlawful to engage child workers in hazardous activities such as handling explosives and work on dangerous building sites. Inspectors with the power to make unannounced visits are obliged to inform a judge of any violation. In fact, owing to inadequate means, the pressure of economic necessity, academic failure and the inability of the school system to absorb children of school age, many children under 15 are forced to work.

Minimum age for marriage

52. [...] Under Muslim law, physical maturity confers civil and criminal responsibility on a male child. The age of legal majority is therefore considered to be 14–15 years. Under local Muslim law, girls as well as boys may marry at that age. In some cases marriages may be arranged even earlier, especially for girls. They only acquire civil and criminal responsibility through marriage.

54. [...] Article 12 of the preliminary Family Code bill states that “a man under the age of 22 and a woman under the age of 18 may not enter into marriage”, but “it is open to the *cadi* or the stipendiary magistrate officiating at the wedding to grant dispensations in respect of age for well-founded or legitimate reasons” (art. 13).

Minimum age for criminal responsibility

52. From the legal point of view, two approaches are possible. Under the French-based Civil and Criminal Codes, a child under the age of 13 is totally free from criminal responsibility. Under Muslim law, physical maturity confers civil and criminal responsibility on a male child. The age of legal majority is therefore considered to be 14–15 years. [...]

79. In criminal cases, children are subject to special arrangements. This is because children under 13 years of age are not criminally liable for their actions. [...]

CONGO

Source:

Initial report: CRC/C/COG/1, 20 February 2006

Minimum age for the end of compulsory education

353. [...] Act No. 44/61 of 28 September 1961 [laid] down the general principles for the organization of education by making schooling compulsory for children between the ages of 6 and 16 and introducing free schooling for a basic cycle of 10 years [...]

Minimum age for admission to employment

449. Article 34 of the Congolese Constitution of 20 January 2002 provides that, "The State shall protect children and adolescents against economic or social exploitation. Children under the age of 16 years shall not be permitted to work."

Minimum age for marriage

Information unavailable

Minimum age for criminal responsibility

428. A minor under 13 years of age can be declared guilty. He or she can only be given a formal warning, and released to his or her parents, or placed on probation or in a suitable educational or professional training establishment, or any public or private institution providing care for children, or in an appropriate boarding school for offenders of school age.

COSTA RICA

Sources:

3rd periodic report: CRC/C/125/Add.4, 13 October 2004

2nd periodic report: CRC/C/65/Add.7, 1 October 1998

Minimum age for the end of compulsory education

From 2nd report

61. As far as education is concerned, in the Republic of Costa Rica, under article 78 of the Political Constitution, "public education is compulsory and, like pre-school and specialized education, is free and paid for by the nation".

Minimum age for admission to employment

From 2nd report

168. In addition, as part of the process of adaptation of the legal system to comply with the Convention on the Rights of the Child and International Labour Organization Convention No. 138, the Executive vetoed the legislation establishing a minimum age of 12 years for authorization of the employment of children on the grounds that that legislation was not in line with commitments entered into at international level. The Children's and Adolescents' Code contains an entire chapter on the special regime of protection for juvenile workers and sets the minimum age for admission to employment at 15 years.

Minimum age for marriage

Information unavailable

Minimum age for criminal responsibility

From 3rd report

587. Juvenile criminal law is applicable only to persons who are older than 12 but have not yet turned 18. Children under the age of 12 cannot be held liable. However, offenders under the age of 12 are dealt with by administrative authorities, and in such cases it is PANI that decides what measures are called for, except that the offender can be deprived of liberty only by order of a juvenile court judge. The Act distinguishes between two age groups: juveniles who are over 12 but have not yet turned 15, and those who are over 15 but have not yet turned 18. The

effect of this legal distinction is that lighter penalties are imposed for minor offences, depending on the offender's age group.

CÔTE D'IVOIRE

Source:

Initial report: CRC/C/8/Add.41, 27 April 2000

Minimum age for the end of compulsory education

81. Although the Ivorian Government has long made education for all a priority, it has not established a fixed age for the end of compulsory schooling. As a result, many children find themselves on the streets without having completed primary education. In order to comply with articles 28, 29 and 32 of the Convention, which set forth the right of the child to education and occupational training, Act No. 95-685 of 7 September 1995 on education should be amended to make education compulsory and free for all up to the age of 16 years.

Minimum age for admission to employment

84. Côte d'Ivoire regulates the admission of young people to employment. The minimum age fixed by the Labour Code of 1995 (Act No. 95-15 of 12 January 1995) for admission of young people to employment or apprenticeship is 14 years (art. 23-8).

85. Article 31 of the 1970 Minority Act requires the involvement of the child's parents or legal representative in the concluding of an employment contract, either by signing it on the child's behalf up to the age of 16 years or by attending as a witness between the ages of 16 and 18 years, after which age the child is completely free to conclude an employment contract alone.

86. In reality the lack of training, the failure to match training to jobs and the persistent economic crisis lead to high unemployment among young people. Some of them resort to the informal sector. Moreover, the abdication of parental responsibility and inadequate action by the public authorities lead to the exploitation of children in the labour sector. Some children under the age of 14 years go to work with or without the parents' consent. Similarly, article 23-9 of the Labour Code protecting the health and development of the child is being infringed since many children perform arduous and hazardous tasks.

Minimum age for marriage

90. [...] Personal consent is required for marriage, even from minors (art. 3 of Act No. 64-375 of 7 October 1964 on marriage, as amended by Act No. 83-800 of 2 August 1983). Article 5 of this Act requires the consent of the father and mother or legal representative for a spouse below 21 years of age. [...] The minor does not therefore enjoy complete freedom because his or her consent alone is not sufficient. The personal consent of spouses, even if minors, puts an end to forced marriages. However, this phenomenon still persists in violation of the law, with tragic consequences.

Minimum age for criminal responsibility

93. A minor becomes responsible for criminal acts on reaching 10 years of age (art. 116 of the Penal Code).

CROATIA

Sources:

2nd periodic report: CRC/C/70/Add.23, 28 November 2003

Initial report: CRC/C/8/Add.19, 7 December 1994

Minimum age for the end of compulsory education

From initial report

316. Primary education is compulsory and available free to all children.

318. [...] Primary education lasts eight years and is, as a rule, obligatory for all children from age 6 to 15.

Minimum age for admission to employment

From 2nd report

384. The 1995 Labour Act prescribes that a person under 15 may not be employed.

Minimum age for marriage

From initial report

53. As a rule (family legislation), no person under 18 can marry. Exceptionally, minors (of both sexes) can marry with a court licence. In this case they must be at least 16 (equal for both sexes), with the additional requirements that the minor is mentally and physically mature enough to be married and that such an early marriage is justified. In the court procedure the parents of the minor are heard but their (or the guardian's) consent is not required. The court takes into account the opinion of the parents and is also obliged to ask for the opinion of the social welfare service. The minor himself or herself, and not his or her legal representative, has to apply to the court.

Minimum age for criminal responsibility

From 2nd report

66. Under the Criminal Law there is no question of criminal liability of a child offender who at the time when the criminal act was committed had not yet completed 14 years of age (art.10).

CUBA

Source:

Initial report: CRC/C/8/Add.30, 14 February 1996

Minimum age for the end of compulsory education

103. The right to education is defined in article 51 of the Constitution: "Everybody has a right to education. This right is guaranteed by the extensive and free system of schools, part-time boarding schools, boarding schools and scholarships in all types and at all levels of education, by the free provision of school materials to every child and young person regardless of the economic situation of the family, and by the provision of courses suited to the student's aptitudes, the requirements of society and the needs of economic and social development."

153. Cuba's free system of general education, which is compulsory at the basic level, constitutes in practice a powerful obstacle to child labour [...]

Minimum age for admission to employment

31. The labour legislation sets the minimum working age at 17 years [...]

154. In accordance with the international regulations to which Cuba subscribes, the Labour Code establishes 17 years as the age at which young people acquire the capacity to conclude work contracts (in exceptional cases children aged 15 and 16 may do so). The Code has a specific chapter on child labour which establishes the requirement of a medical examination before recruitment and the right of young people to initial preparation or training for the job, as well as the requirement that they must be placed in jobs suited to their physical and mental development, with prohibitions on specific activities such as work as stevedores and work underground or high above ground, at night, in mining, or in places where harmful, reactive or toxic substances are used, or in any type of work in which they are responsible for their own safety or the safety of others.

155. Children aged at least 14 years may conclude work contracts with the labour bodies under special conditions of

apprenticeship, subject to prior authorization by the Ministry of Labour and Social Security, to perform work suited to their physical and mental development and in conditions which do not interfere with their education.

Minimum age for marriage

Information unavailable

Minimum age for criminal responsibility

30. Cuba's criminal legislation stipulates that only persons aged over 16 years may be prosecuted and it provides different treatment for offenders aged between 18 and 20 years. [...]

CYPRUS

Sources:

2nd periodic report: CRC/C/70/Add.16, 13 November 2002

Written Replies by the Government of Cyprus to the List of Issues, 11 April 1996

Minimum age for the end of compulsory education

From 2nd report

115. Education for ages 5 to 15 is free and compulsory and free for ages 15 to 18.

Minimum age for admission to employment

From 2nd report

106. [...] the Children and Young Persons Employment Law prohibits:

- (a) The employment of children under the age of 15 in any occupation;
- (b) The employment of children under the age of 16 in any industrial occupation, but allows children between the age of 15 and 16 to be engaged as apprentices for the purpose of learning a trade or calling to any person who holds a special license issued by the Minister of Labour and Social Insurance. (see section 3 of the Children and Young Persons Employment Law, Cap. 175 as amended by Law No. 21 (1) of 2000);
- (c) The employment of persons under the age of 18 underground or in a mine.

Minimum age for marriage

From written replies

9. [...] In accordance with the provisions of the Civil Marriage Laws (Law No. 21/90, covering marriages where both parties belong to the Greek Orthodox Church and Cap. 279 which applies to mixed marriages), the minimum age of marriage is eighteen years for men and women. Persons under the age of eighteen but not-below sixteen must have the consent of their persons/guardians. In the case of an ecclesiastical marriage between two persons who are of the Greek Orthodox religion, the marriage is governed by the Charter of the Greek Orthodox Church of Cyprus. According to the Charter, the man or woman must have attained the age of eighteen. No consent of any other person is needed in this case.

In the case where the man or woman or both are younger, the consent of their natural, adoptive parents or guardians is required if this can be obtained, otherwise the final decision will be left to the Bishop.

The attainment of the age of eighteen for a man and sixteen for a woman is the minimum permissible age for marriage. The relevant Bishop has the right in exceptional cases, after taking into consideration the reasons given, to allow the marriage of persons of a younger age.

Minimum age for criminal responsibility

From 2nd report

11. As far as these recommendations are concerned there has been further development regarding the age of criminal responsibility, which has been raised from the age of 7 to the age of 10. There is no criminal responsibility up to the age of 10. There is criminal responsibility between the ages of 10 and 12 if it is proved that during the act or omission, the child had the capacity to know that he ought to have avoided the act or omission ((Amendment) Law No. 15 (1)/1999).

CZECH REPUBLIC

Sources:

2nd periodic report: CRC/C/83/Add.4, 17 June 2002

Initial report: CRC/C/11/Add.11, 17 June 1996

Minimum age for the end of compulsory education

From 2nd report

41. Under section 34 of the Schools Act (Act No. 29/1984 Coll. on elementary schools, secondary schools, and post-secondary occupational schools) compulsory education begins at the beginning of the school year following the day when a child reaches the age of six. Compulsory education lasts nine years, and students fulfil the requirement by completing the school year in which they reach the last year of compulsory education.

Minimum age for admission to employment

From 2nd report

42. According to section 11 (1) of the Labour Code (Law No. 65/1965 Coll.) the age limit at which a child can be employed is 15 years. According to section 11 (2), a person, who completes compulsory school education in a remedial school before reaching the age of 15 can be employed as of the day when she/he completes the compulsory education; however, she/he must be at least 14 years old. The Labour Code governs conditions for employing minors (that is, persons aged 15-18 years of age) in part three, sections 163 to 168. The legal regulation states that an employer is required to ask for the legal representative's consent to conclude an agreement with a minor employee. The employer may not assign minor employees overtime work and night work. In exceptional cases minors aged 16 or more may perform night work not exceeding one hour, if it is necessary for their professional training. Minors may not be given work underground mining minerals or digging tunnels and shafts; minors also may not be given work which, taking into account the anatomical, physiological and psychological features at that age are disproportionate, dangerous, or damaging to their health.

316. [...] the provision of the Labour Code, under which natural persons who complete compulsory education in a remedial school before reaching the age of 15 acquire capacity for labour law purposes on the day they complete compulsory education, but no earlier than upon reaching the age of 14, cannot be used in practice at present. The 1990 amendment to the Schools Act (Act No. 522/1990 Coll.) repealed the provision under which compulsory education in a remedial school lasted eight years. Under sections 33 and 34 of the Schools Act, compulsory education lasts a minimum of nine years. [...]

From initial report

35. Section 11 of the Labour Code stipulates that natural persons acquire the capacity to have rights and duties in labour relations and the capacity, by their own legal acts, to acquire these rights and take on these duties on the day they reach the age of 15. However, employers must not make an agreement with them that their employment will start on a day which

precedes the day when that person completes the compulsory school attendance.

36. The provisions of section 70 (b) of the Labour Code apply to the age requirements for subsidiary (part-time) employment which cannot be agreed with a minor. Contracts for work performed outside normal employment may be concluded with minors only if it does not infringe their health and development, or for vocational training.

Minimum age for marriage

From 2nd report

33. Also related to reaching majority are the provisions of section 13 of the Act on the Family (Act No. 94/1963 Coll., as amended by Act No. 91/1998 Coll.), which states that a minor cannot enter into marriage; however, exceptionally, if it is in accordance with the social purpose of marriage, the court may, for important reasons, permit a minor over the age of 16 to enter into marriage. Without such permission the marriage is invalid and marriage cannot take place with a minor under the age of 16 at all.

From initial report

34. Under section 13 of the Family Act a marriage can be concluded on attaining majority, i.e. upon reaching the age of 18. Minors older than 16 may get married only with the consent of a court.

Minimum age for criminal responsibility

From 2nd report

38. Under section 11, of the Criminal Code (Act No. 140/1961, as amended by later regulations) a person who has not reached the age of 15 at the time of committing a crime is not criminally liable. [...]

From initial report

232. From the point of criminal offence and their share in the structure of offenders, juvenile offenders are divided into two categories: children aged less than 15 years, and juveniles aged between 15 and 18 years.

239. Under section 11 of the Penal Code a person who had not attained 15 years of age at the time of committing a crime cannot be held liable for it. However, in compliance with the conditions set by law, this person can be placed in protective custody. On attaining 18 years of age, a person becomes fully liable for his/her acts. Under section 33 of the Penal Code, infringement of penal law at an age close to the age of adolescence is generally considered as a mitigating circumstance.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Sources:

3rd and 4th periodic reports combined: CRC/C/PRK/4, 15 January 2008

2nd periodic report: CRC/C/65/Add.24 5 November 2003

Initial report: CRC/C/3/Add.41, 17 June 1996

Minimum age for the end of compulsory education

From initial report

157. The universal compulsory 11-year education currently in force is a compulsory free education that gives a complete general secondary education to children between 5 and 16 years of age. This period consists of a one-year kindergarten class, four years of primary school and six years of senior middle school.

Minimum age for admission to employment

From 3rd and 4th reports combined

241. The Constitution provides that the minimum working age in the DPRK is 16 years and the State shall prohibit the employment of children under the minimum working age (art. 31).

Minimum age for marriage

From 2nd report

54. Article 9 of the Family Law provides that the minimum age of marriage is 18 years for males and 17 years for females.

Minimum age for criminal responsibility

From 3rd and 4th reports combined

52. [...] The Criminal Law retains the provisions of imposing criminal responsibility only on a person over 14 years of age at the time he or she commits a crime [...]

DEMOCRATIC REPUBLIC OF THE CONGO

Sources:

2nd report: CRC/C/COD/2, 24 July 2008

Initial report: CRC/C/3/Add.57, 8 August 2000

Minimum age for the end of compulsory education

From 2nd report

170. Since the presentation of the initial report, the Government has taken initiatives aimed at ensuring education for all children. It is aware that the schooling rate at present is low, standing at 40 per cent of the total number of school-age children (statement of the Minister of Primary, Secondary and Professional Education (EPSF), 2007). In that regard, the Constitution has for the first time introduced free basic education. In article 43 (4), it provides: "Primary education shall be compulsory and free in public establishments." It is true that making that measure effective is a challenge which the Government intends to take up by gradually increasing resources allocated to the educational sector with the support of international cooperation.

Minimum age for admission to employment

From 2nd report

70. With regard to work, a distinction is made, in keeping with ILO conventions, between the worst forms of labour, from which all persons under age 18 are excluded, and light, healthy work, which may be done by children at least 16 years of age.

71. The new Labour Code, enacted by Act No. 015/2002 of 16 October 2002, includes several innovations, including the raising of the minimum age for admission to employment from 14 to 16 years. Article 6 (2) provides as follows: "Under the present Code, persons 16 years of age or older shall have the capacity to contract, subject to the following provisions: (a) A person 15 years of age shall not be retained in service except with the express permission of the Labour Inspector and that person's parent or guardian; (b) However, the opposition of the Labour Inspector and the parent or guardian to the exception set out in subsection (a) above may be removed by the court when justified by circumstances or by fairness; (c) A person aged 15 shall be employed only in the performance of light and healthy work as provided for by a decision of the Minister in charge of labour and social protection, pursuant to article 38 of the present Code [...]"

Minimum age for marriage

From 2nd report

67. [...] article 352, paragraph 1, of the Family Code [...]

provides that "Marriage may not be contracted by a man under age 18 or a woman under age 15."

Minimum age for criminal responsibility

From 2nd report

66. For the first time in the history of the Democratic Republic of the Congo, the Constitution has set out a definition of the child, in article 41 (1), which provides: "A minor is any person, without regard to sex, who has not yet attained 18 years of age." This definition strengthens the definition contained in article 219 of the Family Code, which is framed much along the same lines. The definition in the Constitution applies to all sectors where there may yet remain gray areas regarding age that need to be addressed, e.g. marriageable age or age of criminal liability. The only exception remains the minimum age for admission to employment, which responds to different concerns. The Democratic Republic of the Congo has thus made considerable headway in harmonizing its domestic laws with international instruments.

67. With regard specifically to protection of children against early marriages and sexual abuse, the Democratic Republic of the Congo has adopted Act No. 06/018 of 20 July 2006. This law amends the Penal Code provisions pertaining to statutory rape with violence and indecent assault, extending the protection of the law to all persons under age 18, whereas only children under 14 years of age were previously covered (articles 170 and 167). This law also has an impact on the interpretation of the discriminatory provision of article 352, paragraph 1, of the Family Code, which provides that "Marriage may not be contracted by a man under age 18 or a woman under age 15." The same holds true with regard to article 10 of the Decree-Law of 6 December 1950 on juvenile delinquency, as amended by the Ordinance of 4 July 1978, which provides: "A minor within the meaning of the present decree-law shall be any child who appears to be under age 16 at the time of the event."

72. The process of formal harmonization of all the laws which still contain provisions inconsistent with the definition of the child contained in the Constitution will be completed with the adoption of the new Code on the Protection of Children, which will amend, in particular, the provisions of the Family Code concerning children and the Decree-law of 6 December 1950.

From initial report

88. [...] Majority for penal purposes is set at 16 (Decree of 6 December 1950 on juvenile delinquency as subsequently amended by Ordinance-Law No. 78/016 of 4 July 1978).

DENMARK

Sources:

3rd periodic report: CRC/C/129/Add.3, 30 March 2005

Initial report: CRC/C/8/Add.8, 12 October 1993

Minimum age for the end of compulsory education

From initial report

36. All children in Denmark have a right to receive free education in the primary and lower secondary school (Folkeskolen). Education is compulsory in Denmark, but there is no compulsory school attendance. Compulsory education may thus be performed through education in the Folkeskole, in a private school or as private instruction in the pupil's home. Education is compulsory for children from the 1 August of the calendar year in which the child attains the age of 7 years until the 31 July after the child has received regular education for a period of nine years.

Minimum age for admission to employment

From 3rd report

74. On 22 June 1996, Act No. 458 of 12 June 1996 to amend the Working Environment Act (Lov om arbejdsmiljø) (on young persons' work) came into force. According to this act, the general age limit for the admission to occupational work was raised from 10 to 13 years.

Minimum age for marriage

From initial report

35. A minor may not contract marriage without the consent of the parents and the authorities. The authorities may permit a child under the age of 18 years to contract marriage. As a rule, permission will not be granted if the child is under the age of 15 years, or if both man and woman are under the age of 18 years.

Minimum age for criminal responsibility

From initial report

37. Under the Criminal Code, children under the age of 15 years who commit criminal acts cannot be punished. Children under the age of 15 years cannot be deprived of liberty under the rules of the Danish Administration of Justice Act on arrest or remand in custody, nor may they be sentenced to imprisonment as these measures imply a charge or a conviction for a criminal offence. In the case of young persons aged 15-18, the Administration of Justice Act further provides for the possibility of withdrawing the charge of a criminal offence.

DJIBOUTI

Source:

2nd periodic report: CRC/C/DJI/2. 11 December 2007

Minimum age for the end of compulsory education

240. The [Djiboutian Education System (August 2000)] Act recognizes the right to education for all Djiboutian children without discrimination, carefully defines the objectives of education and seeks to ensure: Compulsory fundamental education for nine years for children between 6 and 16 years of age [...]

Minimum age for admission to employment

76. [...] the Labour Code (art. 5) sets the age for admission to work at 16 years. The legislator has, nevertheless, been vigilant, and has enacted specific provisions enabling young persons aged 16-18 to work in humane conditions, in compliance with the Convention.

Minimum age for marriage

83. [...] Effective protection against early marriage of girls has been provided in the Family Code, which fixes the age for marriage at 18 years, for both men and women (art. 13). Marriage of minors remains strictly controlled and is the exception. It may take place only if a judge has been consulted, the parents or guardians have given their consent and there is a persistent wish on the part of the spouses (art. 14).

Minimum age for criminal responsibility

79. [...] children under the age of 13 [...] are considered to be incapable of discernment and, in consequence, cannot be held criminally responsible.

80. [...] children aged 13-18 [...] are partially responsible for their acts; the penalties they incur are always reduced by half. Other protection measures are also envisaged for juvenile offenders, who must be granted more lenient conditions of detention.

DOMINICA

Source:

Initial report: CRC/C/8/Add.48, 15 October 2003

Minimum age for the end of compulsory education

57. The Education Act No. II of 1997 defines compulsory school age to mean from 5 years to 16 years of age. According to section 36 of the Act, '...the parents of every child of compulsory school age shall ensure that the child receives an education by regular attendance at school'.

Minimum age for admission to employment

58. The Employment of Children (Prohibition) Act (chap. 90:05) defines a child as 'a person who is under the age of twelve years'. Section 3 of that Act prohibits the employment of persons under that age.

59. The employment of Women, Young Persons and Children Act (chap. 90:06, sect. 4(1)) states: 'No child shall be employed or work in any public or private industrial undertaking, or in any branch thereof, other than an undertaking on which only members of the same family are employed.'

60. The Act defines a child as a person under the age of 14 years.

62. The Act states that no child shall be employed or work on any ship. In respect of young persons, section 7 (1) states: 'No young person shall be employed or work during the night in any public or private industrial undertaking, other than an undertaking on which only members of the same family are employed.'

Minimum age for marriage

65. The minimum age at which someone may enter marriage is 16 years. The Marriage Act, (chap. 35:01, sect. 29 (2)) states: 'Any marriage solemnised or celebrated between persons of whom [one] is under the age of sixteen years shall be null and void.'

66. The Act specifies that where either of the parties, not being a widower or a widow, is under the age of 18 years, no marriage shall take place between them until the consent of a parent or guardian is obtained. The court may dispense with such consent on the application to the court by either party (sect. 31).

Minimum age for criminal responsibility

69. The Children and Young Persons Act also fixes the age of criminal responsibility. Section 3 states, 'it shall be conclusively presumed that no child under the age of twelve years can be guilty of an offence'.

DOMINICAN REPUBLIC

Sources:

2nd periodic report: CRC/C/DOM/2, 16 July 2007

Initial report: CRC/C/8/Add.40, 26 August 1999

Minimum age for the end of compulsory education

From initial report

92. The Education Act (No. 66-97) was promulgated on 15 April 1997 and guarantees the right to education for all inhabitants of the country. Under the Act, the education system comprises four levels: pre-school, primary, secondary and higher. The pre-school level is intended for children up to the age of six, the last grade at this level beginning at age five. In State schools education is free. In addition, the State will endeavour to promote and expand community initiatives and set up nursery schools for the various grades of pre-school education. Primary education is of eight years' duration, begins at the age of six, and is compulsory and free of charge. Secondary education is of four years' duration and is divided into three streams – the

general, technical and arts streams – which enable students to proceed to employment and/or higher studies.

Minimum age for admission to employment

From 2nd report

517. The employment of young persons under the age of 14 is prohibited. Any person who, by whatever means, observes the violation of this prohibition must report the fact to the Ministry of Labour and the National Council for Children and Adolescents (CONANI), for these to take the necessary steps to ensure that the young person involved stops working and returns to school, if he or she is outside the education system.

Minimum age for marriage

From 2nd report

318. According to article 56 (2) of Act No. 659 concerning the Civil Status Acts of 1944: “Minors under the age of 18 may not marry without the consent of their parents or surviving parent.” This means at the age of 17. Article 56 (5) adds a minimum age restriction, subject to dispensation by a lower court judge: “Male persons, before they have completed 16 years, and female persons before they have completed 15 years may not enter into a marriage contract; this age rule may be waived by a lower court judge if appropriate.”

Minimum age for criminal responsibility

From 2nd report

321. Children cannot be held criminally responsible until they have completed 13 years. For the purposes of the law, the legal age applies on the day following the child's birthday.

ECUADOR

Sources:

Concluding Observations: CRC/C/ECU/CO/4, 29 January 2010

Written replies by the government of Ecuador:

CRC/C/ECU/Q/4/Add.1, 2 December 2009

4th periodic report: CRC/C/ECU/4, 10 July 2009

2nd and 3rd periodic reports combined: CRC/C/65/Add.28, 15 July 2004

Initial report: CRC/C/3 Add.44, 24 September 1996

Minimum age for the end of compulsory education

From 4th report

419. Ecuador has a National System of Education in which the Ministry of Education is the governing authority of for public, public/religious, private and municipal schools, be they Spanish-speaking or bilingual-intercultural. The system provides for two types of education: a) formal education, which includes early childhood education for children under five, b) basic education, comprising ten years of compulsory education and c) secondary education, which consist of three years of study.

Minimum age for admission to employment

From 2nd and 3rd reports combined

48. The new Children's Code establishes an obligation on the part of the State to formulate policies for the eradication of child labour, defines harmful and dangerous work, establishes 15 as the minimum age for work, and provides guarantees to maintain the right of adolescent workers to education and recreation.

Minimum age for marriage

From written replies

Question 9. Kindly indicate whether or not the minimum age for

marriage with parental consent continues to be 12 for girls and 14 for boys. Please state whether there are plans to eliminate this differential and to raise the legal minimum age, as was previously recommended by the Committee.

53. The minimum age for marriage remains the same. The National Council for Children and Adolescents is drafting a proposed amendment to the Civil Code to correct this oversight, which will be submitted at the end of this year.

From concluding observations

32. [...] While noting the proposed changes to the Civil Code, the Committee is deeply concerned at the continuation of the legal minimum age for contracting marriage for girls at 12 years and for boys at 14 years.

33. The Committee recommends that the State party set the minimum age for marriage for girls and for boys at 18 years of age.

From initial report

66. Persons under 18 may not marry without the express consent of the person having parental authority over them.

Minimum age for criminal responsibility

From 2nd and 3rd reports combined

290. The new Children's Code deals with the responsibility of juvenile offenders as follows: Adolescents (12 to 18 years of age) are not imputable under criminal law, but are liable for their actions; Children under 12 are fully unimputable and may not be tried; Provision is made for socio-educational care measures; Due process is guaranteed; Deprivation of liberty is exceptional, and is applied only in the case of extremely serious violations.

EGYPT

Sources:

2nd periodic report: CRC/C/65/Add.9, 11 November 1999

Initial report: CRC/C/3/Add.6, 11 December 1992

Minimum age for the end of compulsory education

From 2nd report

138. The provisions of the Children's Code dealing with education are consistent with those of the Constitution and the Education Act referred to in the initial report, [...] namely that all children are entitled to education during the first, compulsory, stage, that education is provided free of charge and that children who must work have an opportunity to catch up. [...]

From initial report

230. The Education Act No. 39 of 1981 amended by Act 233 of 1988 states: Article 15: Basic education shall be the right of every Egyptian child who has attained the age of six. The State shall provide it and parents or custodians are bound to abide by it, for the duration of eight years. [...]

Minimum age for admission to employment

From 2nd report

48. Under the Children's Code the minimum age for admission to employment is 14 years. Subject to a decision by the governor of the province concerned and with the agreement of the Minister of Education, it is legal to give children in the 12 to 14 age group training in seasonal employment provided that their physical growth, health and regular attendance at school do not suffer thereby. The minimum age for membership of a workers' trade union is 15 years.

Minimum age for marriage

From 2nd report

46. The minimum age for marriage is set at 18 for males and 16 for females.

Minimum age for criminal responsibility

From 2nd report

50. A child under seven years of age is not regarded as criminally responsible (article 94 of the Children's Code).

EL SALVADOR

Sources:

2nd periodic report: CRC/C/65/Add.25, 22 October 2003

Initial report: CRC/C/3/Add.9, 3 February 1993

Minimum age for the end of compulsory education

From initial report

29. Article 27 of the 1990 General Education Act stipulates that 'Basic education shall comprise 9 years of study, from the first to the ninth grades; as a rule it shall be available to students from 7 to 15 years of age.'

Minimum age for admission to employment

From 2nd report

11. With regard to work, the Constitution lays down a minimum age for admission to employment and prohibits the employment of minors in hazardous or unhealthy work. Thus, article 38, paragraph 10, stipulates that: "Persons under 14 years of age, and those who are older but subject by law to compulsory education, may not be employed in any type of work. Their employment may be authorized where it is deemed indispensable for their own or their family's subsistence, provided that it does not prevent them from meeting the minimum requirement of compulsory education.

Working hours for persons under 16 years shall not exceed 6 hours a day and 34 hours a week in any category of work. The employment of persons under 18 years and of women in unhealthy and hazardous work is prohibited. Night work is also prohibited for persons under 18 years. The law shall determine which types of work are hazardous and unhealthy."

12. The Labour Code (1972), as amended in 1994, contains a number of regulations and prohibitions relating to minors. Article 105 reads as follows:

"The employment of persons under 18 years in hazardous or unhealthy work is prohibited. However, the employment of persons over 16 years may be authorized provided that their health, safety and morals are fully safeguarded and that they have received appropriate and specific education or vocational training in the relevant branch of activity.

The types of employment to which the present article is applicable shall be determined by the implementing regulations for this Code, following consultation of the Higher Council on Employment.

Prohibitions and restrictions in respect of the employment of minors shall not be applicable to work performed in general, vocational or technical schools or in other training institutions."

14. With regard to the minimum age for admission to employment, article 114 of the Labour Code establishes 12 years as the minimum age for minors, provided that the work is light and is not liable to harm their health or development or to interfere with their school attendance, their participation in vocational guidance or training programmes approved by a competent authority, or their ability to benefit from the education received.

Minimum age for marriage

From 2nd report

19. The Code (art. 14) regulates the minimum age for marriage. It stipulates that, as a rule, persons under 18 years of age may not enter into marriage, save in exceptional circumstances. The last paragraph of the article stipulates that: "Notwithstanding the provision of paragraph 1 of this article, persons under 18 years may marry if they have reached the age of puberty, if they have had a child together, or if the woman is pregnant."

Minimum age for criminal responsibility

From 2nd report

15. With regard to criminal matters, article 35 of the Constitution of the Republic stipulates: "Antisocial behaviour by minors constituting a crime or misdemeanour shall be subject to a special legal regime." This provision was incorporated, in the light of the Convention on the Rights of the Child, in the 1994 Juvenile Offenders Act, article 2 of which expressly states that: "This Act shall be applicable to persons of between 12 and 18 years of age. The measures envisaged in the present Act shall be applicable to minors aged between 16 and 18 years, whose responsibility as principals in or accessories to a criminal offence has been alleged or proved.

Antisocial behaviour constituting a crime or misdemeanour by minors aged between 12 and 16 years shall be subject to the procedure set forth in this Act. Once the acts constituting antisocial behaviour have been proved, the juvenile judge shall decide to apply to the minor any of the measures laid down in the Act establishing the Salvadoran Institute for the Protection of Children or the measures contemplated in this Act, provided that they serve the interests of the child.

Minors under 12 years of age who exhibit antisocial behaviour shall not be subject to this special legal regime or to the ordinary regime; they shall be exempt from responsibility and, where appropriate, their cases shall be reported immediately to the Salvadoran Institute for the Protection of Children with a view to ensuring their full protection."

EQUATORIAL GUINEA

Sources:

Concluding Observations: CRC/C/15/Add.245, 3 November 2004

Initial report: CRC/C/11/Add.26, 28 January 2004

Minimum age for the end of compulsory education

From initial report

39. The Education Act stipulates 12 years as the minimum age for terminating compulsory school attendance.

199. (b) Primary Education [...] lasts for five years and is free and compulsory [...] for children aged seven to 12 years.

Minimum age for admission to employment

From initial report

15. (a) The minimum age for admission to employment which by its nature or owing to the conditions under which it is performed may place at risk the health, safety or morals of children shall be 18 years [...] (b) Children may not enter into labour contracts without the authorization of their father or mother or a person legally responsible for them [...]

229. The Labour Act sets the minimum age for admission to employment at 16 years.

230. There are obviously large numbers of 12-year-old children employed in various activities throughout the country: in bars and restaurants, as street vendors, in transport, on market

stalls, in workshops and in agriculture.

Minimum age for marriage

From concluding observations

21. The Committee [...] is concerned about the application of the Spanish laws from before 1968 with regard to the minimum legal age for criminal responsibility and marriage. It is also concerned about the young age at which girls can marry according to traditional customs and about the high numbers of girls who do marry early.

Minimum age for criminal responsibility

From concluding observations

60. The Committee is deeply concerned about the lack of a juvenile justice system in the country. In particular, the Committee is concerned about the lack of juvenile courts and about the detention of persons below 18 with adults, in very poor conditions and without access to basic services.

ERITREA

Source:

2nd and 3rd periodic reports combined: CRC/C/ERI/3, 23 October 2007

Minimum age for the end of compulsory education

242. The Government of Eritrea, as part of its transformation of the education sector, has introduced a 12-year academic cycle. The five years of primary school (age 6-10) is compulsory for all citizens. This is followed by three years of middle level education (age 11-13). Completion of middle school education or equivalent is compulsory for all school age children. These levels are followed by four years of secondary education (age 14-17). This level is succeeded by one to five years of tertiary education.

Minimum age for admission to employment

343. According to the Labour Proclamation No. 118/2001 article 68/1, it is prohibited to employ a person under the age of 14. Further, a contract of employment shall not be enforceable against a person below the age of 18 if it is determined to be prejudicial to the interest of that person (article 9/2).

Minimum age for marriage

41. Article 581 of the TCCE as amended by article 46 of proclamation 1/1991 states that no contract of marriage shall be valid if either of the parties is under eighteen years of age.

31. Since the consideration of Eritrea's first report by the committee, an assessment has been made on the minimum marriageable age in different ethnic groups so as to develop an appropriate sensitization method pertinent to the context. The customary laws of Eritrea do not specifically define the concept of "legal majority". Under the written customary laws, the legal majority is inferred from marriageable age. For example, the Loggo Chewa Customary Code states fifteen for females and eighteen for males. Most customary laws do not specifically state the minimum age for marriage and other transactions. The unwritten customary laws determine civil majority according to physical maturity, cultural ceremonies and participation in economic activities. The unwritten customary laws supersede the written customary laws in practice. On the other hand, article 1 of the CRC states that "...a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier." The exception stated in article 1 is consistent with the written and unwritten customary laws of Eritrea. The inconsistency appears

in the implied gender differentiation in the attainment of majority stated in the customary laws.

Minimum age for criminal responsibility

335. Eritrea notes the Committee's recommendation, expressed in paragraph 60 (e) of its concluding observations, in relation to setting a clear minimum age of criminal responsibility. The Government has not found it necessary to legislate a minimum age, as the existing minimum age is at an internationally acceptable level. As indicated in the first country report, the Transitional Penal Code of Eritrea (TPCE) recognizes three categories of children and criminal liability. According to article 52, infants are children who have not reached the age of 12 and are not criminally responsible for their actions; where an infant commits an offence, appropriate steps may be taken by the family, school, and/or guardian to ensure their proper upbringing. The second group is known as "young persons" and they are children between the ages of 12 and 15 inclusive. For this group, there are special measures upon conviction. They are not subject to the ordinary penalties applicable to adults, nor shall they be kept in custody with adult offenders. The third group is young persons between the ages of 15 and 18 and is treated under the ordinary provisions of the Penal Code as having the full liability of person's aged 18 and above. However, the Penal Code allows for a mitigation of sentence, and the death penalty can never be imposed.

ESTONIA

Source:

Initial report: CRC/C/8/Add.45, 11 July 2002

Minimum age for the end of compulsory education

33. Children who have attained 7 years of age by 1 October of the current year are subject to the obligation to attend school. Upon the wish of the parents a child who has attained 6 years of age by 30 April of the current year may be admitted to the first year at school. A student is obliged to attend school until completing basic education (9 years at basic school) or until attaining 17 years of age (Basic and Upper Secondary Schools Act, article 17).

Minimum age for admission to employment

34. According to the Labour Contracts Act (RT I 1992, 15, 241), a person who has attained 18 years of age may be employed. In exceptional cases, with the written consent of a parent or guardian, a minor having attained 15 years of age may be employed if the work does not endanger the minor's health, morals and acquiring of education and if the work is not prohibited for minors. A minor between 13 and 15 years of age may be employed with the written consent of a parent or guardian and the labour inspector of the employer's location and for work included in the list approved by the Government of the Republic if the work does not endanger the minor's health, morals and acquiring of education and if the work is not prohibited for minors.

Minimum age for marriage

36. A person is of age to marry when he or she has attained 18 years of age. Minors between 15 and 18 may marry with the written consent of their parents or a guardian. If one of the parents or the guardian does not consent to the marriage, a court may grant the right to marry based on the application of one of the parents or of the guardianship authority. The court grants the right to marry if the marriage is in the interests of the minor (Family Act, art. 3).

Minimum age for criminal responsibility

440. Article 10 of the Criminal Code establishes that a person who has attained 15 years of age prior to committing an offence is subject to criminal liability. As an exception, a person who committed an offence between the ages of 13 and 15 is subject to criminal liability in certain cases set out in articles of the Criminal Code, for instance: articles 100 (murder), 101 (aggravated murder), 107 (intentional causing of extremely severe bodily injury), 108 (intentional causing of serious bodily injury), 113-115 (acts of violence against persons, torture, rape), 139 (secret theft), 140-142 (public theft, robbery, extortion).

ETHIOPIA

Sources:

3rd periodic report: CRC/C/129/Add.8, 28 October 2005

2nd periodic report: CRC/C/70/Add.7, 23 March 2000

Minimum age for the end of compulsory education

From 3rd report

183. Ethiopia's formal education system has an eight-year cycle for primary education and a four-year cycle for secondary education. Primary education is further divided into two cycles, of which the first four years aim at the attainment of a basic education while the second four years aim at the attainment of a general primary education. It may incidentally be noted that though primary education is free for all, it has yet to be made compulsory. Secondary education is also divided into two cycles of which the first two years are for the attainment of a general secondary education while the second two years prepare students for higher education and the world of work.

Minimum age for admission to employment

From 3rd report

76. The Labour Proclamation No. 42/93 forbids the employment of children under 14 and categorizes children between 14 and 18 as young workers. In stipulating the conditions under which this age cohort may be employed it stated that young workers cannot be engaged in hazardous jobs and are protected from working overtime. It also prohibits them from working after 10.00 p.m. and before 6.00 a.m. as well as on weekends and holidays. Moreover, the nation has ratified two ILO Conventions, C 138 and C 182.

203. 62 per cent of children aged 10-14 and 39 per cent of children aged 5-9 are engaged in at least one type of employment besides household chores. The survey revealed that all-in-all, 15.5 million of the 18.13 million children are working either in the household or outside. In other words, only 14 per cent of the Ethiopian children in the age cohort of 5-17 are not working.

Minimum age for marriage

From 3rd report

58. As per the recommendations of the UNCRC Committee, the minimum age for the consummation of marriage for both sexes now stands at 18 years. It may be recalled that the previous Family Code had set the minimum age of marriage for girls at 15 [...]

83. Besides poverty, harmful traditional practices, particularly early marriage and abduction, are counteracting the efforts to promote respect for the views of the child.

129. Notwithstanding the fact that both the Penal Code and the revised Family Code provide rigorous prison terms for criminals perpetrating child abuse and exploitation, the practice is believed to be widespread. The abuse and neglect of children takes two forms in Ethiopia, viz., harmful traditional practices and (urbanized) child abuse and exploitation. Given the absence

of systematic data gathering or a monitoring mechanism, exact figures or even crude estimates are not available regarding the number of children subjected to such harmful traditional practices as [...] early marriage [...]

Minimum age for criminal responsibility

From 2nd report

28. For purposes of criminal liability, the Penal Code of 1957 classifies child offenders into three distinct age groups and prescribes distinct measures for their reform and rehabilitation. The first group, called "infants", is totally exonerated from application of the penal law on ground of responsibility. According to article 52 of the Penal Code infants not having attained the age of 9 years are not criminally responsible for their acts and where an offence is committed by an infant appropriate steps may be taken by the family, school or guardianship authority to ensure their proper upbringing. The second group, addressed as "young persons" in the Penal Code, are children between the ages of 9 and 15 inclusive. For them, the Penal Code provides special punishments and measures upon conviction. They are not subject to the ordinary penalties applicable to adults nor shall they be kept in custody with adult offenders (art. 53). The third group is comprised of young persons between the ages of 15 and 18 and is treated under the ordinary provisions of the Penal Code as having the full prima facie liability of persons aged 18 and above (art. 56 (4)). However, the Penal Code provides that mitigation of the penalty is always permitted, the death penalty may never be imposed and, under certain conditions, the measures of the penalty scheme for young offenders be applied in toto (arts. 56 (2), 118 and 182).

FIJI

Source:

Initial report: CRC/C/28 Add.7, 24 September 1996

Minimum age for the end of compulsory education

202. Education is not compulsory in Fiji, for the cost of providing free education to all children would be prohibitive. The current policy is to provide tuition fee-free education for all children in primary schools, with the aim of eventually making education compulsory up to 15 years. The power to make education compulsory rests with the Minister of Education, Women, Culture, Science and Technology.

Minimum age for admission to employment

28. (g) The Employment Act provides important protection for children because union agreements with employers generally only cover workers aged 17 or older. The Act defines children as under 15 and does not permit the employment of children under the age of 12. Section 59 states that children under 12 years are not allowed to work in any capacity whatsoever, and provides protection for children from long hours, night work and hard or heavy work. Section 60 allows that a child can be employed only on a daily basis for a daily wage and that the child must return each night to the residence of the parents or guardian. Section 64 states that a child shall not be employed for more than six hours a day.

Minimum age for marriage

28. (c) The Marriage Act (sect. 12) states that the minimum age for marriage is 16 years for women and 18 years for men. However, consent is needed from the father if the person is under 21 years of age. If he has died, the mother or a magistrate can give consent.

Minimum age for criminal responsibility

28. (a) The Juveniles Act (sect. 29) states that no child under the age of 10 years can be guilty of any offence. A child between 10 and 12 can be found guilty only if it can be shown that the child knows the crime he or she committed was wrong. [...]

FINLAND

Sources:

3rd periodic report: CRC/C.129/Add.5, 5 January 2005

2nd periodic report: CRC/C/70/Add.3, 18 November 1998

Initial report: CRC/C/8/Add.22, 31 January 1995

Minimum age for the end of compulsory education

From 3rd report

423. In accordance with the Constitution of Finland, everyone has the right to basic education free of charge.

From 2nd report

194. [...] Children start school in the year they reach the age of seven. Compulsory education continues for 10 years or until the completion of the nine-year-long comprehensive school curriculum.

Minimum age for admission to employment

From 3rd report

541. [...] The Young Workers Act has been amended by an Act (754/1998), and the amended provisions took effect at the beginning of 1999. The most significant amendments are as follows: Children of statutory school age, who have attained 14 years of age or will be 14 years old during the said calendar year, can go to work for half of their school holidays and at the most two thirds of their holidays. The amendment has been made due to the supervision practice of the European Social Charter of the Council of Europe (Treaty Series 44/1991) [...] In addition, the provision on emergency work was revised so that a person who has attained 15 years of age can, as provided for in section 21 of the Hours of Work Act (605/1996), be engaged in emergency work only if an 18 year old or older person is not available. If adults are not available at the workplace or there are not enough of them, a 15 year old can be assigned to do emergency work [...]

543. A decree of the Ministry of Social Affairs and Health on a Non-exhaustive List of Tasks Dangerous for Young Workers (128/2002) took effect at the beginning of March 2002. Hazardous tasks listed in the decree may not be assigned at all to persons who are under 16 years of age. The tasks may be assigned to persons who have attained 16 years of age if adequate precautions have been taken.

From initial report

111. The general requirements for gainful employment are a minimum age of 15 and the completion of compulsory education [...]

Minimum age for marriage

From initial report

115. Both women and men may marry at 18. For those below this minimum age, the Ministry of Justice may grant permission to conclude marriage, if there are special reasons for marriage. Permission does not require the consent of the guardian or the custodian.

Minimum age for criminal responsibility

From 3rd report

521. [...] In Finland, the minimum age for criminal liability is 15

years. A child younger than that cannot be arrested or imprisoned, but measures based on child welfare can be applied.

FRANCE

Sources:

3rd and 4th periodic reports combined: CRC/C/FRA/4, 21 February 2008

Initial report: CRC/C/3/Add.15, 4 June 1993

Minimum age for the end of compulsory education

From 3rd and 4th reports combined

511. (f) Compulsory school education applies to pupils from the age of 6 to 16.

Minimum age for admission to employment

From initial report

406. Young people are not allowed to work before they have been duly released from their obligation to attend school, in other words before they are 16 years of age. Young people can take up an apprenticeship at 15 years. During the school holidays, adolescents aged from 14 years may perform light work within the limits and in accordance with the formalities established by law.

Minimum age for marriage

From 3rd and 4th reports combined

125. The minimum legal age for marriage for women is now aligned with that for men, rising from 15 to 18 years and ending a difference that has existed since 1804. Dispensations for serious reasons may, however, be granted by the Public Prosecutor.

Minimum age for criminal responsibility

From 3rd and 4th reports combined

129. The French Government reminds the Committee that, whilst no age threshold is explicitly fixed by French law for the criminal responsibility of a minor, as the judge assesses the minor's capacity for understanding case by case, minors under the age of 13 are liable only to protective or cautionary measures.

578. While Law No. 2002-1138 of 9 September 2002 for the orientation and programming of the justice system amended the provisions dealing with the detention of minors from ten to thirteen years old, it retained the special guarantees attaching to the procedure. It is only in exceptional cases that a minor between the ages of ten and thirteen against whom there is strong or corroborated evidence giving grounds to believe that that individual has committed or attempted a serious crime or other major offence punishable by at least five years' imprisonment may, where necessary for the investigation, be held at the disposal of a police officer with the prior agreement of a specialist judge and under his or her supervision.

GABON

Source:

Initial report: CRC/C/41/Add.10, 13 July 2001

Minimum age for the end of compulsory education

82. In accordance with article 28 of the Convention, Gabonese legislation, in Act No. 16/66 of 9 August 1966 on the general organization of education, defines the fundamental principles underlying the functioning of the educational system, including free schooling, compulsory education between the ages of 6 and 16, and equal opportunities for boys and girls.

Minimum age for admission to employment

250. Article 177 of the Gabonese Labour Code (Act. No. 3/94 of 21 November 1994) stipulates that children cannot be employed in any enterprise before the age of 16 years, unless dispensation has been granted by decree at the joint initiative of the Ministers of Labour, Public Health and National Education, with due account taken of the circumstances and of the tasks which they may be asked to perform.

Minimum age for marriage

71. The traditional concept of marriage differs from that of marriage under civil law. According to the traditional concept, the protection of the child within marriage meant that marriage was not a matter for the couple as such; rather, parents or family chose their children's spouses, whatever the children's ages. Children aged 10 could therefore be married. The girl was entrusted to the boy's family and grew up with him.

72. Under civil law, men cannot get married until they are over 18 years old, and women must be over 15 (Civil Code, art. 203). However, the President of the Republic may grant dispensation from the age requirement if there are good grounds for doing so. The insane may marry only during a period of lucidity, with the authorization of their guardian and after a favourable recommendation from a psychiatrist or, failing that, a doctor (art. 204).

74. Even when they meet the age requirements, young men or women who have not reached the age of 21 cannot get married without the consent of their father and mother or guardian (Civil Code, art. 205).

Minimum age for criminal responsibility

76. A child under the age of 13 is not criminally liable, however serious the acts committed (Penal Code, art. 56, Code of Criminal Procedure, art. 145, prohibiting imprisonment of a child under 13).

GAMBIA

Sources:

Concluding Observations: CRC/C/15/Add.165, 6 November 2001

Initial report: CRC/C/3/Add.61, 28 September 2000

Minimum age for the end of compulsory education

From initial report

176. This is a guaranteed right for every Gambian child as provided for in the Constitution of The Second Republic, 1997. Section 30 reads: "All persons shall have the right to equal educational opportunities and facilities and with a view to achieving the full realization of that right: (a) Basic education shall be free, compulsory and available to all; [...]"

177. Although this constitutional measure seeks to ensure that universal "free and compulsory" primary education is available to all Gambian children, this has yet to be achieved. [...]"

179. Among the other obstacles to the realization of the goal of free and compulsory primary education is the lack of a legal framework for its enforcement. Since the Education Act requires enrolment at public school for children age seven and above, a basic cycle of six and three years would be ideal for compulsory school up to the age of 16 years. [...]"

Minimum age for admission to employment

From concluding observations

62. [...] The Committee also notes with concern that there is no legal minimum age for employment in accordance with ILO Convention No. 138 concerning Minimum Age for Admission to

Employment.

Minimum age for marriage

From concluding observations

44. The Committee expresses its concern with respect to the limited availability of programmes and services and the lack of adequate data in the area of adolescent health [...] and, especially, early and forced marriage [...]"

Minimum age for criminal responsibility

From initial report

65. [...] in the Criminal Code, Cap 10 Laws of the Gambia, [...] a child is defined as: "A person below fourteen years of age". This is further qualified by the other age limits in the same Criminal Code, with 7 and 12 years being set for the age of criminal responsibility based on knowledge and understanding of a wrongful act or omission.

GEORGIA

Sources:

Concluding Observations: CRC/C/GEO/CO/3, 23 June 2008

Written Replies by the Government of Georgia to the List of Issues: CRC/C/GEO/Q/3/Add.1, 20 May 2008

3rd periodic report: CRC/C/GEO/3, 22 August 2007

Initial report: CRC/C/41/Add.4/Rev.1, 6 October 1998

Minimum age for the end of compulsory education

From 3rd report

214. According to article 22 of the Law, the State provides complete secondary education; education of pupils in the institutions of general education shall be financed for 12 years.

From initial report

29. Under the Education Act, pre-school education is financed by the State. Primary education is compulsory. Basic education is provided by the State free of charge.

255. Primary schools admit children who reach the age of 6 in the year of entry. A student can be taught at the primary general education level until the age of 14 and at the basic general education level until the age of 18. There is no limitation on the age at which the secondary general education course may be completed (Education Act, art. 11.6-8).

Minimum age for admission to employment

From 3rd report

240. According to the Ministry of Labour, Health and Social Affairs, the new Labour Code of Georgia entered into force in July 2006. Pursuant to article 4 of the Code, the labour capacity of the natural person shall commence at the age of 16, whereas that of a person under the age of 16 shall be subject to the consent of his/her legitimate representative or guardianship/tutorial body, provided the nature of the work involved does not contradict the minor's interests, does not harm his/her moral, physical or mental development, and does not impose limitations on his/her right and ability to receive compulsory primary and basic education. It is only permitted to engage a minor under the age of 14 in work linked to sports, arts and cultural activities, as well as in advertising campaigns.

Minimum age for marriage

From initial report

31. The Civil Code (vol. 1) sets the marriageable age at 18 years. In exceptional cases, marriage is allowed at age 16 subject to the written consent of the parents or other legal

representatives. If the parents or other legal representatives withhold their consent, permission to contract marriage may be granted by the court in the presence of valid reasons on the basis of an application by the persons wishing to marry.

Minimum age for criminal responsibility

From written replies

48. [...] In pursuance to the recent amendments the age of criminal responsibility has been lowered in Georgia from 14 to 12 years with respect to specific crimes [...] The age of criminal responsibility was lowered with respect to the following crimes: deliberate murder; deliberate murder in aggravating circumstances; deliberate grave injury to health; deliberate less grave injury to health; rape; robbery, armed robbery; carriage of a cold steel by a person who has not attained 21 years or a person with previous conviction or a person convicted under administrative law for using drugs.

From concluding observations

72. The Committee deeply regrets the decision of the State party to lower the minimum age for criminal responsibility from 14 to 12.

73. The Committee strongly urges the State party to reinstate, as a matter of urgency, the minimum age of criminal responsibility at 14 years, taking into account the Committee's general comment No. 10 in which States parties are urged not to lower their minimum age of criminal responsibility to the age of 12 (para. 33) on the grounds that a higher age, such as 14 and 16 years of age, contributes to the juvenile justice system which deals with children in conflict with the law without resorting to judicial proceedings, providing that the child's human rights and legal safeguards are fully respected, in accordance with the article 40(3)(b) of the Convention.

GERMANY

Sources:

2nd periodic report: CRC/C/83/Add.7, 24 July 2003

Initial report: CRC/C/11/Add.5, 16 September 1994

Minimum age for the end of compulsory education

From initial report

13. [...] the rights and obligations of children and juveniles by age group are summarized in the following [...]

(d) At the age of six: (i) Children are required to attend school (the cut-off date is always the first day of June). The obligation to attend full-time schools continues for 9 or, respectively, 10 years (education acts or, respectively, compulsory education acts of the Länder); [...]

(j) At the age of 15: (i) Ends the period of compulsory schooling in most of the Länder (education acts or, respectively, compulsory education acts of the Länder); [...]

Minimum age for admission to employment

From 2nd report

850. Since the 1997 amendment to the Act [Second Act to Amend the Youth Health and Safety at Work Act], a young person within the meaning of this Act is someone over 15 but not yet 18. The provisions that apply to children also apply to young people who are subject to full-time mandatory schooling.

851. The employment of children continues to be prohibited by the law. This prohibition does not apply to work for the purposes of occupational therapy, within the context of a school work experience programme or in fulfilling instructions from a judge.

852. Children under 13 may be employed only with an express exemption by the authorities and with parental permission, but only at certain events in the cultural and media spheres if the necessary protective measures are guaranteed. Once a child is over 4 years old it can be allowed to participate in musical events and similar events as well as the associated rehearsals for up to a total of two hours per day. Once a child is over 7 years old it can be allowed to participate in theatrical performances for up to four hours per day and in musical performances, etc. for up to three hours per day.

853. Once children are over 14 years old they may be employed without official permission if permission has been given by their guardian and the work is light and suitable for them. According to the legal definition only work that has no negative impact on the safety, health or development of the children, nor on their school attendance, their involvement in measures for choosing a future career or vocational training and their ability to follow lessons with benefit, shall be considered "light". Jobs that correspond to the physical and intellectual development level of the children or young people in mandatory full-time schooling are suitable. Time spent on jobs of this kind must not exceed two hours per day or three hours on family farms. The children may be employed only in the time from 8 a.m. to 6 p.m., not before and not during school hours, for no more than five days in the week; they may not be given hazardous work, e.g. with dangerous substances and biological materials, and they may not be given piecework or work depending on speed. Deviating from these regulations, young people in mandatory fulltime schooling may work for a maximum of four weeks per calendar year in the school holidays.

854. The Federal Government passed the Ordinance on Protection Against Child Labour of 23 June 1998 to define the light work that is suitable for children. According to this, the usual and socially recognized activities are allowed, such as delivering newspapers and magazines, help in private households, taking messages and going shopping, babysitting, giving private lessons, helping with sport and help in agriculture. Employment in the commercial sector, in manufacturing or in trade will still not be allowed in the future. Work of this kind is not reasonable for children and young people of this age.

Minimum age for marriage

From initial report

13 [...] the rights and obligations of children and juveniles by age group are summarized in the following [...]

(k) At the age of 16:

(i) A juvenile can, upon application, be granted permission to marry;

Minimum age for criminal responsibility

From initial report

100. Pursuant to article 40, paragraph 3, of the Convention, the States parties are called upon to establish a minimum age below which children shall be presumed not to have the capacity to infringe the penal law. This requirement is met under German law by section 19 of the Criminal Code, from which it follows that a child under the age of 14 has no capacity to infringe the penal law.

GHANA

Source:

2nd periodic report: CRC/C/65/Add.34, 14 July 2005

Minimum age for the end of compulsory education

43. The Constitution grants every Ghanaian child the right to

education. Under the 1987 Education Reform Programme, the first nine years of school (ages 6-15, i.e. basic education) is free and compulsory however, children above the stipulated age who have not completed basic school can still enjoy the right.

Minimum age for admission to employment

44. Under Section 87 of The Children's Act, no child may be engaged in 'exploitative labour,' defined as any labour that deprives a child of its health, education or development. Further, under Section 88, no child may be engaged in work between the hours of eight in the evening and six in the morning. Similarly, under Section 91 no one under the age of eighteen may be engaged in 'hazardous work', defined as work that poses a danger to a child's health, safety or morals. The Act provides specific examples of forms of employment which fall under this category, including going to sea, mining and quarrying, portering of heavy loads and working in places such as bars, hotels and places of entertainment where a person may be exposed to immoral behaviour. Under Sections 89 and 90 of the same Act, the minimum age of employment is fifteen years and the minimum age for the engagement of a child in light work is thirteen years. Light work is defined as work that is not likely to be harmful to the health or development of the child and does not affect the child's attendance at school or the capacity of the child to benefit from schoolwork.

Minimum age for marriage

45. The legal minimum age for marriage of whatever kind is 18 years under The Children's Act. A child has the right to refuse betrothal; to be a subject of a dowry or transaction and to be married under 18 years. The DSW, CHRAJ and WAJU protect children under eighteen (18) years from forced marriage. In cases where juveniles are forced to marry, action is instituted at the Court and the parents of the juvenile together with the would-be-husband are restrained from executing the marriage.

Minimum age for criminal responsibility

49. Section 4 of the Criminal Code (Amendment) Act 1998 (554) increases the age of criminal responsibility from 7 to 12 years.

GREECE

Source:

Initial report: CRC/C/28/Add.17, 25 June 2001

Minimum age for the end of compulsory education

296. [...] Under the law referred to above (art. 10), Greek children may be enrolled in the first grade of primary school if on 31 December of the year of enrolment they have reached the age of six years. [...]

297. Compulsory education lasts nine years, divided into two sections (primary school and junior secondary school), and may be completed if the pupil has reached the age of 16. Penalties are provided for by the law and the Civil Code for parents or guardians who infringe the relevant legislation.

Minimum age for admission to employment

1. (c) Minors who have reached the age of 16 may, with the general consent of the persons exercising custody over them, enter into contracts of work as employees. If the aforementioned consent is not given to them, the court may decide to grant it on the minor's petition (article 136 of the Civil Code) [...]

396. The general minimum age limit for admission to employment is 15 years (article 2 of Law 1837/89). This provision is based on the consideration of allowing children to complete compulsory education, which ends at the age of 15,

without distraction. An exemption to the limit of 15 years is employment in artistic and similar activities, on condition, however, that no harm is done to the physical and mental health or the morals of the minors. This exemption was enacted because it is widely accepted that artistic creativity among young people is an important cultural activity which the Greek State ought to encourage.

Minimum age for marriage

1. (d) Minors who have not reached the age of 18 may marry with the permission of the court (if such a marriage is imperative for some grave cause). The court allows the marriage after having heard the prospective married persons and those exercising custody over the minor (article 1350 of the Civil Code). [...]

Minimum age for criminal responsibility

1. (e) In criminal law, minors are considered to be persons who are between the ages of 7 and 17 years, inclusive. Of these persons, minors under the age of 12 are called children and the remainder are called adolescents.

2. Delinquent minors are subject to reformatory or therapeutic measures or to criminal correction (article 121 of the Criminal Code). Children are not held responsible for the criminal acts committed by them, and only reformatory or therapeutic measures may be taken against them. Adolescents who commit criminal acts are subject to reformatory or therapeutic measures if there is no case for them to be subjected to criminal correction (article 126 of the Criminal Code).

370. One of the characteristic features of this approach is that minor offenders are absolutely free of responsibility for their acts until they reach the age of 12, and hold only relative responsibility until the age of 17.

GRENADA

Sources:

2nd periodic report: CRC/C/GRD/2, 7 August 2009

Initial report: CRC/C/3 Add.55, 28 November 1997

Minimum age for the end of compulsory education

From initial report

31. Under the Education (Compulsory at Primary Schools) Act, chapter 85, the compulsory school age in Grenada is between from 6 to 14 years. Parents are also bound by this Act to ensure their child's regular attendance at school. If parents fail to do this, they are liable to a fine of EC\$ 15 on the first offence and EC\$ 25 for any subsequent offence.

Minimum age for admission to employment

From initial report

32. Section 8 (8) of the Employment of Women, Young Persons and Children Act, chapter 90, prohibits the employment of children below the age of 14 in any undertaking or work whatsoever, whether industrial or otherwise, during school hours, or for more than two hours on any given school day. There is an exception, however, with regard to the employment of children under 14 in industrial undertakings in which only family members are employed.

Minimum age for marriage

From initial report

29. There is no legislation that revokes the common law age of attainment of majority of 21 years. In cases such as marriage and the making of a will, parental consent is required if the person in question is below the age of 21 years.

Minimum age for criminal responsibility

From 2nd report

49. [...] The draft Juvenile Justice Bill under the OECS Legal Reform Project moves the age of criminal responsibility to 10 years, with children between 10 years and 12 years only to be held criminally responsible for acts if he or she had the capacity to know that he or she ought not to have done the act or made the omission.

From initial report

39. A child is presumed unable to infringe the penal law below the age 7 years (section 50 (1), chapter 76, Criminal Code). Further, subsection (2) gives rise to a range of ages between 7 and 12 within which a child may or may not be considered to have the capacity to infringe the law.

GUATEMALA

Sources:

3rd and 4th periodic reports combined: CRC/C/GTM/3-4

Concluding Observations (to 2nd report): CRC/C/15/Add.154, 9 July 2001

2nd periodic report: CRC/C/65/Add.10, 29 March 2000

Concluding Observations (to initial report): CRC/C/15/Add.58, 7 June 1996

Initial report: CRC/C/3/Add.33, 20 April 1995

Minimum age for the end of compulsory education

From 3rd and 4th reports combined

50. The State recognizes that, as has been indicated by the Committee, there is a contradiction and a gap in the law with regard to the maximum age of basic education (14) and the minimum working age (13).

From concluding observations (to 2nd report)

22. The Committee reiterates its concern about the disparity between the legal minimum age for admission to employment (14 years) and the age for the end of compulsory education (15 years).

From concluding observations (to initial report)

15. [...] the failure to provide for an age for the completion of compulsory education as required by the Constitution of Guatemala as well as by article 2 of ILO Convention No. 138 is a matter of considerable concern to the Committee.

From initial report

99. With regard to education, article 74 of the Political Constitution states that all inhabitants have the right and obligation to receive initial, pre-primary, primary and basic education within the age limits established by law.

Minimum age for admission to employment

From 3rd and 4th reports combined

44. Rights have been established to protect Guatemalan children, such as the right not to work during childhood – although in exceptional cases it is permitted by law from 14 years of age, provided the employment is specially protected and regulated.

From 2nd report

259. The impoverishment of large segments of the Guatemalan population has meant that many families' subsistence depends to a large extent on income from child or youth labour, and a high percentage of children have been obliged to seek work in both the formal and the informal sectors.

268. One improvement in the Children and Adolescents Code over the earlier Minors Code is that it deals openly with child

labour and even stipulates the establishment of administrative and organizational bodies. However, it does not provide specific standards to regulate, protect, reduce or eradicate child and juvenile labour, which is still regulated by the Labour Code and the Constitution.

From initial report

100. Article 102, paragraph I, of the Political Constitution states, with regard to the minimum social rights established in the labour legislation that "minors under 14 years of age may not be employed in any kind of work, with certain exceptions provided by law" (art. 150 of the Labour Code).

101. The labour legislation specifies the exceptional cases in which minors may work: for example, on production of a permit issued by the General Labour Inspectorate when, by way of exception, a minor aged under 14 years may be authorized to work a six-hour day, and a minor over the age of 14 years may be authorized to work up to seven hours. For the purposes of such authorization it must be verified that the minor will work as an apprentice or because he or she needs to contribute to the family economy, and that the work in question is light in its duration and intensity and will not prejudice the physical, mental or moral health of the young worker, and that the requirements of his or her compulsory education are met in some way.

Minimum age for marriage

From 2nd report

69. With regard to the concern expressed by the Committee on the Rights of the Child in relation to the minimum age for marriage in the case of girls, an initiative has been launched under the Women and Legal Reform Project of the National Women's Office, involving a proposed amendment to article 81 of the Civil Code, Decree Law 106, setting 16 as the minimum age at which young people may marry. That would be an improvement insofar as it would establish equal conditions for girls and boys.

From initial report

98. Articles 81, 82 and 83 of the Civil Code stipulate that males from the age of 16 and females from the age of 14 may contract marriage, provided that they have the permission of both their parents or of the person who exercises paternal authority or guardianship over them. If the parents disagree or the person entitled to give permission refuses to do so, authorization may be granted by a judge.

Minimum age for criminal responsibility

From 2nd report

70. Concerning the legally established minimum age of criminal responsibility and deprivation of liberty, article 160 of the Children and Adolescents Code states: "All persons aged at least 12 but under 18 at the time they commit an act in conflict with criminal law or special laws shall be subject to this law."

GUINEA

Source:

Initial report: CRC/C/3 Add.48, 17 June 1997

Minimum age for the end of compulsory education

17. Release from compulsory schooling is accepted from the age of sixteen.

140. Article 21 of the Basic Law prescribes that the State must ensure compulsory education of children. The State must create the conditions and institutions enabling each child, without any discrimination, to be educated and guarantee freedom of

education by controlling the private schools.

153. Secondary education is given in colleges and high schools (lycées). College has become compulsory for all pupils who have successfully completed primary school. It has four levels, the 7th year, 8th year, 9th year and 10th year which is the class in which the equivalent of the GCSE examination is taken for access to high school.

Minimum age for admission to employment

17. Article 5 of the Labour Code instituted by order No 003/PRG/SGG/88 provides : “The contract for work can only be concluded with an individual having attained a minimum age of sixteen years. Juveniles under sixteen can only be engaged with the consent of the authority upon which they depend”.

Minimum age for marriage

15. According to article 280 of the Civil Code adopted by law No 004/APN/83 of 16 February 1983, men under 18 years and women under 17 years cannot contract marriage. Nevertheless, there may be some age dispensations.

Minimum age for criminal responsibility

17. Free deposition before courts, penal responsibility and sentencing are only admitted at 18 full years.

GUINEA-BISSAU

Source:

Initial report: CRC/C/3/Add.63, 26 July 2001

Minimum age for the end of compulsory education

Information unavailable

Minimum age for admission to employment

251. In Guinea-Bissau, children are victims of economic exploitation and are subject to hard work, which is incompatible with their age and physical condition. However, the Government is unable to put a stop to this phenomenon through the application of administrative measures, due to the serious economic and social condition of the country. Law No. 2/86 (General Labour Law), which prohibits children under 14 from working, is not applicable to the current reality.

Minimum age for marriage

143. Article 1577 of the Civil Code defines marriage as a contract signed by two people of different genders who want to form a family legally through a full communion of life. It also establishes, as a general rule, the age of 16 for boys and 14 for girls as the minimum age allowed for marriage, and always subject to the consent of the parents, tutors and/or educators. When these procedures are not followed, the betrothed minor can oppose the marriage according to civil registration laws, which means that the marriage can only be celebrated once the court for minors has decided that it is legal.

144. [...] The Penal Code [...] establishes the age of 18 as the legal age for marriage.

145. In this matter, we cannot talk only about the written legislation, because the social life of Guineans is ruled by the customary law, which does not always conform to the written legislation. Premature and compulsory marriages are current practices accepted by customary law.

Minimum age for criminal responsibility

136. The Penal Code in force in the country stipulates in its article 10, together with article 12, that any individual is subject to criminal prosecution when he reaches 16 years of age. It also stipulates that punishment, depending on the type of violation,

is specially mitigated in cases of delinquent people aged more than 16 and less than 20 years.

GUYANA

Source:

Initial report: CRC/C/8/Add.47, 6 August 2003

Minimum age for the end of compulsory education

105. The amendment to the Education Act has made 15 years the end of compulsory education. This is now a right which is to be enshrined in the 1980 Constitution of Guyana.

288. The minimum age of admission to a primary school is 5 years 9 months. The primary programme is structured to provide literacy and numeracy skills for pupils within the system. It is normally of six years duration.

322. It should be noted that, while primary education is compulsory, the monitoring and enforcement of the law has proved to be exceedingly difficult and this has negatively affected adherence to aspects of this article of the Convention. The reintroduction of the Welfare Division and of welfare officers with responsibility for truancy are now in place to address such issues.

Minimum age for admission to employment

104. The Education Act, chapter 39:01, section 17, states that: “No person shall take into his employment or employ any child who is under the age of fourteen years, provided that the service rendered by a child to its parents, being such service as is usually given by children to their parents, shall not constitute a breach of this section unless such service is rendered on a school day during school hours.”

401. In the laws of Guyana, currently the Employment of Women, Young Persons and Children Act (chap. 99:01) establishes the procedure relating to the employment of women, young persons and children.

402. “Child” for the purpose of this act is a person under the age of 14 years. Section 3 of this act stipulates that: “No child shall be employed in any industrial undertaking.”

403. The act also makes comprehensive reference to the prohibition of the employment of children on ships (sect. 4) and the institution of penalties for this offence.

404. It is therefore significant to observe notable exceptions in this act which seem to have its genesis in colonial times and which do not accord with the Convention. Article 2 of Part 1 of the Schedule of this act states that: “Children under the age of 14 years shall not be employed, or work in the public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.” This article was revised in the Children’s Bill where a child is defined as being 15 years or under and is thereby prohibited from working.

407. This law is the principal piece of legislation which provides protection for children and young people. It is, however, recognized that it is outmoded. The review of this act has resulted in article 32 of the CRC being reflected and directly referred to in the Children’s Bill 2002. In a part dedicated to Employment of Young Persons and Children, “child”, “industrial undertaking” and “young person” are defined in conformity with the CRC. Restrictions on employment in industry are stipulated. It is specifically stated that the provisions of the CRC and other related Conventions “shall have effect for the purposes of this part”.

Minimum age for marriage

113. Although the legal age of majority is 18, section 31 (1) of

the Marriage Act states that: “Where either of the parties not being widower or widow, or a divorced person is under the age of twenty years, no marriage shall take place between them until the consent of the appropriate person or persons specified in the Second Schedule has been first obtained.”

114. Part III of the Marriage Act, 1974 (chap. 45:01) deals with restrictions on marriage:

“(1) A marriage shall be void if the parties or either of them is under the age of sixteen.

“If a female under the age of sixteen years becomes pregnant or is delivered of a child, she may apply by petition to a judge of the High Court for permission to be married under that age to a person under the age of sixteen years, or, if under that age, he admits to being the putative father of the child whether yet delivered or not, or is adjudged by a court of competent jurisdiction to be the father of the child.”

The act states that a marriage thus solemnized would be declared good, valid and effectual as if both parties had been above the age of 18 years.

115. It is relevant to note that the Second Schedule of the Marriage Act details the circumstances and person or persons whose consent is required for the marriage of an infant (as it is legally deemed) by licence without publication of banns. These circumstances and persons are summarized below.

Table 1

Consent required for marriage of minor “infant”	
Circumstances	Person/persons whose consent is required
Where both parents are living; if both parents are living together	Both parents
If parents are divorced or separated by order of a court or mutual agreement	The parent to whom the custody of the infant is committed by court order or by agreement, or if the custody of the infant is so committed to one parent during part of the year, and to the other parent during the rest of the year, or to both parents
If one parent has been deserted by the other	The parent who has been deserted
If both parents have been deprived of custody of infant by court order	The person to whose custody the infant is committed by order of the court.

Minimum age for criminal responsibility

383. Some important interpretations and articles of this act [The Juvenile Offenders Act (chap. 10:03)] are as follows:

- “Child” means a person under 14 years;
- “Juvenile” means a person under 17 years;
- It shall be conclusively presumed that no child under the age of 10 can be guilty of an offence;
- A juvenile court must be held in camera (that is, the court must be cleared of all persons not connected with the matter);
- A “young person” means a person who has attained the age of 14 years and is under the age of 17 years.

HAITI

Source:

Initial report: CRC/C/51/Add.7, 21 June 2002

Minimum age for the end of compulsory education

Information unavailable

Minimum age for admission to employment

34. The Labour Code sets the minimum age for paid work by children at 15, but hiring requires the authorization of the Labour Department. However, according to the Labour Code, a child may enter domestic service at the age of 12, although this requires the authorization of the Social Welfare and Research Institute (IBESR), which no longer grants authorization as it is against such domestic service on principle.

Minimum age for marriage

32. In Haitian legislation, the child is referred to as a “minor”. Article 392 of the Haitian Civil Code defines a minor as a person of either sex who has not yet reached the age of 18, which is the age of civil and political majority and matrimonial capability. However, a girl who becomes pregnant before reaching the age of majority may marry the baby’s father provided that her parents consent or accept responsibility and that the President of the Republic authorizes the marriage.*

** In practice, things do not happen like this: people marry without taking this authorization into account or requesting it.*

Minimum age for criminal responsibility

264. [...] Haitian legislation establishes the principle of exemption from criminal liability of minors under 13 years of age, and sets the age of criminal majority at about 16 years. Between 13 and 16 years a minor who has committed a minor offence will be liable to a simple reprimand or a fine. A minor who has committed a serious offence or a crime will be punishable by an educational measure or, if appropriate, by a criminal sentence, whereby the juvenile court has discretion, by a reasoned decision, to reject the mitigating excuse of minority.

265. Article 51 of the Criminal Code stipulates, however, that when the circumstances of the case or the personality of the accused minor so require, mitigated responsibility may be recognized. In this case, the minor may receive a sentence of eight years of treatment in a State corrective education centre or a maximum of three years in a specialized professional centre.

266. In the case of a serious offence or crime, the juvenile court will take measures for the protection, supervision or education of children under 11 years of age.

HONDURAS

Sources:

3rd periodic report: CRC/C/HND/3, 27 July 2006

2nd periodic report: CRC/C/65/Add.2, 20 February 1998

Minimum age for the end of compulsory education

From 2nd report

323. According to article 171 of the Constitution: “Education given officially shall be free of charge and basic education shall also be compulsory and fully funded by the State. The State shall establish the mechanisms of compulsion to give effect to this provision.” Compulsory schooling shall continue up to the sixth grade of primary education, including pre-school education. As a rule it covers ages 7 to 13 years.

Minimum age for admission to employment

From 2nd report

324. Our labour laws establish that a child of 16 years may enter into labour contracts under the supervision of the Ministry of Labour. Exceptionally, for reasons of material necessity for himself or his family a child may work from the age of fourteen years as a minimum. The newly adopted legislation establishes the minimum age of fourteen years in accordance with Convention 138 of the International Labour Organization (articles 115, 120 of the Code on Children/article 128 (7) of the Constitution).

Minimum age for marriage

From 2nd report

326. With regard to marriage, the age at which a person is fully authorized to contract marriage without the consent of his or her parents is 21 years (age of majority). However, persons may marry with the consent of their parents or legal representatives at the age of 18 or at 16 if the couple have already been living together.

Minimum age for criminal responsibility

From 3rd report

119. [...] adolescents are considered liable to prosecution from 12 years.

HUNGARY

Source:

2nd periodic report: CRC/C/70/Add.25, 24 May 2005

Minimum age for the end of compulsory education

83. Compulsory schooling commences in the year in which the child reaches the age of 6, provided that he/she is mature enough to attend school. Compulsory schooling ends in the year in which the student is 18 years old. Compulsory education until the age of 18 applies to students who started the first grade of primary school on 1 September 1998. For pupils who had started school earlier, compulsory education lasts until the age of 16. Compulsory education of children with physical, sensory or mental disabilities or impaired speech may be extended by two years.

Minimum age for admission to employment

84. Pursuant to the provision of the Labour Code, persons having attained the age of 16 may be employed in regular employment. Pupils attending the regular day session of primary schools, vocational schools or secondary schools may be employed in regular jobs during the holidays provided they are 15 years old.

Minimum age for marriage

85. In accordance with the Family Welfare Act, only males and females of (legal) age may marry. Minors may marry only with the preliminary approval of the guardianship authorities. The guardianship authorities shall grant the approval only in well-founded cases and only if the intending spouses are at least 16 years old.

Minimum age for criminal responsibility

511. Pursuant to the penal law, children are not liable to punishment. The Penal Code defines the legal fact of being under 14 years of age at the time of committing the criminal act as a factor that rules out culpability. Legislators felt that the physical and intellectual development of a child of that age – especially since children normally finish elementary education around this time – reaches a level that makes it possible to make them liable for their actions.

ICELAND

Sources:

2nd periodic report: CRC/C/83/Add.5, 5 July 2002

Initial report: CRC/C/11/Add.6, 15 May 1995

Minimum age for the end of compulsory education

From 2nd report

314. According to the Primary School Act, No. 66/1995, primary school is of 10 years' duration; a pupil is expected to begin in the year he or she becomes 6 years old. Primary school attendance is obligatory and each municipality is obliged to enable all children aged 6-16 who reside there to attend school.

Minimum age for admission to employment

From 2nd report

98. Under the Act on Health Practices and Conditions in the Workplace, No. 46/1980, as amended by Act No. 52/1997, various special provisions apply to work to be performed by children. In this Act, the term "child" applies to any person under the age of 15 or a person receiving obligatory education. The term "adolescent" applies to any individual who has attained the age of 15 but not the age of 18, who is no longer receiving obligatory education. "Young person" refers to any individual under the age of 18. The engagement of children for work is only allowed in certain exceptional cases, which include engagement of children under the age of 14 for light work. A young person cannot be engaged for heavy or dangerous work. The Act also contains provisions on the active working periods of children and adolescents, and provisions on minimum rest periods.

396. There are special rules that apply to work by children. Children may not be engaged for work unless this is specifically allowed. Children between 13 and 14 years of age, and children receiving compulsory education, may only perform work coming under a regulation annex on light work, such as gardening, light work in fish processing and shops, minor cleaning duties, light messenger duties, newspaper sale, mail delivery and light office work. A person 13 years of age or older may be engaged for light work during the summer vacation from school, when the work forms a part of theoretical study or vocational training. The work in question is enumerated in particular regulation annexes referring to persons under the age of 15 years, persons who have attained the age of 15 years and persons who have attained the age of 16 years. When children are engaged for work, the custodians shall be informed of all the engagement terms and the measures taken to provide for their safety and health at work.

398. Children under the age of 13 years may be engaged to take part in cultural or artistic events, and in activities relating to sports and advertising. Advance permission from the Occupational Safety and Health Administration is required.

Minimum age for marriage

From initial report

84. Under the Marriage Act, No. 31 of 1993, the age at which persons are free to marry in Iceland is 18. The Ministry of Justice may grant younger persons permission to marry. When marriage takes place, both spouses become legally competent, even if they have not reached the age of 18.

Minimum age for criminal responsibility

From initial report

369. Regarding the capacity of young persons to face criminal

charges, the age of 15 is an absolute condition for a person to be considered capable of facing a criminal charge. The Penal Code contains some special considerations regarding the issue of charges and the determination of punishment in cases involving young persons aged 15-21. [...]

INDIA

Sources:

2nd periodic report: CRC/C/93/Add.5, 16 July 2003

Initial report: CRC/C/28/Add.10, 7 July 1997

Minimum age for the end of compulsory education

From 2nd report

201. [...] the minimum compulsory age of education is 14 years. [...]

743. The proposed 83rd Constitutional Amendment Bill, 1997, guarantees the right to free and compulsory education for children from 6–14 years of age. It also makes it a fundamental duty of parents/guardians to provide opportunities for education to children in this age group.

1172. Directive Principles of State Policy indicate that the Government must take measures to achieve the goal of free and compulsory education for children under the age of 14 years.

From initial report

65. Provision of free and compulsory education: Article 45 of the Constitution states that the State shall endeavour to provide, within a period of 10 years from the commencement of the Constitution, for free and compulsory education for all children till they reach the age of 14 years.

221. The National Policy on Education (NPE), 1986 and the Programme of Action (POA), 1992 have perceived education as fundamental to all-round development of children and stipulates free and compulsory education of satisfactory quality to all children up to 14 years of age before the turn of the century.

Minimum age for admission to employment

From 2nd report

201. [...] The various laws relating to labour prohibit a person under the age of 14 years to work. [...]

1171. If the provisions on child labour in international conventions such as the ILO standards and the CRC are compared with Indian standards, it can be said that the Indian Constitution articulates higher standards in some respects. The Constitution of India specifies that a child has a right not to be used in “forced” or “bonded” labour. The Constitution also specifies in its chapter on Fundamental Rights that ‘no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous work’. [...]

1174. The policy of the Government is to ban employment of children below the age of 14 years in factories, mines and hazardous employment and to regulate the working conditions of children in other employment.

1180. The Government recently amended the Central Civil Services (Conduct) rules to prohibit the employment of children. According to this, no Government employee shall employ any child below the age of 14 years.

From initial report

65. In accordance with the Constitution, no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment (article 23).

Labour Law Apprentice Act, 1961: A person is qualified to be

engaged as an apprentice only if he is not less than 14 years of age, and satisfies such standards of education and physical fitness as may be prescribed.

Factories Act, 1948: A child below 14 years of age is not allowed to work in any factory. An adolescent between 15 and 18 years can be employed in a factory only if he obtains a certificate of fitness from an authorized medical doctor. A child between 14 and 18 years of age cannot be employed for more than four and a half hours.

Mines Amendment Act: No person below 18 years of age shall be allowed to work in any mine or part thereof.

The Child Labour (Prohibition and Regulation) Act, 1966: Child means a person who has not completed his fourteenth year of age.

Minimum age for marriage

From 2nd report

201. [...] The age of capacity to contract a marriage is 18 years for a girl and 21 years for a boy, for all communities. The Child Marriage Restraint Act, 1929, defines a child as a person who, if a male, has not completed 21 years of age, and if a female, has not completed 18 years of age. Under Section 5 of this Act whoever performs, conducts or directs any child marriage shall be punishable with simple imprisonment up to three months and shall also be liable to fine, unless he proves that he had reason to believe that the marriage was not a child marriage. This uniform legislation is an effort to discourage child marriages under personal laws.

From initial report

65. Family Law Child Marriage Restraint Act, 1926: Child means a person who if a male has not reached 21 years of age and, if a female, has not reached 18 years of age.

Minimum age for criminal responsibility

From 2nd report

202. [...According to] Section 83 of the Indian Penal Code, [...] nothing is an offence which is done by a child above seven years of age and under 12 years, who has not attained sufficient maturity of understanding to judge the nature and consequences of his conduct on that occasion. It may be noted that children below the age of seven years are deemed to be incapable of criminal offence as per section 82 of the Indian Penal Code.

From initial report

65. Criminal Law Indian Penal Code: Nothing is an offence which is done by a child under the age of seven years. The age of criminal responsibility is raised to 12 years if the child is found to have not attained the ability of understanding the nature and consequences of his act.

INDONESIA

Source:

2nd periodic report: CRC/C/65/Add.23, 7 July 2003

Minimum age for the end of compulsory education

50. In general, definition of the child in national legislation follows the standard set forth in the Child Welfare Act (1979); that is, a person under the age of 18. Definition of the child is also set forth in several other pieces of national legislation, as follows: Universal education: no age-limit is determined, but universal education applies to the nine years of elementary education (National Act on Education System, 1989) [...]

318. [...] the concept of compulsory elementary education

currently in effect in Indonesia is not identical to compulsory education as implemented in developed countries. The compulsory elementary education programme in Indonesia is more closely equated with universal education, that is opening up learning opportunities by encouraging parents to send their children to school once they reach school age.

319. In this sense, the concept of universal education in Indonesia was introduced prior to 1994, and is effective for the six years of elementary education. Education, however, is not free.

328. On measures taken to make elementary education compulsory and free of charge for all children, the following can be reported.

329. Since 1994, via Presidential Instruction No. 1 of 1994, universal education has been extended from six years of elementary education to nine years, including elementary school and junior secondary school. The minimum age of entry to elementary school is 6 years.

Minimum age for admission to employment

50. [...] Definition of the child is also set forth in several other pieces of national legislation, as follows: [...] Admission to employment: 15 years; admission to employment in hazardous work: 18 years (Employment Act, 1995);

545. From a legislative perspective, in an effort to consolidate several existing laws aimed at protecting the child from economic exploitation and performing any work that is likely to be hazardous to or to interfere with the child's education or to be harmful to the child's health or physical, mental, moral or social development, the Government and the House of Representatives passed Act No. 25/1997 concerning Employment, under which companies are prohibited from employing children under the age of 15 (art. 95, para. 1), or they will be subject to a maximum penalty of two years in prison and a fine of Rp 200 million (art. 178, paras (a) and (b)). Unfortunately, however, this Act contains two flaws, in articles 95, paragraph 2, and article 96, which provide exceptions that in practice nullify this protection. Because of these deficiencies, and for other reasons regarding the issue of employment, implementation of this Act was postponed (pursuant to Act No. 11/1998). Act No. 25/1997 is currently under review in order to rectify several deficiencies. Following an agreement of the Tripartite Plus Meeting in 1998, a Bill on Employee Protection and Guidance has been submitted to the Secretary of State.

546. Since Act No. 25/1997 is not in force, it is necessary to turn to Circular Letter of the Minister of Manpower No. SE-12/M/BW/1997 on Guidelines for the Management of Child Workers. The purpose of this Circular Letter is to provide guidelines for supervisors of child workers between the ages of 13 and 18. This quite detailed Circular Letter mentions 25 industries in which children are not allowed to work and establishes strict working hours (4 hours a day, 2 working hours with a 15-minute break plus 2 working hours), and work hours (children may not work overtime between 18.00 and 06.00). [...]

Minimum age for marriage

50. [...] Definition of the child is also set forth in several other pieces of national legislation, as follows: [...] Marriage: 16 years for women and 19 years for men, in both cases with the legal consent of the parents, up to the age of 21 (Marriage Act, 1974) [...]

Minimum age for criminal responsibility

50. In general, definition of the child in national legislation

follows the standard set forth in the Child Welfare Act (1979); that is, a person under the age of 18. Definition of the child is also set forth in several other pieces of national legislation, as follows: [...] Criminal responsibility: 8 years (Juvenile Court Act, 1997) [...]

460. [...] One weakness is that the Criminal Code does not establish the age of criminal responsibility for more serious crimes.

472. In addition, with the coming into force of the Juvenile Court Act, the concept of statutory crime is applied in a more general sense for all crimes perpetrated by children, although this act comes under much criticism for setting the age of criminal responsibility too low at eight years. A child under the age of 8 is free from all criminal responsibility (art. 5, paras. 1-3). Under this act a child is defined as a person under the age of 18 years who has never been married. However, procedure for court hearings involving children is applicable for persons up to the age of 21 (art. 4, paras. 1 and 2).

IRAN

Sources:

Concluding Observations: CRC/C/15/Add.254, 31 March 2005

2nd periodic report: CRC/C/104/Add.3, 1 December 2003

Initial report: CRC/C/41/Add.5, 23 July 1998

Minimum age for the end of compulsory education

From initial report

4. (d) According to laws and regulations, education of Iranian children and adolescents is compulsory and no one can deprive them from education (article 1 of the Act on Providing Means and Possibility of Education for Iranian Children and Adolescents, 1974). Compulsory education begins at the age of 6 [...]

130. The education system of the Islamic Republic of Iran is divided as follow: primary school (five years), orientation or guidance school (three years) and secondary school (four years). In 1992 the new system of secondary education, consisting of three years replaced the previous system. After the completion of three years of secondary education, students go through one year of pre-university courses. The primary school takes five years to finish and children six years of age enter this phase. In accordance with specific rules and criteria they can remain in the primary level up to age 15 at the most. Schools are open six days a week and primary education in Iran is compulsory and free.

Minimum age for admission to employment

From 2nd report

170. Based on article 79 of the Labour Law, employment of individuals under 15 years is forbidden, and the employers of individuals under 15 years not only have to resolve this act of violation, but are also liable to be fined.

From concluding observations

68. The Committee [...] notes that although article 79 of the Labour Code sets the minimum age of access to employment at 15, other legislation, including the Agricultural Code, sets that age at 12.

Minimum age for marriage

From 2nd report

49. [...] Efforts are under way [...] to increase the minimum marriage age for girls and boys. Early and forced marriages should also be stopped.

From concluding observations

22. [...] The Committee notes the increase in the age of marriage for girls from 9 to 13 years (while that of boys remains at 15) and is seriously concerned at the very low minimum ages and the related practice of forced, early and temporary marriages.

Minimum age for criminal responsibility

From 2nd report

203. The legal age for criminal responsibility is one of the problems that needs to be resolved by Iranian religious jurists and lay lawyers, as it is in other legal systems as well. To resolve this problem and find a satisfactory solution in this matter, meetings are being held at the research centre of the Justice Department, under the title "Compilation of a draft psychiatric health law, and a review of the legal age for criminal responsibility". Religious jurists and laymen lawyers and psychologists have been invited to comment on this matter. These meetings are still in progress, and it is hoped that the fruits of these meetings will be used in compilation of the Law of Psychiatric Health and the fixing of the boundaries of criminal responsibility and the necessary attention to maturity age.

IRAQ

Source:

Initial report: CRC/C/41/Add.3, 9 December 1996

Minimum age for the end of compulsory education

101. The principal national legal texts in force in regard to education are as follows: [...] (b) Article 1 of the Compulsory Education Act No. 118 of 1976 stipulates that: "Education at the primary level shall be free and compulsory for all children who have reached the age of six years at the beginning of the academic year".

Minimum age for admission to employment

120. Articles 90 to 97 of the Labour Act No. 71 of 1987 regulate the employment of young persons, as can be seen from the following:

(a) Article 90 prohibits the employment of juveniles under 18 years of age in types of work that cause contagious occupational diseases or exposure to hazardous toxic substances, as well as work which, due to its nature or the manner and circumstances in which it is performed, poses a threat to the lives, morality or health of the persons engaged therein, and work that is performed on board ship by stokers and assistant stokers;

(b) Article 91 sets the minimum age for the employment of children at 15 years for daytime work that is neither strenuous nor harmful. It permits the employment of juveniles over 17 years of age in types of day, night and overtime work other than those specified in article 90 above.

Minimum age for marriage

Information unavailable

Minimum age for criminal responsibility

134. Under article 66 of the above-mentioned Code, a person who, at the time of his commission of an offence, was over 17 but under 18 years of age is designated as a "juvenile". If he was under 15 years of age he is designated as a "preadolescent" and, if he was over 15 but under 18 years of age, he is designated as an "adolescent". In this way, articles 67 to 78 of the Code prescribe penalties for juveniles, preadolescents and adolescents, in the event of their

commission of a contravention or an offence, in a manner appropriate to their age and the stage of their mental development.

IRELAND

Source:

2nd periodic report: CRC/C/IRL/2, 9 December 2005

Minimum age for the end of compulsory education

626. Under the Irish Constitution, primary education is provided free to all children, with educational initiatives at this level being given utmost support. In addition, attendance at school is compulsory for all children aged 6-16 years living in Ireland under the Education (Welfare) Act, 2000.

Minimum age for admission to employment

230. [...] The Protection of Young Persons (Employment) Act, 1996 provides that employers may not employ those aged under 16 (a child) in a regular full-time job. The Act consolidates the law on young workers and gives effect to international rules on protecting young workers drawn up by the International Labour Organisation (ILO) and the European Union (EU). The law is designed to protect the health of young workers and to ensure that work during the school years does not put a young person's education at risk. The law sets minimum age limits for employment, sets rest intervals and maximum working hours, and prohibits the employment of under-18s on late-night work. Employers must keep specified records for workers who are under 18 [...] Employers may employ 14 and 15 year-olds on light work: during the school holidays; part-time during the school term (over 15 years only); or as part of an approved work experience or educational programme, where the work is not harmful to their safety, health or development.

Minimum age for marriage

223. As set out in Ireland's First Report (1996), for persons ordinarily resident in the Irish State, the minimum age at which one may marry is 18 years (unless a Court Exemption Order has been obtained).

Minimum age for criminal responsibility

235. In its concluding observations on Ireland's First Report (1996), the UN Committee expressed concern at the various low age limits set in the domestic legislation of the State Party. Part 5 of the Children Act, 2001 provides for the raising of the age of criminal responsibility from 7 to 12 years. This Part of the Act has not yet commenced.

ISRAEL

Source:

Initial report: CRC/C/8/Add.44, 27 February 2002

Minimum age for the end of compulsory education

156. According to section 1 of the Compulsory Education Law 1949, education is compulsory for children and youth up to age 15 inclusive. As a rule, secondary education over the age of 16, although not compulsory, is provided free until age 18, and education for people with special needs (as defined in the Special Education Law 1977) is provided free until age 21. Under the Apprenticeship Law 1953, being an apprentice is also thought to constitute compulsory education (as defined by section 2A(a) of the Compulsory Education Law 1949). Youth who do not attend an education framework that is under the surveillance of the Ministry of Education thus still have the right to a basket of services under section 6 of the Compulsory Education Law 1949 (see Chapter IX).

907. The Compulsory Education Law 1949 stipulates that education in Israel is compulsory for children ages three to 15 inclusive, or until the completion of ten years of schooling. In effect, as will be discussed below, in most regions compulsory education is enforced beginning at age five. [...]

Minimum age for admission to employment

157. [...] Section 2 of the Youth Employment Law 1953 generally forbids the employment of children who have not yet reached the age of 15 or who are subject to compulsory education under the Compulsory Education Law 1949. [...] In effect, it is usually permissible to employ a minor from the age of 16.

158. Under section 2 of the Youth Employment Law 1953 it is permissible to employ a child who has reached the age of 15 and who works as an apprentice under the Apprenticeship Law 1953; a child age 15 who has completed his compulsory education; and a child age 14 whose employment has been approved by the Minister of Labor and who has been excused from compulsory education. Employers of youths of compulsory school age are required to release them to attend school, without debiting their salary, during school days and hours. Failure to fulfill this obligation is a criminal offense (under section 4(c) of the Compulsory Education Law 1949). Children who have not yet reached the age of 14 may work during official school vacations in light jobs that do not endanger their health or development (section 2A of the Youth Employment Law 1953). Under section 4 of the Youth Employment Law 1953, the Minister of Labor and Social Affairs may permit the employment of children under the age of 15 in artistic productions or advertising photographs, for a limited time. [...]

Minimum age for marriage

160. The Marriage Age Law 1950 stipulates that the minimum age of marriage, for men and women, is 17. According to section 2 of the law, it is a criminal offense to marry a young man or woman who has not reached the age of 17, or to assist in conducting the marriage of such young men and women. The young man or woman does not commit an offense under the law if he or she marries prior to reaching age 17, unless his or her partner has also not reached the age of 17.

161. According to section 5 of the law, Family Court is authorized to permit the marriage of a young woman if she has conceived or given birth to a child by the man whom she wishes to marry, and may permit the marriage of a young man if the woman whom he wishes to marry has conceived or given birth to his child. Under certain circumstances, the court may permit the marriage if the young man or woman have reached the age of 16. Circumstances that invoke the court's leniency are the desire of the youths and their parents for the marriage, ethnic customs, economic considerations, and extensive preparations for marriage (see Civil Appeal 50/81 Attorney General v. Anonymous Defendant, P.D. 35(4) 430; Civil Appeal 690/77 Hanifam v. State of Israel, P.D. 42(1) 531).

162. According to Jewish religious law (halacha), which in Israel confers validity on the marriage of Jews conducted within its borders, it is possible to marry a girl of any age, but the girl herself may decide to marry only when she has reached the age of 12 and a half. A Jewish boy may be married from the age of 13, and he himself may decide to marry at this age. According to Moslem law (shari'a), a father may promise his daughter in marriage from the age of nine, but a girl may decide to marry only when she has reached the age of 17. A Moslem boy may be married from the age of 12, and he himself may decide to marry from the age of 18.

According to the Christian law practiced in Israel, a boy may marry from the age of 16 and a girl from the age of 14. Under all of the religious laws reviewed, the age of marriage of girls is younger than that of boys. In any case, as noted, the criminal sanction against the marriage of children is stipulated in a Knesset law, which also sets a uniform marriage age for boys and girls of all religions. In reality, the marriage rate of young men and women in Israel is very low.

Minimum age for criminal responsibility

165. Section 34F of the Penal Law 1977 stipulates that "an individual is not criminally liable for an act he committed before reaching the age of 12 years". Nevertheless, delinquent acts of children under age 12 may be cause for initiating tortious proceedings under the Youth (Care and Supervision) Law 1960. Minors who have not reached the age of 13 will be prosecuted only in consultation with a probation officer (see section 12 of the Youth (Trial, Punishment and Modes of Treatment) Law 1971).

ITALY

Source:

2nd periodic report: CRC/C/70/Add.13, 12 July 2002

Minimum age for the end of compulsory education

93. In order to acquire certain rights – and responding to some specific queries posed in the guidelines – the Italian regulations fix the following age limits: [...]

(c) End of compulsory education: Elementary education, carried out for at least eight years, is compulsory (article 34 of the Constitution). Given that school begins at 6 years, education is now compulsory until the age of 14 years. However, the length of compulsory schooling, beginning from the school year 1999/2000 will be raised from 8 to 10 years (art. 1, para. 1, Law No. 9 of 20 January 1999) and therefore it will continue normally until 16 years of age. [...]

Minimum age for admission to employment

93. In order to acquire certain rights – and responding to some specific queries posed in the guidelines – the Italian regulations fix the following age limits: [...]

(d) Entry into employment or work including hazardous work, part-time work, full-time work and apprenticeship: The minimum ages for admission to work are established by Law No. 977 of 17 October 1967:

- At 14 years in agriculture and in work for the family, or in light, non-industrial work, provided that it is compatible with the needs of child health protection and does not involve transgression of compulsory schooling;
- At 15 years in the ordinary way, and for apprentices;
- At 16 years for itinerant occupations;
- At 16 years for males and at 18 years for females for hazardous, laborious or unhealthy jobs, also for cleaning and servicing of engines and transmission parts of working machines;
- At 18 years for underground work in quarries, mines, bogs and tunnels, and lifting weights and transport of goods on wheelbarrows and on two-wheeled hand-carts, when such work is carried out in conditions of special discomfort and danger, for open-cast mining in quarries, mines and bogs, for work loading and unloading sulphur ovens, for work in cinematographic halls and in the preparation of theatrical performances, in the manoeuvring and towing of mine carts, and in the retail supply of alcoholic drinks.

Article 6, Law No. 196/1997 amends the law relating to

apprenticeship which concerns: [...]

- The minimum and maximum age limits fixed for entering into an apprenticeship contract (16 years and 24 years);

Minimum age for marriage

91. According to Italian legislation, the age of majority [...] is fixed at the attainment of 18 years (art. 2, Civil Code). [...]

93. In order to acquire certain rights – and responding to some specific queries posed in the guidelines – the Italian regulations fix the following age limits:

e) Marriage: Minors cannot contract marriage, but, where psychological and physical maturity has been ascertained and given serious motives, the Juvenile Court may allow the marriage of those – either boys or girls – who have reached the age of 16 years (art. 84, Civil Code) [...]

Minimum age for criminal responsibility

93. In order to acquire certain rights – and responding to some specific queries posed in the guidelines – the Italian regulations fix the following age limits: [...]

(i) Criminal responsibility: The minor is not legally responsible for crimes committed up to the age of 14, presuming that until that age, for whatever crime, he or she is not sufficiently capable of forming the necessary criminal intent (art. 97, Criminal Code).

Between the ages of 14 and 18 years each case must be decided individually as to whether the minor, at the time of committing the crime, had the capacity of understanding or the intention and therefore whether he or she was legally criminally responsible for his

or her actions (art. 98, Criminal Code). [...]

(j) [...] Precautionary measures or detention can be applied commencing from the age of 14 years. With regard to children under the age of 14 who commit serious crimes or who are considered to be effectively dangerous, the security measure of placing them in a judicial reformatory can be applied (art. 224, Criminal Code) without a minimum age limit. [...]

552. Reformatories run by the Ministry of Justice have not existed for many years (since 1977). The services of the Ministry of Justice, as mentioned earlier, can only become involved in criminal cases, and therefore only handle cases involving children who have reached the age of 14. Exceptionally, they can become involved in the cases of younger children, when the court considers a child to be a danger to society and orders, as a security measure, that the child be placed in a judicial reformatory. This measure is only provided for in relation to very grave crimes (e.g. murder). Until 1988, custodial sentences involving placement in a judicial reformatory were carried out in institutions run by the Ministry of Justice. This procedure was amended by Decree of President of the Republic No. 448 of 1988, and young offenders are now placed in a community setting.

567. Approximately 10,000 juveniles accused of crimes are under 14 years of age, which means they are not liable to charges and cannot be judged or sentenced because they have not yet reached the age of criminal responsibility. The only applicable sanctions are civil measures that are non-custodial and do not limit their freedom. Any action is the responsibility of the local social services. [...]

JAMAICA

Sources:

2nd periodic report: CRC/C/70/Add.15, 12 February 2003

Initial report: CRC/C/8/Add.12, 17 March 1994

Minimum age for the end of compulsory education

From 2nd report

56. [...] the age of completion of compulsory schooling is 14 years. [...]

Minimum age for admission to employment

From 2nd report

56. The minimum age of employment is 12 years and the age of completion of compulsory schooling is 14 years. Specific proposals to correct this anomaly are included in the legislative review which is now in progress.

282. Section 72 of the Juveniles Act, which is currently in force, provides that:

No juvenile shall be employed:

(a) if under the age of 15 years, in any industrial undertaking; or in or upon any ship, other than a ship where only members of his family are employed; or

(b) if under the age of 16 years in any night work.

284. These provisions are intended to protect the child from any work that is likely to be harmful to his or her health or physical, mental, spiritual, moral or social development.

From initial report

20. The legal age at which a child may undertake part-time or full-time employment is not clearly defined. Section 71 (1) of the Juveniles Act provides that no child under the age of 12 years shall be employed. [...]

21. To summarize these provisions:

(a) The minimum age for the employment of a child is 12 years;

(b) The minimum age for the employment of a juvenile in any industrial undertaking or on a ship is 15 years;

(c) The minimum age for the employment of a juvenile in night work or hazardous employment (e.g. feeding of a mill) is 16 years;

(d) The law is silent as to whether all such employment should be part-time or full-time.

Minimum age for marriage

From initial report

23. A person may enter into a marriage legally at 16 years of age with the consent of a parent or guardian except in the case of a widow or widower or at 18 years of age without the consent of any other person. Section 3 (2) of the Marriage Act states that:

“A marriage solemnized between persons either of whom is under the age of 16 years is null and void.” [...]

Minimum age for criminal responsibility

From 2nd report

255. [...] Children are presumed not to have the capacity to infringe the penal law before the age of 12 years, which is described as the age of criminal responsibility.

JAPAN

Sources:

3rd periodic report: CRC/C/JPN/3, 25 September 2009

2nd periodic report: CRC/C/104/Add.2, 24 July 2003

Initial report: CRC/C/41/Add.1, 5 August 1996

Minimum age for the end of compulsory education

From initial report

39. Compulsory education starts from the beginning of the school year that is the first to begin on or after the day following the child's attaining 6 years of age and finishes at the end of the

school year during which he/she attains 15 years of age. [...]

Minimum age for admission to employment

From 2nd report

81. With respect to a person under 18 years of age, the Labour Standards Law forbids night work in principle, and sets restrictions on working hours and work on holidays, as well as on employment in dangerous and harmful jobs. In addition, the same Law provides that children, for whom 31 March (end of the school year) has not passed since they reached the age of 15, shall not be employed. In exceptional cases, however, and with the permission of the administrative office, children above 13 years of age may be employed in occupations in non-industrial enterprises and perform light labour which is not harmful to the health and welfare of children. Children under 13 years of age may be exceptionally employed in motion picture production and theatrical performance enterprises, also with the permission of the administrative office. These provisions also apply to part-time employment.

From initial report

42. With respect to persons under 18 full years of age, provisions of the Labour Standards Law restrict working hours and work on rest days, prohibit late-night work in principle and regulate dangerous and hazardous work. The Labour Standards Law also prohibits the employment of children under 15 full years of age. As an exception, however, with permission of the administrative office, children attaining 12 full years of age may be employed in occupations in non-manufacturing enterprises involving light labour which is not injurious to the health and welfare of children, and children under 12 full years of age may be employed in enterprises for motion picture productions and theatrical performances. Provisions of the Labour Standards Law are also applicable to the employment of part-time workers.

Minimum age for marriage

From initial report

38. Under the provisions of the Civil Code, a man may not marry until reaching 18 years of age, nor a woman until reaching 16 years of age. A person under 20 years of age must obtain the consent both of his/her father and mother in order to marry. [...]

Minimum age for criminal responsibility

From 3rd report

Overview VIII

Special Protection Measures

[...] An amendment bill of the Juvenile Law was passed by the Diet on May 25, 2007, which entered into effect on November 1 of the same year. The amended law allows juveniles with serious problems, such as those who have committed heinous or serious crimes, to be sent promptly to a juvenile training school to receive correctional education even if the juvenile is under 14 years of age (approximately 12 years of age or above) [...]

From 2nd report

395. [...] the Japanese Penal Code provides that those under 14 years of age are not criminally liable but are sent, in principle, to Facilities for Development of Self-Sustaining Capacity or a children's home under the Child Welfare Law.

From initial report

41. The Penal Code of Japan provides that an act of a person under 14 years of age is not punishable. [...]

JORDAN

Sources:

3rd periodic report: CRC/C/JOR/3, 2 March 2006

2nd periodic report: CRC/C/70/Add.4, 17 September 1999

Minimum age for the end of compulsory education

From 3rd report

238. [...] Under article 10, paragraph (a) of the Education Act, "basic education is compulsory and free in public schools". This means that children enjoy the right to free education up to the age of 16 years.

From 2nd report

91. With regard to the right of the child to education, article 10 of the Education Act No. 3 of 1994, stipulates that: [...] Pupils shall be admitted to the first year of basic education if they will have reached the age of six by the end of December of the academic year in which they are admitted [...]

Minimum age for admission to employment

From 3rd report

333. As noted in Jordan's second report to the Committee (paragraph 141), under article 73 of the Labour Code and amendments thereto (law No. 8 of 1996), the minimum age of employment is 16 years. Article 74 of the Code has been amended, and the minimum age for employment in occupations that are deemed to be hazardous, physically demanding or injurious to the health of young persons has now been raised from 17 years to 18 years.

Minimum age for marriage

From 3rd report

51. The Committee recommended that the State Party should endeavour to ensure gender equality in respect of minimum age requirements. In response to this recommendation, it should be noted that gender equality and gender neutrality are the rule in Jordanian law. There was formerly an exception to that rule, namely the minimum age for marriage, which was set at 15 years for women and 16 years for men. That provision was amended by the interim Personal Status Act (law No. 82 of 2001): the minimum age for marriage is now 18 years for persons of both sexes.

Minimum age for criminal responsibility

From 3rd report

53. [...] the draft Children's Rights Act includes a paragraph raising the age of criminal responsibility to 10 years.

From 2nd report

155. [...] Special courts have been established to hear juvenile cases, the proceedings of which are subject to various conditions and restrictions such as the requirement that such cases be heard in an expeditious manner. The Act also specifies the judicial measures that can be taken against juveniles. For example, article 18 stipulates as follows: "1. Criminal proceedings shall not be instituted in respect of an offence committed by a person under seven years of age."

KAZAKHSTAN

Sources:

2nd and 3rd periodic reports combined: CRC/C/KAZ/3, 23 August 2006

Initial report: CRC/C/41/Add.13, 24 September 2002

Minimum age for the end of compulsory education

From 2nd and 3rd reports combined

393. The right to education is guaranteed in the Constitution. In accordance with article 30 of the Constitution, secondary education is compulsory and is provided to citizens free of charge.

Minimum age for admission to employment

From 2nd and 3rd reports combined

487. In accordance with article 11 of the Labour Act, individual labour contracts may be concluded with persons who have attained the age of 16 years. The admission to employment of persons aged 15 years who have undergone secondary education or have left a general-education institution is permitted only with the written consent of their parents or of a guardian. Individual labour contracts may, with the consent of a parent or guardian, be concluded with pupils who have attained the age of 14 years to perform, during spare time from studying, work that is not harmful to health and does not disrupt their studies. The above-mentioned article bans the engagement of persons under age 18 for heavy physical work or work involving unhealthy or dangerous working conditions.

Minimum age for marriage

From initial report

58. The minimum age of marriage for men and women is set at 18. If valid grounds exist, the civil registration authorities in the place where the marriage is to be registered may lower this age by up to two years (Marriage and the Family Act, art. 10).

Minimum age for criminal responsibility

From initial report

61. The minimum age for criminal prosecution is 16, or 14 in the case of offences representing a serious danger to society, as listed in the legislation (Criminal Code, art. 15).

315. All persons who have reached the age of 16 at the time any type of offence is committed bear overall criminal responsibility for the offence. For specific types of offence – murder, premeditated serious harm to a person's health, premeditated harm of medium gravity to a person's health with aggravating circumstances, rape, acts of violence of a sexual nature, kidnapping, theft, robbery, assault with intent to rob, extortion, unlawful seizure of a car or other means of transport without intent to hijack and with aggravating circumstances, premeditated destruction of or damage to property with aggravating circumstances, hostage-taking, knowingly providing false information concerning an act of terrorism, acquisition of weapons, munitions, explosives or explosive devices by theft or extortion, hooliganism with aggravating circumstances, vandalism, acquisition of narcotic or psychotropic substances by theft or extortion, violation of corpses or their places of burial with aggravating circumstances, or putting means of transport or communication routes out of commission in a premeditated manner – the age of criminal responsibility is 14.

KENYA

Source:

2nd periodic report: CRC/C/KEN/2, 4 July 2006

Minimum age for the end of compulsory education

69. Section 7(2) of The Children Act states that every child is entitled to free basic education, which shall be compulsory. There is no provision in The Children Act setting the minimum

age for commencement and end of compulsory basic education and neither does the law set out a minimum legal age for end of compulsory education.

Minimum age for admission to employment

66. A Task Force on Labour Laws has come up with recommendations on children in employment in a draft Employment Bill. The Bill, which seeks to amend labour statutes in Kenya, has provisions on protection of children including protection from the Worst Forms of Child Labour. This is in line with the Optional Protocol on the CRC on children participating in Armed Conflict and the ILO Convention and corresponding Recommendation. The Bill defines a child as a person below the age of 18 years, in harmony with The Children Act. However it allows employment of children from the ages of 13 to 16 years for light work and defines those of 16 to 18 employable. The Bill does not clearly define the parameters for this employment. It does not define light work and does not provide protections for children in such employment.

67. The Employment Act (Cap 266) prohibits the employment of children under the age of 16 in industrial undertakings unless they are under apprenticeship or training purposes.

Minimum age for marriage

63. The Children Act indirectly defines the minimum age for marriage as 18 years by prohibiting the marriage of any child. However, there are other statutes in place that have different minimum ages for marriage namely, The Hindu Marriage and Divorce Act and the Marriage Act. These statutes provide that the minimum age for marriage for a girl is 16 and minimum age of marriage for a boy 18. Customary law and Islamic law, Sharia, allow for persons under the age of 18 to be married.

101. Early marriage is still a common occurrence in this country owing to customary laws that allow marriage of children especially after certain rites of passage such as circumcision. After circumcision, many girls are encouraged to leave school and get married. The inconsistent laws mentioned under the legal and policy frameworks compound the situation.

Minimum age for criminal responsibility

64. The legal age of criminal responsibility is 8 years according to the Penal Code. Between the age of 8 and 12 years, a child is presumed not to be criminally responsible for his or her actions unless it can be proved that at the time of doing the act or making the omission, the child had the capacity to know that he or she ought not to do the act or make the omission.

KIRIBATI

Source:

Initial report: CRC/C/KIR/1, 7 December 2005

Minimum age for the end of compulsory education

78. Under Kiribati law, education is compulsory and free for all children in primary and junior secondary schools.

149. [...] Today, education is considered to be the right of every child, regardless of sex and attendance at school has been compulsory since the late 1970s for all children between the ages of six and fourteen years.

Minimum age for admission to employment

50. Section 84 of the Employment Ordinance prohibits employment of children under the age of 14 years. Section 85 of this Ordinance states that a person under the age of 15 years shall not be employed in any industrial undertaking, or in any branch thereof except in employment approved by the Minister,

or on any ship. However, children under the age of 15 may work upon a school-ship or a training-ship when such work is approved and supervised by a public authority.

Minimum age for marriage

48. Section 5 of the Marriage Ordinance stipulates that a marriage solemnized between persons either of who are under the age of 16 is void. This means that children are only permitted to marry once they reach the age of 16. The Marriage Ordinance goes on to say that persons of 16 years and under 21 years of age require the consent of their father, mother or guardian before marrying. However, the Registrar-General may, if satisfied after due inquiry that the intended marriage is a proper one, dispense with such consent.

Minimum age for criminal responsibility

175. [...] Section 14, Cap 67 states that a person aged ten years or younger cannot be held criminally responsible for any act or omission. The Penal Code goes on to say that a person under fourteen years of age is not criminally responsible for an act or omission unless it is proved that at the time of doing the act or making the omission they had the capacity to know that this act was wrong.

KUWAIT

Source:

Initial report: CRC/C/8/Add.35, 9 December 1996

Minimum age for the end of compulsory education

163. [...] Article 40 of the Constitution guarantees the right to education, which is compulsory and free of charge at the primary stage. In fact, article 40 stipulates that: "All Kuwaitis have a right to education, which is guaranteed by the State in accordance with the law and within the limits of public order and morality. By law, primary education shall be compulsory and free and a plan to eliminate illiteracy shall be promulgated. The State shall show particular concern for the physical, moral and intellectual development of young persons".

170. The stages of education in Kuwait are defined as follows:
(b) The primary stage at which students are enrolled from the age of six for a period of four years. Kuwait attaches the highest importance to this stage which constitutes the broad base of the education system and, consequently, is constantly being expanded. It should be noted that education is compulsory at the primary and intermediate stages;
(c) The intermediate stage, at which students are enrolled for a period of four years after the primary stage. It completes the period of compulsory studies and great care is therefore taken to prepare its academic curricula and organize its schools in a proper manner consistent with the importance of this stage of education.

Minimum age for admission to employment

233. Article 18 of the [Private Sector Employment] Act prohibits the employment of persons of either sex under 14 years of age in order to ensure that such young persons receive an appropriate amount of education.

234. Article 19 of the same Act makes the employment of persons from 14 to 18 years of age subject to the following conditions:

- (a) They must obtain a permit from the Ministry of Social Affairs and Labour;
- (b) They must undergo a medical examination before taking up employment and at periodic intervals thereafter;
- (c) They must not be employed in the industries or occupations

which the Ministry of Social Affairs and Labour has designated as hazardous or detrimental to health.

Minimum age for marriage

12. [...] Article 26 of the same Act [Personal Status Act No. 51 of 1984] prohibits the notarization or certification of a contract of marriage for a young girl under 15 years of age or a young man under 17 years of age at the time of notarization.

Minimum age for criminal responsibility

22 (b). The Kuwaiti Penal Code (Act No. 16 of 1960). The Kuwaiti Penal Code contains some provisions concerning the protection of children, as well as provisions concerning juveniles, such as article 18 which stipulates that: "Any one who, at the time of committing an offence, was under 7 years of age shall not be liable to criminal prosecution."

KYRGYZSTAN

Sources:

2nd periodic report: CRC/C/104/Add.4, 5 April 2004

Initial report: CRC/C/41/Add.6, 20 December 1999

Minimum age for the end of compulsory education

From 2nd report

65. There is no stipulation in law of a minimum age for the completion of compulsory education [...] As a rule, schooling begins not later than the age of 7 [...] Education from the primary level until graduation from secondary school (total duration: nine years) is compulsory and free.

Minimum age for admission to employment

From 2nd report

70. Subject to their parents' or legal representatives' written consent, children may enter employment on attaining the age of 14 years. Minors aged 16 or more have full legal capacity as regards labour relations.

Minimum age for marriage

From initial report

49. Article 18 of the Marriage and Family Code prohibits marriage before the age of 18. In exceptional cases, at the separate request of both partners, the age at which the woman may marry can be lowered, but not by more than one year.

Minimum age for criminal responsibility

From 2nd report

76. Pursuant to the Criminal Code, the minimum age of criminal responsibility is 14 years.

78. From the age of 14, minor citizens who have committed a serious offence may be deprived of their liberty.

LAO PEOPLE'S DEMOCRATIC REPUBLIC

Source:

Initial report: CRC/C/8/Add.32, 24 January 1996

Minimum age for the end of compulsory education

49. [...] Since 1975, the Lao PDR has set a goal for universal primary education for children from 6 to 10 years old. The Government undertook the reform of the education system in 1986, setting up a National Plan of Action in 1990 for the long-term goal of education for all up to the year 2000. This involves an upgrading in the quality of basic education and the introduction of compulsory education for children up to the age of 16.

96. (b) Article 19, Part III of the Constitution states that "...

primary education should be compulsory. [...]

98. The education system in the Lao PDR consists of general education provided in five years of primary school, and three years each of lower and upper secondary education.

Minimum age for admission to employment

168. Article 37 of the Lao Labour Law provides for the employment of children under 18 years of age. Employers may engage children under 18 but no less than 15 years of age, but the work hours shall not exceed 6 hours per day or 36 hours per week. It is forbidden to use child labour in sectors involving heavy work or health hazards such as mining, chemical and animal hide manufacturing, urban sanitation or funeral cremation, any work involving nuclear radiation, any work involving hazardous fumes or gases, any work involving handling dangerous materials, such as explosives, any work in boreholes, tunnels or under water, work with permanently vibrating machines. In March 1993, the Minister of Labour and Social Welfare issued a notice to the boards of directors and managers of companies and factories for the strict implementation of the Labour Law in the management and use of labour in all economic sectors.

Minimum age for marriage

45. Article 9 states the minimum age for marriage (18 years under normal conditions, between 15 and 18 years in special cases, and in no case less than 15 years).

Minimum age for criminal responsibility

43. The Penal Code defines children as all those under 18 years of age, and further subdivides this group into two: those aged 1–15 and 16–18. In the case of the former group, the child is absolved of penal responsibility, which is assumed by the family concerned and in the latter case, special provisions are delineated.

161. In general, the objective of penal prosecution is to educate the offenders to abide strictly by the laws and prevent further offences, (art. 25, Penal Code). Children under 15 years of age at the time an offence is committed will not assume any penal responsibilities (art. 17, Penal Code).

LATVIA

Sources:

2nd periodic report: CRC/C/83/Add.16, 24 August 2005

Initial report: CRC/C/11/Add.22, 22 March 2000

Minimum age for the end of compulsory education

From initial report

38. Education is compulsory for children until the attainment of 15 years of age or graduation from a primary school. Primary education includes grades 1 – 8 and secondary education includes grades 9 – 12.

Minimum age for admission to employment

From 2nd report

66. The Labour Law was enacted on 1 July 2002. Section 37 of the Labour Law prohibits full-time employment of children. For the purposes of the Labour Law, a child means any person less than 15 years of age or a person pursuing elementary education until the age of 18 years. A child may be employed on extra-curricular basis from the age of 13.

429. Section 132 of the Labour Law provides for yet shorter working hours in case of persons who have reached 13 years,

stipulating that the maximum employment time of such persons is two hours per day and 10 hours per week during the academic year, and four hours per day and 20 days per week during the school holidays, respectively. In case of adolescents, i.e. persons at the age from 15 to 18 years, the maximum employment time is seven hours per day and 35 hours per week. Further, the Labour Law prohibits night-time and overtime employment and holiday employment of persons less than 18 years.

Minimum age for marriage

From initial report

41. The Civil Law states that a person must be 18 years of age to contract marriage. A minor between the ages of 16 and 18 may contract marriage only with the consent of the parents and authorities provided that the marriage is contracted with a person who has attained majority.

Minimum age for criminal responsibility

From 2nd report

65. In accordance with Section 11 of the Criminal Law (effective as of 1 April), a person who has reached the age of 14 by the date of the commission of offence can be called to criminal liability. The Criminal Law, however, provides for particular liability in case of juveniles – at the age of 14 to 18 years. The Criminal Law applies mitigated liability for the offences committed by juveniles, given the peculiarity of their personalities.

LEBANON

Sources:

3rd periodic report: CRC/C/129/Add.7, 25 October 2005

2nd periodic report: CRC/C/70/Add.8, 26 September 2000

Minimum age for the end of compulsory education

From 3rd report

307. In 1998 the Law numbered 686 was issued that rendered primary education free and compulsory until the age of 12 years as an initial phase. The age would be subsequently raised until 15 years of age in parallel to the implementation of the new educational organizational structure.

Minimum age for admission to employment

From 3rd report

540. In addition, Lebanon ratified ILO Convention No. 182 and approved the application of Recommendation 190 in conjunction with it on 2/8/2001, concerning the prohibition and immediate action for the elimination of the worst forms of child labor, in addition to identification of types of hazardous works that damage health, safety and moral behavior of children as well as location [...]

548. The main amendments proposed [...] are as follows: [...] raising the minimum age from 13 years to 15 years of age, in compliance with ILO convention No 138, in order for the minimum age for child labor not to be less than the age for completing primary compulsory education.

Minimum age for marriage

From 3rd report

98. [...] In Lebanon, the Laws of the different religious groups regulate the legal age for marriage and most personal status matters. Consequently, no amendments have been made to these Laws, until the present date. This is a result of Article 9 of the Constitution, which leaves personal status regulation to the various religious groups in Lebanon, and their relative

jurisdictions. Noting, that in 1998, a Project Law for optional civil marriage has been submitted but has not yet been approved. In spite of that, NGO's and the syndicate of lawyers are still pursuing their efforts in that concern.

108. The entire Lebanese legislation in force, with the exception of the Personal status Law is a civil and non-sectarian Law. However, in all matters related to the personal status and especially in marriage and its related issues, Lebanese citizens are subject according to their religion to the religious laws set forth by their respective religious authorities. The Lebanese State has recognized 18 official religious groups in Lebanon. Article 9 of the Lebanese constitution has ensured the respect of the Personal status laws of each of these groups, including the right of the independence of its judicial courts and legislation. Therefore, the minimum age for marriage differs between a person and another depending of his/her religion. The age of marriage differs also between male and female in the same religious group.

From 2nd report

81. In regard to the conditions for marriage, puberty or the age at which men and women acquire the physiological capacity for reproduction is regarded as an essential condition. The actual age of puberty, however, cannot be determined in advance, as it varies in accordance with individual characteristics. Most legislative acts therefore deliberately specify a technical age for puberty which is higher than the actual age. The authorities are then permitted to licence marriage before that age in exceptional cases. The age at which marriage may be licensed is determined by a number of considerations, including physiological capacity and the general social customs and traditions of the two spouses and their families, including their educational attainment.

82. On this subject, the position adopted in the personal status laws of the different confessional groups can be summarized as follows:

Age of puberty and age at which marriage may be licensed in accordance with the laws of the different confessional groups

Confessional group	Specified age of puberty		Age at which marriage may be licensed		Licensing authority	Articles in law of the confessional group
	M	F	M	F		
Sunni	18	17	17	9	Judge	4, 5, 6
Shiite	True puberty	True puberty	15	9	Judge	7.8
Druze	18	17	16	15	Judge of the confessional group or shaykh	1, 2, 3
Catholic groups	16	14	14	12	The Patriarch	57, 62
Greek Orthodox	18	18	17	15	Head of the diocese	5, 18
East Syrian Orthodox	18	14	-	-	-	4
Evangelical	18	16	True puberty	True puberty	Religious court	22, 2
Jewish	18	12,5	13	12,5 un-specified	Guardianship or consent of the father and agreement of the girl's mother or a sister if she is an orphan	43, 33, 46

83. In all the personal status laws, mutual consent is deemed to be an essential condition for the validity of a marriage. This

condition, however, is subject to two restrictions, particularly in the case of young girls. The first is a pragmatic social restriction, as a significant proportion of marriages are still contracted in accordance with the traditional method whereby no real substance is given to the opinion of the girl or even to that of the young man in some cases, since the responsibility for arranging the marriage and creating an atmosphere conducive to its conclusion is assumed by the family. The second restriction is that the family must consent to the marriage of a minor. In this connection, there are various levels, which can be summarized as follows:

- A cleric who marries a minor (under 18 years of age) without the agreement of his guardian is committing a crime punishable under article 483 of the Penal Code;
- Family consent is desirable in all cases, whatever the age of the marriage suitor, although this does not imply that parents have the right to force their children into marriage;
- Family consent is generally required until the age of legal majority is attained, or, in the case of the Greek Orthodox church, until the age of 21;
- In most of the laws, the marriage of a minor requires permission from the competent cleric and the guardian, although in the event of the latter's arbitrary exercise of his right, the cleric may dispense with requirement for his consent (in accordance with the Sunna);
- In the Greek Orthodox sect, the consent of the family dispenses with the need for the consent of the minor in the marriage contract;
- In general, some distinction is made between males and females in regard to the requirement for consent and the minimum age of marriage;
- The guardian may give a minor in marriage without his or her consent (Greek Orthodox and Shiite).

Minimum age for criminal responsibility

From 3rd report

98. [...] (b) Raising the adopted minimum age of criminal responsibility in Lebanon (seven years), is an urgent necessity that would be sought through various efforts in order to achieve it. It is worth mentioning that juvenile justice Law, as well as other child related laws, do not discriminate according to gender, except for the place of detention.

LESOTHO

Source:

Initial report: CRC/C/11/Add.20, 20 July 1998

Minimum age for the end of compulsory education

Information unavailable

Minimum age for admission to employment

34. The 1993 Constitution of Lesotho in Section 32, subsection (b), provides that children and young persons are protected from economic and social exploitation. Subsection (c) states that the employment of children and young persons in work harmful to their morals or health or dangerous to life or likely to hamper their normal development is punishable by law.

35. For purposes of employment, the Labour Code Order No 118 of 1992 defines a child as anyone under the age of 15 years. This Act is commonly seen as applying only to industrial work. In Lesotho persons under 15 years of age are regularly engaged in labour via cattle herding and domestic work.

Minimum age for marriage

27. The Age of Majority Ordinance stipulates the age of majority

as 21 years. Any person who has therefore attained the age of 21 can freely contract and enter into marriage without seeking prior parental consent. Any person under 21 is considered a child and a minor requiring parental consent in order to enter into a valid civil marriage or a valid contract. [...]

28. In common law upon marriage at 18 years, subject to parental consent, a male child attains majority, whereas a female child, even upon marriage at a similar age, remains a minor with the perpetual status of a child under the guardianship and marital power of the husband, if married in community of property. This legal position extends to all females married under Lesotho customary law.

29. Section 25, subsection 1, specifies the position of the law in respect to the marriage of minors. The section specifies that no marriage officer shall solemnize a marriage between parties, one or both of whom are minors, unless the consent of the party or parties legally required for the purpose of contracting the marriage has been granted and furnished to him in writing. For purposes of this section a minor does not include a person who is under the age of 21 years and who has previously contracted a valid marriage which has been dissolved by death or divorce.

30. Subsection 2 of the same section provides that consent in respect of marriage of a minor shall be given by the parents or guardian of the minor. Such consent shall be furnished in writing to the marriage officer. In circumstances where the parents of the minor disagree, section 25 (2) (i) provides that the consent of the father shall be sufficient, while section 25 (2) (ii) provides that where a minor is illegitimate, the consent of the mother or other lawful guardian is required. For all intents and purposes a minor in this respect shall be considered as anyone 18 years and below.

31. Section 27 of the Marriage Act specifies persons under certain ages who are prohibited from marrying. It provides that no boy under the age of 18 years shall be capable of contracting a valid marriage, except with the written permission of the Minister. This may be granted in any particular case in which the Minister considers such marriage desirable. Such permission shall not relieve the parties to the proposed marriage from the obligation of complying with all other requirements prescribed by law. Such permission shall also not be necessary if, by reason of any such other requirement, the consent of a judge in the matter is necessary and has been granted.

32. If a boy under the age of 18 years and a girl under the age of 16 years contract a marriage without the written permission of the Minister in terms of the Act or a prior law, the Minister may, if he considers the marriage desirable, and providing such a marriage was in every other respect solemnized in accordance with the provisions of this Act, or as the case may be, any prior law, and there was no other lawful impediment thereto, direct in writing that it shall, for all intents and purposes be a valid marriage. Section 27 (3) provides that if the Minister directs that a marriage referred to in subsection (2) shall for all purposes be a valid marriage, he shall be deemed to have granted prior written permission to such marriage.

Minimum age for criminal responsibility

26. Roman-Dutch Law, which is the common law of Lesotho, defines a child for rebuttal criminal responsibility as a person between the ages of 7 and 14 years. If a child between the ages of 7 and 14 knowingly and intentionally commits a crime, understanding the consequences of the wrongful act, he or she can be held criminally responsible once sufficient evidence is adduced.

LIBERIA

Source:

Initial report: CRC/C/28/Add.21, 22 September 2003

Minimum age for the end of compulsory education

195. As a means of ensuring the rights of each child to education, the Government has encouraged free education up to the high school levels. Section 3.13 of the Education Law of 3 June 1973 provides the following facilities: (a) Elementary schools and junior high schools ('No tuition or fees shall be assessed or collected in the public elementary schools or junior high schools') [...]

Minimum age for admission to employment

63. The age of working under the labour law is not less than 16 years [...]

Minimum age for marriage

63. [T]he New Domestic Relations Law (chap. 2, sect. 2.2) states that, 'Marriageable age for male is set at 21 and for females at 18 years. Under the Revised Administrative Law Governing the Hinterland, marriageable age is set at 15 years'.

Minimum age for criminal responsibility

63. [T]he age of criminal responsibility under the New Penal Code, (chap.4, sect. 4.1) is set at 16 years.

236. Liberian law prohibits a juvenile from undergoing capital punishment and imprisonment. The Penal Law, chapter 4.1, states that 'a person is not criminally responsible for his behaviour when he is less than sixteen years of age.'

LIBYAN ARAB JAMAHIRIYA

Sources:

2nd periodic report: CRC/C/93/Add.1, 19 September 2002

Initial report: CRC/C/28/Add.6, 26 September 1996

Minimum age for the end of compulsory education

From 2nd report

227. The law makes provision for the basic education of children, establishing, as a first principle, that it is free and compulsory. According to article 1 of Act No. 95 of 1975: "Primary and intermediate education is compulsory for all children, boys and girls alike, in accordance with the terms set forth in the present Act." Article 2 of the Act stipulates: "Compulsory school age begins at 6 years, calculated from the September closest to the student's sixth birthday."

228. The provisions of the said Act apply to children over the age of 6 and not yet 15 at the time of its entry into force. They also make it compulsory for a guardian to enroll his child of compulsory school age in primary school and to ensure his or her regular attendance therein up to the intermediate stage. According to article 12 of the Act, any guardian who fails in this duty is liable to a penalty of a fine and will be denied access to government aid, assistance and loans as well as banking loans. Furthermore, any license which he or she may hold will be revoked or will not be renewed.

From initial report

127. (a) The education system consists of all components of the educational infrastructure;
(b) The education system comprises four levels of study: kindergarten, basic education, intermediate education and higher education;
(c) The basic level of education in the Libyan Arab Jamahiriya is compulsory for male and female children who have reached the

age of school attendance; all levels of education are free of charge; (d) The periods of schooling are as follows: kindergarten – two years; basic education – nine years; intermediate education – at least three years; higher education – between three and seven years.

133. Basic education. [...] All children who have reached the age of six are enrolled at this level, which runs for a period of nine years. [...]

Minimum age for admission to employment

From 2nd report

22. Article 15 of the Child Protection Act No. 5 of 1997 prohibits the employment of children in any occupation except for purposes of education and vocational training and provided that it complies with the child's wishes. Article 92 of the Labour Act specifies 15 years as the age at which children may be employed and 18 years in the case of hazardous occupations, unless a permit for the employment of a child in certain industries and activities is issued by the competent authorities.

23. Article 93 of the Labour Act specifies 15 years as the age at which juveniles may engage in part-time employment. Only persons who are not juveniles, or who, in other words, have attained 18 years of age, may engage in full-time employment. [...]

From initial report

21. The Libyan legislator provided for action to prosecute the exploitation of children under article 92 of Labour Act No. 58 of 1970, which stipulates: "It is prohibited to employ young people and to admit them to places of work if they are under 15 years of age. The competent authority shall issue directives specifying the terms and conditions under which young persons under 18 years of age may be employed in some industries and occupations and the industries in which it is prohibited to employ young persons under that age. The age of a young person shall be determined in the light of a birth certificate or any other official document, failing which it shall be assessed by a government physician."

Minimum age for marriage

From 2nd report

24. Article 6 of Act No. 10 of 1984 regulating marriage and divorce and their consequences specifies that a person becomes eligible for marriage on attaining 20 years of age and that the court may, with the consent of the guardian, authorize marriage before that age if it believes it to be advantageous or beneficial.

From initial report

38. With regard to the statutory age of marriage, the Libyan Arab Jamahiriya has adopted the provision of United Nations General Assembly resolution 2018(XX) of 1 November 1965 concerning the Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages which stipulates that the minimum age for marriage shall under no circumstances be less than 15 years.

Minimum age for criminal responsibility

From 2nd report

29. A minor under 14 years of age is not criminally liable. A minor who is over 14 but under 18 years of age when he commits an offence and who is capable of discernment and of exercising willpower is held to be criminally liable. [...]

30. If a minor over 7 and under 14 years of age perpetrates an act which is regarded as an offence in law, he is not held criminally liable. Instead, the judge takes appropriate preventive measures in his regard in accordance with article 80 of the

Penal Code. Custodial penalties are applicable to minors under 14 and over 18 years of age [?], although the term of the penalty is reduced by two thirds in accordance with article 81 of the Penal Code. If the minor is incapable of discernment, however, he is treated in the same way as a minor who is not criminally liable in that he is either committed for a period of less than one year to a juvenile education and guidance centre as a preventive measure or he is monitored by his family or by a social assistance institution which is in a position to perform such monitoring, in accordance with articles 150 and 151 of the Penal Code.

From initial report

42. In the Penal Code, the Libyan Arab legislator has adopted the principle of gradual progression with respect to the criminal liability of young people. As a general principle, a child under 14 years of age is held not to be criminally responsible but it is left to the judge to take appropriate measures if the child had attained the age of 7 when the act deemed to be an offence in the eyes of the law was committed. Article 80 of the Penal Code holds a young person criminally liable who was over 14 but under 18 years of age when he committed an offence and who was endowed with the capacity of discernment and of exercising willpower. [...]

43. It follows from the above-mentioned provisions that no action can be taken against a child under seven years of age. If criminal proceedings are brought against him, the court (i.e. the juvenile magistrate) is obliged to acquit him on grounds of absence of accountability.

LIECHTENSTEIN

Source:

2nd periodic report: CRC/C/136/Add.2, 14 July 2005

Initial report: CRC/C/61/Add.1, 2 August 1999

Minimum age for the end of compulsory education

From 2nd report

247. [...] nine years of schooling in Liechtenstein are mandatory, beginning at the age of six.

Minimum age for admission to employment

From 2nd report

306. Existing Liechtenstein labor law [...] contains special protection provisions for children and young people. These provisions cover all underage workers and employees, including those in agriculture, private households, and family businesses. In principle, the employment of children under 15 is prohibited. Exceptions are made for running errands (from the age of 13) and light labor (from the age of 14). Authorization may also be granted on an exceptional basis to test apprenticeship opportunities and for internships. Depending on the age and type of work, different daily and weekly maximum working hours apply. Young people may work a maximum of eight hours per day. In general, work at night and on Sundays is not permitted, although exceptions may be approved in certain cases.

Minimum age for marriage

From 2nd report

89. [...] the capacity to marry is now attained at 18 years for both bride and groom. The unequal treatment of men and women in this respect has therefore been remedied.

From initial report

60. Liechtenstein's Marriage Age (LGBl. 1974 No. 20) establishes the legal age of marriage. In order to contract

marriage, the bridegroom must have attained the age of 20 and the bride the age of 18. In exceptional cases, the courts can, however, with the permission of the legal guardian, declare a bride or bridegroom ready for marriage. If the legal guardian refuses permission without valid reason, the court can grant it at the request of one of the couple.

Minimum age for criminal responsibility

From 2nd report

294. The provisions concerning juvenile justice have not changed significantly since the first report. The general provisions of criminal procedure and the Juvenile Court Act continue to apply. The age of the child and reintegration are taken into account in that the Juvenile Court Act applies in conjunction with the provisions of the Youth Act on the protection of minors, youth development, and youth welfare. The lowering of the age of majority to 18 years now corresponds to the age of criminal responsibility, which already was fixed at 18 by the Juvenile Court Act. [...] The minimum age continues to be 14. Proceedings against children younger than 14 are suspended by the court.

LITHUANIA

Sources:

2nd periodic report: CRC/C/83/Add.14, 15 July 2005

Initial report: CRC/C/11/Add.21, 24 November 1998

Minimum age for the end of compulsory education

From initial report

23. In Lithuania, very often the notions of “children of pre-school age (1-6 years of age) and “children of school age” are used. Article 41 of the Constitution of the Republic of Lithuania established compulsory education for persons under the age of **16**. The same is established in article 21 of the Law on Education and Resolution No. 889 of 4 August 1997 of the Government of the Republic of Lithuania “On the Procedure of Registration of Children of School Age under the Age of 16”.

Minimum age for admission to employment

From 2nd report

47. [...] The Labour Code establishes that a person acquires full legal capacity in labour relations and ability to acquire labour rights and undertake labour duties when he (she) reaches the age of 16 years, with the exception of derogations established by the aforementioned Code and other labour laws. However, an employee aged under 18 years is provided with additional work and leisure guarantees. Children from 14 years have the right to engage in light works.

566. The Labour Code establishes special conditions under which an employment contract for light works may be concluded with a person aged between 14 and 16 years. Par. 2, Article 104 of the Labour Code promulgates that in case of employment of a minor aged between 14 and 16 years, the employer must require his birth certificate, the written consent of his school and of one of the child’s parents or his another statutory representative, as well as permission of his attending paediatrician.

Minimum age for marriage

From 2nd report

47. The Republic of Lithuania legal acts establish certain age from which individuals are allowed to: [...] Marry – from the age of 18. Nevertheless, on request of a person aged below 18 years, the court may lower the marriage age, however, by no more than three years. In case of pregnancy the court may

grant such person a dispensation to the marriage age establishing it at the age below 15 years [...]

Minimum age for criminal responsibility

From 2nd report

47. The Republic of Lithuania legal acts establish certain age from which individuals are allowed to: [...] Assume criminal responsibility – a person who has reached the age of 16 before committing a crime or a misdemeanour, and in certain cases established by the Criminal Code – the age of 14, is presumed to have the capacity to infringe the criminal law. The Code of Criminal Procedure provides for the specific features of juvenile responsibility applicable to persons aged under 18. However, the court may decide that certain provisions valid for juveniles are also applicable to individuals who at the time of committing a criminal act are aged 18 years but have not yet reached 21. In addition, the Code of Criminal Procedure and the Code of Serving Punishments establish that provisions valid for juveniles also apply to individuals aged below 18 years [...]

LUXEMBOURG

Sources:

2nd periodic report: CRC/C/104/Add.5, 19 July 2004

Initial report: CRC/C/41/Add.2, 11 April 1997

Minimum age for the end of compulsory education

From initial report

93. The Schools Act of 12 August 1912 introduced compulsory schooling, requiring nine consecutive years’ compulsory attendance from the start of primary education. For most children compulsory schooling ends at the age of 15.

Minimum age for admission to employment

From initial report

95. It is forbidden to employ children under 15 years of age in work of any nature, except: (a) Work in technical or vocational schools, provided that it is of an essentially educational nature, that its purpose is not commercial gain, that it is approved and controlled by the competent public authorities, and that the work is not harmful, prejudicial or hazardous for the child; (b) Assistance rendered in the household by children who are members of the family, provided that the work is not harmful, prejudicial or hazardous for the child. Legitimate and legitimized children, adopted children, and children the beneficiary of whose services assumes lasting responsibility for them are considered members of the family; (c) Participation by children in public events for artistic, scientific or educational purposes. On a request by the organizers of the event accompanied by a written authorization from the child’s father, mother and guardian, an individual authorization may be issued by the Minister of National Education following an opinion of the Director of the Inspectorate of Labour and Mines. The event must not be detrimental to the children’s health and morals or harmful to their education. The children must be at least six years old. The events may not take place after 11 p.m.

96. It is forbidden to employ young people under the age of 18 in work that:

- (a) is not commensurate with the young person’s degree of development;
- (b) calls for disproportionate effort on the part of the young person;
- (c) risks harming the young person’s physical or mental health, whether by virtue of the products to be handled, of the type of work to be done, or of the ambient conditions in the place of work.

From 2nd report

Protection of Young Workers Act of 23 March 2001

263. The new Protection of Young Workers Act transposes into Luxembourg law the European Council Directive 94/33 (EC) on the protection of young people at work of 22 June 1994. Moreover, it completely revises the Protection of Children and Young Workers Act of 28 October 1969 [...]

An examination of the new text shows that the following elements, in particular, merit attention: [...]

(2) Employers wishing to engage young people aged from 15 to 18 are now obliged to carry out a risk assessment. Where this assessment shows that there is a risk, the employer has not only a duty to inform vis-à-vis the young people and their legal representatives but more especially an obligation regularly to provide the young people with free occupational health service assessments, in addition to the ordinary recruitment and periodic examinations. Thus, it is now forbidden to employ adolescents to do certain jobs if the risk assessment reveals a specific threat to their health, safety or development, in particular because of their inexperience, lack of awareness of the risks or immaturity[...]

(4) As regards the regulation of working hours, particular reference should be made to the provision concerning the time that can be spent by adolescents on ancillary activities unrelated to teaching or training and carried on outside and in addition to the school and workplace activities required under a combined scheme. Thus, the text introduces a strict limitation on the period of time which a young person may spend working and being trained or taught. In fact, many young people work, often for long hours, in addition to going to school, in order to earn pocket money or, less frequently, to help pay for their studies. The text limits and regulates this situation so as to bring Luxembourg national law into conformity with the Directive and prevent certain possible abuses, while allowing the adolescents to organize their ancillary activities freely and with a certain flexibility. Thus, the adolescent may not work for more than eight hours a day or more than forty hours a week, training and ancillary activities included. In this connection, it should, however, be pointed out that if certain young people under 18 actually had to work more than the number of hours allowed under the new act to finance their studies, it would be necessary to consider other means of funding more appropriate to the Luxembourg social model than child labour.

Minimum age for marriage

From initial report

98. Males under 18 years of age and females under 16 years of age are not permitted to enter into a marriage contract. In no circumstances may a minor marry without the consent of the parents or legal representative. In the event of a refusal by the legal representative(s), the circuit court may, at the request of the State Procurator, authorize the marriage if he considers the refusal unjustifiable.

Minimum age for criminal responsibility

From 2nd report

257. There are no penalties that can be imposed on minors. The prosecution service, within the context of its discretion regarding the advisability of prosecution, may arrange for mediation, placement in the care of Médecins sans Frontières-Solidarité Jeunes, etc. The court takes “measures”.

For minors who are at least 16 years of age at the time of committing an offence, the youth court may decide that –

considering the seriousness of the facts – it is not equipped to deal with this kind of offence at youth protection level. In this case the file is returned to the prosecution service which can then proceed “in accordance with the usual powers and procedures”. The case is then judged in the same way as a case against an adult except that being under age constitutes mitigating circumstances. Capital punishment no longer exists and, in view of the circumstances, there will be no sentence of life imprisonment.

MADAGASCAR

Source:

2nd periodic report: CRC/C/70/Add.18, 25 March 2003

Minimum age for the end of compulsory education

244. Ministerial Decree No. 3949/87 of 2 September 1987 deals only with the minimum age (6) and the maximum age (16) of admission to a State school providing basic education.

936. [...] article 23 recalls that “every child shall have the right to education and training under the responsibility of the parents and based on respect for their freedom of choice. Every adolescent shall be entitled to vocational training.”

937. According to articles 24 and 25, the State organizes public education which is free and accessible to all and recognizes the right to private education. Primary education is compulsory for all.

Minimum age for admission to employment

1131. The Labour Code governs workers whose labour contracts, of whatever kind, are enforceable in Madagascar. Accordingly, all employees, whatever their status or sector of activity, are subject to the provisions of the Code (art. 1). Minor children helping their fathers to work are not workers within the meaning of the Labour Code (art. 1, para. 4). The minimum age of employment is 14 years. Before that age children may not be employed in any enterprise, even as apprentices, without authorization by the labour inspector, who will take a decision on the basis of local conditions: the work must not endanger the health of children or their normal development (art. 100).

1135. Employment of women, and a fortiori children, in night work is prohibited, including in factories, plants, mines and quarries, yards, workshops and outbuildings. However, a derogation may be authorized by the Minister of Labour, following investigation by the competent labour inspector into conditions of employment.

Minimum age for marriage

219. The age of marriage is 18. According to article 5 of Ordinance No. 62-089 of 1 October 1962, on marriage, “Minor, within the meaning of the present text, means a child below the age of 18.”

223. Nevertheless, in accordance with articles 101 et seq. of Act No. 63-022 of 20 November 1963 on filiation, adoption, rejection and guardianship, minors acquire full legal capacity on marriage.

234. One question that has been asked is how married children under 18 years of age are considered with respect to the age of majority, given the fact that boys may marry at 17 and girls at 14, or even earlier, provided that there are serious grounds and on dispensation from the president of the court situated in the place where the ceremony is to be held (Ordinance on marriage, art. 3).

235. Are such “children” protected under the Convention? The

answer can be found in article 107 of the Act of 20 November 1963, which provides that full legal capacity (that is, majority) shall be granted to any minor on marriage. Under article 1 of the Convention, “a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier”.

Minimum age for criminal responsibility

220. According to article 4 of Ordinance No. 62-038 of 13 September 1962, on the protection of children, “The age of criminal liability is 18 [and] proof of minority shall be provided either through a court ruling on the date of birth or by physical examination, which may take the place of a birth certificate or a court ruling.”

246. Juvenile offenders have additional legal protection under Ordinance No. 62-038 of 19 September 1962. According to articles 35 et seq. of this Ordinance:

- Minors under 13 years of age are exempt from all criminal liability and no criminal sentence may be passed on them (art. 35);
- In respect of a minor between 13 and 16 years of age, the juvenile court or the juvenile criminal court shall consider the question of criminal liability;
- If the minor is held to be criminally responsible, age shall automatically be an extenuating circumstance and the sentence passed on the child may not exceed half the penalty that would have been incurred had he or she attained the age of majority;
- If, on the other hand, the child is not held liable, the juvenile court or the juvenile criminal court shall order educational measures or the return of the child to his or her family (art. 36);
- In respect of a minor between 16 and 18 years of age, the provisions of article 36 shall apply; the juvenile court shall, however, have the authority to disregard age as an extenuating circumstance, in a special substantiated ruling.

MALAWI

Source:

2nd periodic report: CRC/C/MWI/2, 17 July 2008

Minimum age for the end of compulsory education

250. Primary education remains voluntary as the country has not yet developed a policy to make it compulsory. However, submissions advocating compulsory primary education have been made to the Constitutional Review programme and are being considered by the Law Commission.

Minimum age for admission to employment

89. The Employment Act (2000) and Labour Relations Act (1996) both prohibit child labour in compliance with the relevant ILO Convention. The minimum age for employment is 14 years.

316. The Employment Act specifically prohibits the employment of persons under the age of fourteen from working in any public or private agricultural, industrial or non-industrial undertaking, but excludes work done at a vocational technical school or any other training institution. Children between the ages of fourteen and eighteen are prohibited from work that is likely to be harmful to their health, safety, education, morals or their development as well as work that is prejudicial to their attendance at school or vocational training.

Minimum age for marriage

12. [...] the Constitution [...] is unclear as to the absolute minimum age for marriage. Under subsection (6) of section 22,

a person of eighteen years of age may enter into marriage without seeking the consent of his or her parents. In addition, under subsection (7) of section 22, persons aged between fifteen and eighteen years must obtain consent from parents before entering into marriage. Under subsection (8) of the same section, the State is obliged to “discourage” marriages where either party is under the age of fifteen years. [...] In addition, where both parties or either one of them is under fifteen, the State can only discourage and has no powers to forbid the marriage.

Minimum age for criminal responsibility

87. There has been a proposal to raise the age of criminal responsibility from seven to ten in the proposed amendment of the Penal Code.

MALAYSIA

Source:

Initial report: CRC/C/MYS/1, 22 December 2006

Minimum age for the end of compulsory education

285. In the year 2002, Act 550 was amended to provide compulsory education. In public schools, children are enrolled according to their ages. They are pre-schools for ages 4 to 6 years, primary for ages 6 to 12 years, and secondary for ages 12 to 19 years. As a matter of fact, Malaysia has achieved its Mid-Decade Goals of strengthening primary education. Nevertheless, the national target of 100 percent primary enrolment has yet to be achieved.

289. Primary education is compulsory in Malaysia. The Education Act 1996 [Act 550] requires that parents, as citizens of Malaysia and residing in Malaysia, to register their children at primary schools upon reaching the age of six years on the first day of the current school year.

Minimum age for admission to employment

344. [...] Malaysian children are subjected to the Contracts Act 1950 [Act 136] which bars any person who has not attained the age of the majority to enter into any valid contract. The Age of Majority Act 1971 [Act 21] provides the age of majority as eighteen years, therefore enabling only persons who are 18 years and above to enter into a valid contract.

346. The Government of Malaysia has also imposed the minimum age of employment for children. The Children and Young Persons (Employment) Act 1966 [Act 350] defines a child as “any person who has not completed his fourteenth year of age or of such age as the Yang di-Pertuan Agong may, by notification in the Gazette prescribe, whilst a young person means any person who, not being a child, has not completed his sixteenth year of age”. Therefore, based on the above-mentioned definition of the child and young persons, this Act is applicable to persons below the age of sixteen years.

347. Section 2 (1) of Act 350 further stipulates that no child or young person shall be, or be required or permitted to be engaged in any employment other than those specified by the Act. Section 2 (2) of the same Act allows the child to be engaged in the following employment: (a) employment involving light work suitable to his capacity in any undertaking carried on by his family; (b) employment in any public entertainment, in accordance with the terms and conditions of a license granted in that behalf; (c) employment requiring him to perform work approved or sponsored by the Federal Government or the Government of any State and carried on in any school, training institution or training vessel; and (d) employment as an apprentice under a written apprenticeship contract.

348. Meanwhile section 2 (3) of the Act 350 states that a young person may be engaged in any of the following employment: (a) employment as a domestic servant; (b) employment in any office, shop (including hotels, bars, restaurants and stalls), godown, factory, workshop, store, boarding house, theatre, cinema, club or association; (c) employment in any industrial undertaking suitable to his capacity; and (d) employment on any vessel under the personal charge of his parent or guardian.

Minimum age for marriage

131. [...] Under the Law Reform (Marriage and Divorce) Act 1976 [Act 164], the minimum age for marriage is eighteen years. However, the Chief Minister of a particular State may in his discretion grant a license authorising the solemnisation of a marriage of the girl child who is under the age of eighteen years and has completed her sixteenth year.

[...] The Islamic Family Law Act (Federal Territory) 1984 (IFLA) provides that the minimum age for marriage is eighteen years for male and sixteen years for female. If any person wishes to marry below the minimum age requirement, section 18 (1)(a) provides that an application may be made to a Syariah Judge to obtain permission to solemnise such marriage [...].

Minimum age for criminal responsibility

131. [...] In relation to criminal proceedings, section 82 of the Penal Code [Act 374] stipulates the minimum age of criminal responsibility is ten years old. A child (a person who has attained the age of ten years and below the age of eighteen) who is alleged to have committed an offence may be arrested with or without a warrant and may be detained for the purpose of investigation under section 117 of the Criminal Procedure Code [Act 593].

[...] Under the Syariah law, the liability for criminal act is attributed to the act of a person who has attained baligh, of sound mind and of free will. A Muslim child is not held responsible for any criminal act until the child reaches the age of puberty. This is reflected in the provision of the Syariah Criminal Offences (Federal Territories) Act 1997 [Act 559] and the respective states' legislations pertaining to Syariah criminal offences which provide that "nothing is an offence which is done by a child who is not baligh". The provision of Act 559 and the respective states' legislation pertaining to Syariah criminal offences further provides that "baligh means having attained the age of puberty according to Islamic law".

[...] Muslim scholars however have different views in determining the appropriate age of puberty. Their views are as follows: According to the Hanafiyah, the age of puberty for both male and female is 15. According to Imam Abu Hanifah, the age of puberty for male is 18 and for female is 17. According to the Malikiyah, the age of puberty for both male and female is 18. According to the Syafi'iyah and the Hanabilah, the age of puberty for both male and female is 15.

In Malaysia, Mazhab Shafie is the main source of the authoritative applicable principles in the administration of Islamic religion or Islamic Law especially in matters pertaining to ibadah. Only if there is no Shafie jurist answering the particular legal questions, reference may be made to the authoritative works of other Sunni schools of law. Hukum Syarak is defined in the Administration of Islamic Law as "hukum Syarak according to Mazhab Shafie or any one of Mazhab Maliki, Hanafi or Hanbali".

It can be concluded that from the provisions of Act 559 and the respective state legislations on criminal offences, a child's criminal liability is not determined by the minimum age requirement but is dependent on the attainment of his or her puberty.

328. The Penal Code [Act 574] provides that the minimum age of criminal responsibility is ten years old and the act of a child above ten and under twelve years of age is not an offence if the said child has insufficient maturity to understand and judge the nature and consequences of his or her conduct.

MALDIVES

Source:

2nd and 3rd periodic reports combined: CRC/C/MDV/3, 10 April 2006

Minimum age for the end of compulsory education

120. Under the new draft Education Act primary education will be made compulsory. Following this legislation, the end of the compulsory education will be twelve years.

Minimum age for admission to employment

121. Children under fourteen years are legally forbidden to be employed, according to the Law on the Protection of the Rights of the Children.

Minimum age for marriage

122. The minimum legal age for marriage has been raised to eighteen years from sixteen years under the Law on the Protection of the Rights of the Children.

114. With regard to marriage, significant progress has been made with the enactment of the Family Law (Law No.4/2000) and its amendments. The minimum legal age for marriage has been raised from sixteen years to eighteen.

115. Any persons under the age of eighteen wishing to marry must gain permission from the Registrar of Marriages. The Registrar of Marriages will assess a person's readiness for marriage on the basis of physical maturity, adequate finances and reasons for marrying. The jurisdiction of the island courts to register marriages under eighteen years has also been limited. All marriages below the age of eighteen years can only be solemnized by the Family Court in Malé. However, under the proposed procedural amendments even the Family Court would have to consult the Ministry of Gender and Family before registering such marriages.

Minimum age for criminal responsibility

572. Under the amendments to rules on Investigation, Adjudication and Sentencing of Juveniles, the age of criminal responsibility is being raised from 7 years to 10 years. Children within this age shall not be held criminally liable with respect to any offences, other than some haddu offences. The civil liability with respect to offences committed by children less than 10 years of age shall be borne by their parents or lawful guardians.

573. Children from 10 years and under 15 years are not to be held criminally liable for any offence committed by them except offences stipulated as serious crimes in the regulations. These children are to be treated as minors in accordance with the relevant rules for minors. Where an offence committed by any such person is considered a serious offence, the Juvenile Court may order the person to the rehabilitation center. The civil liability with respect to offences committed by children less than 15 years of age shall be borne by their parents or lawful guardians.

574. Children between 15 and under 18 years shall bear criminal liability with respect to offences committed by them, however they should be sentenced under a special scheme for juveniles. Greater emphasis is placed on rehabilitation and reintegration of juveniles, and community-based measures and

institutionalization in cases where detention or rehabilitation is required is promoted. This regulation is to serve as an interim measure until the proposed Juvenile Justice Act is drafted and implemented.

MALI

Source:

2nd periodic report: CRC/C/MLI/2, 11 April 2006

Minimum age for the end of compulsory education

91. Article 26 of Act No. 99-046 of 28 December 1999 containing the Framework Education Act provides that “the right to education creates an obligation for parents to enroll their children in school and to keep them there at least until the end of the period of basic education”. Article 34 of the Act defines the period of basic education as “a continuous period of 9 years”. Basic education is open to children from the age of 6 years.

Minimum age for admission to employment

633. Under the Labour Code, the minimum age for admission to employment in Mali is 14 years. However, with Mali’s ratification of ILO Convention No. 138, Minimum Age Convention, that age must be raised to 15 in order to bring the minimum age into line with that Convention. Article L.185 of the Labour Code stipulates that “in any type of establishment [...] it is prohibited to employ children under 18 years of age of either sex for work that is beyond their strength, that may be dangerous or that, by its very nature and the conditions in which it is performed, is likely to corrupt their morals”.

Minimum age for marriage

99. Males may not contract marriage until they have turned 18 years of age and females until they have turned 15 years of age. However, the Minister of Justice may, by unappealable decision, waive the age requirement when there are substantial reasons for doing so. The draft Individuals and Family Code innovates by setting the marriageable age at 18 years for females and males.

Minimum age for criminal responsibility

103. Article 1 of Act No. 01-081 of 24 August 2001 on the criminal responsibility of minors and the establishment of juvenile courts and article 26 of the Criminal Code state that the “age of criminal responsibility is 18 years”.

104. Children aged less than 13 years are legally incapable. Between the ages of 13 and 18 years, a child may only be considered criminally responsible if a court decides that it acted knowingly. Even in that event, special rules apply to the responsibility and the proceedings are oriented more towards protection than to punishment.

MALTA

Source:

Initial report: CRC/C/3/Add.56, 3 September 1998

Minimum age for the end of compulsory education

241. By way of elaborating the principles on education mentioned in the Constitution, the Education Act of 1988 (Act XXIV) postulates at the very outset (arts. 1 and 4) that “It is the right of every citizen of the Republic of Malta to receive education and instruction without any distinction of age, sex, belief or economic means,” and “It is the right of every parent of a minor to give his decision with regard to any matter concerning the education which the minor is to receive.”

Consequently the Act further provides that the State is bound to: (a) Provide education to all children between 5 and 16 years of age; The period of compulsory education may by regulation be further extended for certain courses of training.

Minimum age for admission to employment

300. Child labour is prohibited under both the Constitution and the Education Act (sect. 43). Young people between 16 years (which is the maximum age for compulsory school attendance) and 18 years of age are generally engaged on a contract of service or on an agreement of apprenticeship. At law the latter does not constitute a contract of service. A contract of service is one which binds a person to render labour to an employer in return for wages (Conditions of Employment (Regulations) Act (CERA) 1952, sect. 2). The minimum age for admission to employment is 16 years. [...]

301. Regulations on the Protection of Young Persons lay down that children under 15 cannot be employed, on contract or otherwise. The same applies to young persons of compulsory school age, unless such employment is covered by an exemption issued under the Education Act. Where young persons aged between 15 and 18 are employed, provided an exemption is granted, regulations require that these persons are to be properly trained for the work assigned, and that health and safety hazards be taken into account. Young persons cannot be employed at any time between 10 p.m. and 7 a.m. This does not apply in respect of approved training schemes or apprenticeships or educational, cultural or sports activities. The Regulations do not apply to hotels or catering establishments, provided the young worker is allowed not less than 12 consecutive hours’ rest within any period of 24 hours, and not less than 2 days’ rest each week, including a Sunday.

Minimum age for marriage

40. Children in Malta reach majority at the age of 18 years (section 157 of the Civil Code). It has been so since the Civil Code was first enacted. But there are cases where a child is vested with adult responsibility at an earlier age, namely: (a) On contracting marriage at the age of not earlier than 16 (and when parental authority ceases in his/her regard);

Minimum age for criminal responsibility

294. Criminal proceedings against children under 9 years of age are not pursued. Children are exempt from criminal responsibility for any act or omission (Criminal Code, sect. 35). Children under 14 years of age are also exempt from criminal responsibility for any act or omission done without mischievous intent. The court may, however, bind over the parents to watch over the conduct of the child. If the offence is punishable with a fine, the court may order the parents to pay the fine (sect. 35). Children under the age of 14 but over the age of 9 who commit an offence with mischievous intent are punished with reprimand or a fine (sect. 36). If the offender is 14 but not yet 18 years of age the punishment applicable to the offence shall be diminished by one or two degrees (sect. 37). [...]

MARSHALL ISLANDS

Sources:

2nd periodic report: CRC/C/93/Add.8, 24 August 2005

Initial report: CRC/C/28/Add.12, 18 November 1998

Minimum age for the end of compulsory education

From 2nd report

22. [...] The Education Act, when amended will make education compulsory for all children between the ages of four and

fourteen. The law will also make parents, custodians and guardians responsible for ensuring that children are enrolled in and attending school [...]

From initial report

11. Under the Education Act 1991, section 320, attendance at a public or nonpublic school is required of all children between the ages of 6 and 14, or until graduation from primary school (i.e. the eight grade). [...]

Minimum age for admission to employment

From 2nd report

187. The Minimum Conditions Inquiry Act, also known as the Child Labour Law has been amended to prohibit employment of a person under the age of eighteen. This law was passed because of the Government's concern over the visible use of child labour, especially in family-run businesses in urban centers. Other than children assisting parents in the operation of retail outlets, there have been no obvious infractions of this law.

Minimum age for marriage

From 2nd report

48. In response to the Committee's concern regarding the minimum age for marriage being different from boys, the Birth, Registration and Marriage Registration Act has been amended. This Act requires naming of the child's father, regardless of marital status and raises the legal age of marriage for girls from 16 years to 18 years, consistent with the age requirements for boys.

Minimum age for criminal responsibility

From initial report

19. Pursuant to the Criminal Code, section 107, children under the age of 10 years are conclusively presumed to be incapable of committing any crime; and children between the ages of 10 and 14 years are conclusively presumed to be incapable of committing any crime, except crimes of murder and rape. In murder and rape cases, the presumption is rebuttable.

MAURITANIA

Source:

2nd periodic report: CRC/C/MRT/2, 30 July 2008

Minimum age for the end of compulsory education

29. [...] Act No. 2001-054 of 19 July 2001 on compulsory basic education made it compulsory for children to attend school between the ages of six and 14 years.

Minimum age for admission to employment

30. [...] Act No. 2004-017 of 6 July 2004 on the Labour Code ... sets the minimum age for admission to employment at 14 years and brings all the provisions of the former Code into line with those of the Convention on the Rights of the Child and the ILO conventions which are more favourable to children.

Minimum age for marriage

29. [...] Pursuant to article 6 of Act No. 2001-052 of 19 July 2001 on the Personal Status Code, "the legal capacity to marry is possessed by all persons of sound mind aged at least 18 years".

6. [...] The most significant point in this reform is the fixing of the age of majority necessary for marriage at 18 years and the rendering of marriage subject to consent, except in cases determined by a judicial decision based on the best interests of the child [...]

Minimum age for criminal responsibility

223. Order No. 2005-015 of 5 December 2005 on the Code on

the Judicial Protection of Minors harmonizes the national legislation with the Convention [...]

225. This new legal text also ranks the penalties which may be imposed on minors. It distinguishes between three age groups: a) Seven years and under: children may not be prosecuted; b) Seven to 15 years: children in conflict with the law may be sentenced only to measures of protection; c) Fifteen to 18 years: children in conflict with the law may be convicted of criminal offences, but the penalties imposed may not exceed one half of the adult sentences.

MAURITIUS

Source:

2nd periodic report: CRC/C/65/Add.35, 19 July 2005

Minimum age for the end of compulsory education

116. The Education Act was amended in 1991 to provide for compulsory primary education. The maximum age for primary education is 12 years.

394. The Education Act recommends compulsory schooling for children between 5 and 12 years.

Minimum age for admission to employment

117. Section 7 of the Labour Act prohibits the employment of persons below the age of 15, and further provides that no person shall employ or continue to employ a person below the age of 18:

(a) On work which is harmful to health, dangerous or otherwise unsuitable for a young person;

(b) After being notified in writing by an officer that the kind of work which the young is employed in is harmful to health, and is dangerous or otherwise unsuitable for the young person.

Minimum age for marriage

113. On reaching the age of 18, the adult has [...] the right to a legal marriage.

119. Article 144 of the Civil Code provides that the legal age of marriage is 18 years, and that a child above 16 years may marry with the consent of the parent who solely exercises parental authority. A Supreme Court Judgement, stated that the consent of both parents is required, and that if one of the parents withholds consent, the marriage cannot take place.

Minimum age for criminal responsibility

125. There is no minimum age for criminal responsibility in Mauritius.

MEXICO

Sources:

3rd periodic report: CRC/C/125/Add.7, 24 August 2005

Initial report: CRC/C/3/Add.11, 10 February 1993

Minimum age for the end of compulsory education

From Initial report

187. Section VI [of Article 3 of the Constitution] states that "Primary education shall be obligatory", and section VII establishes that "All education imparted by the State shall be free." Furthermore, the National Agreement for the modernization of Education stipulates that as from the 1992-1993 school year secondary education too shall be compulsory and free.

189. Thereinafter, Article 31, section I stresses that it is the duty of every Mexican "to compel his children or wards under fifteen years of age to attend either private or public schools, in order

that they may receive basic primary education.”

209. Primary education is a public service enshrined in the Constitution, which fosters a harmonious education in pupils between 6 and 14 years of age, through learning experiences enabling them to acquire the skills needed for their development on society.

Minimum age for admission to employment

From 3rd report

42. With regard to the permissible age for work, the Federal Labour Act establishes that it is forbidden to employ children under the age of 14 who have not completed their compulsory schooling, save in exceptional cases approved by the relevant authority.

317. At international level, Mexico signed Convention 182 of the International Labour Organization (ILO) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which it ratified on 30 June 2000 (the Convention entered into effect on 30 June 2001).

Minimum age for marriage:

From 3rd report

40. [...] according to the Federal Civil Code, while a man must be at least 16 years of age to marry and a woman 14 (art. 148), a dispensation may be allowed for serious and justified reasons. According to article 149, minors under the age of 18 cannot enter into a marriage contract without the consent of their father or mother.

Minimum age for criminal responsibility:

From 3rd report

286. Children involved with the system of juvenile justice are considered to be persons between the ages of 11 and 18 who have committed an offence under the Act for the Treatment of Young Offenders in matters of Ordinary Jurisdiction for the Federal District and in federal matters for the Republic as a whole.

MICRONESIA (FEDERATED STATES OF)

Source:

Initial report: CRC/C/28/Add.5, 17 June 1996

Minimum age for the end of compulsory education

52. 40 FSMC (Federated States of Micronesia Code) § 104, Education, requires school attendance of all children between the ages of 6 and 14, or until graduation from elementary school by the eighth grade. It is a criminal offence for parents to permit their child's absence from school. All elementary education is provided free of charge.

Minimum age for admission to employment

324. Currently, there are no laws in the FSM which address the issue of child labour.

325. In the FSM, the issue of child labour has not been a known problem. Child labour of an exploitative nature does not exist in the FSM. What does exist is that children are expected to perform daily chores around the home. These chores include cleaning in and around the house, working in the gardens, fishing, child care for younger relatives and other day-to-day domestic activities. Some children are also expected to help with the operations of small family owned businesses if their families have one.

328. Since there are no laws in the FSM that deal with child labour it is currently impossible for the Government to protect children in the FSM from being exploited as a labour source. It

is, however, a crime to prevent a child under the age of 15 from attending school.

Minimum age for marriage

47. The minimum age of marriage is controlled by the individual states and generally requires the male to be 18 years of age and the female 16 years of age. If the female is less than 16 years old she must obtain the permission of one parent. Customary marriage is recognized.

Minimum age for criminal responsibility

44. 12 FSMC § 1101 mandates that in all criminal cases involving child offenders under the age of 18, the courts shall adopt a flexible procedure for resolving such cases. An offender 16 years or older may, however, be treated in all respects as an adult if the physical and mental maturity so justifies. If detention is necessary, children are kept apart from adult offenders.

MONACO

Source:

Initial report: CRC/C/28/Add.15, 4 July 2000

Minimum age for the end of compulsory education

22. Children must attend school from age 6 to age 16 inclusive (Act No. 826 of 14 August 1967). Primary and secondary education is free (Constitution, art. 27).

Minimum age for admission to employment

23. Children may enter employment as soon as they complete their compulsory schooling, i.e. from the age of 16. An exception is made for children working under the direct supervision of their mother or father in establishments employing family members only (Minimum Employment Age Act (No. 719) of 27 December 1961).

Minimum age for marriage

30. Under article 117 of the Civil Code, men under the age of 18 and women under the age of 15 may not enter into marriage. Nevertheless, the Prince may grant exemption from this age requirement when compelling grounds exist.

31. The consent of both spouses is necessary for a marriage to take place (Civil Code, art. 116). Furthermore, the consent of either parent or, in some cases, of an ascendant, the Family Council or the guardianship judge, is required before a minor may enter into marriage (Civil Code, arts. 118–122).

Minimum age for criminal responsibility

37. The age of criminal liability is 18 years. Thereafter, young persons may be tried and sentenced as adults. Children aged under 13 are not criminally liable, and hence cannot be convicted under criminal law. For minors aged between 13 and 18, the penalty for a serious indictable offence may not exceed 20 years' imprisonment. The penalty for a lesser indictable offence must be no more than half the sentence that would have been imposed on an adult over 18 (Criminal Code, art. 46).

MONGOLIA

Source:

2nd periodic report: CRC/C/65/Add.32, 15 November 2004

Minimum age for the end of compulsory education

30. (c) In accordance with article 16, paragraph 7, of the Constitution of Mongolia, a free general education is provided to all. On the basis of this provision, article 6, paragraph 1, of the Law on Protection of Child Rights states that the State shall support a free general education, study of native language and literacy and development of children's abilities;

60. Article 39, paragraph 2.3, of the Law on Education provides that a child shall be provided a compulsory basic education up to 17 years of age, and his or her interest and desire to learn should not be hindered. The State provides a free general education for all.

Minimum age for admission to employment

62. Article 71, paragraph 1, of the Labour Code allows employees aged 14 to 15 years to work for up to 30 hours per week and those aged 16 to 17 years may work up to 36 hours. Article 58, paragraph 1, of the Labour Code provides that the salary of an employee under 18 years shall be paid at an hourly or piecework rate supplemented by a basic salary at the reduced working hours rate. The Labour Code incorporates the child labour issue into a special section (chap. 8, art. 109, paras. 1-5, and art. 110). In the implementation of these provisions, the Minister for Health and Social Welfare, by his Order No. 204 of 1999, issued over 100 lists covering 14 types of workplaces prohibited to minors.

63. Article 110, paragraph 1, of the Labour Code provides that a minor employee may be employed subject to the approval of a relevant medical authority after he/she has undergone a medical examination, and further medical examinations for every six months shall be required until he/she reaches 18 years of age. Under paragraph 2, a minor employee may not be required to perform overtime work or to work on public holidays or weekends. According to paragraph 3, a minor employee may not be required to perform work under abnormal working conditions. And according to paragraph 4, a minor employee may not be required to lift or carry loads that exceed weight limitations established by the member of the Government responsible for labour matters.

Minimum age for marriage

64. Article 6, paragraph 1, stipulates that all citizens of Mongolia over the age 18 years can marry another Mongolian citizen, a foreign citizen or a stateless person, with their consent, unless there is an objection.

Minimum age for criminal responsibility

66. Article 9, paragraph 1, of the Criminal Code sets the age of criminal responsibility at 16 years; paragraph 2 states that a person 14-16 years shall bear criminal responsibility for acts such as murdering another person, intentionally or unintentionally causing serious physical injuries or damage to a person, rape, stealing another's belongings or property, theft, intentionally destroying or damaging another's property with aggravating circumstances, engaging in hooliganism with aggravating circumstances, damaging roads or means of communication or transport.

MONTENEGRO

Source:

Initial report: CRC/C/MNE/1, 4 March 2010

Minimum age for the end of compulsory education

290. The right to the primary education is defined by the Law on Primary education and it shall be compulsory for all children from the age of 6 to 15. Parents or tutors must ensure for their children to meet the compulsion of primary education which shall be considered completed after pupil's nine years long attending of primary school. The primary education shall last nine years. For the purpose of the attaining of primary education in the school, there shall not be any tuition fees.

Minimum age for admission to employment

44. In accordance with the Labour Law, an employment contract may be concluded by a person if attained at least 15 years of age and if he/she is in general health capacity (art. 16). The employment contract may be concluded with a person younger than 18 years of age, with a written agreement of a parent, adopting parent or guardian, if such a work does not jeopardize his health, moral and education, or if such a work is not prohibited by law. A person younger than 18 years of age may conclude a contract of employment only on the basis of findings of the competent health authority determining his capacity to perform the activities for which the contract of employment is concluded, and if such activities are not harmful for his health (art. 17).

Minimum age for marriage

40. Pursuant to the Family Law, a marriage may not be concluded by a person who has not attained 18 years of age (art. 24). Exceptionally, the court may allow conclusion of marriage to a juvenile older than 16 at his/her personal request. Thereabouts the court will, in appropriate manner, examine all circumstances important to determine if there is a free will and desire of the juvenile to get into marriage, so as if the juvenile achieved physical and mental maturity to carry marital obligations out. A child who concluded marriage with the court permit, at the same time obtained full capability for work.

Minimum age for criminal responsibility

45. According to the Criminal Code, criminal sanctions cannot be applied to a juvenile who at the time of the commission of a criminal offence was under the age of 14 years (a child) (art. 80). To a juvenile who at the time of commission of a criminal offence had attained 14 years of age but had not reached 16 years of age (a junior juvenile) only educational measures may be imposed. A juvenile who at the time of commission of the criminal offence had reached the age of 16 but not the age of 18 (a senior juvenile) can be punished by educational measures, but exceptionally, s/he can be sentenced to juvenile custody. A juvenile can also be punished by security measures on the conditions set forth in the Code. A suspended sentence and a judicial admonition may not be imposed on a juvenile (art. 81).

MOROCCO

Source:

2nd periodic report: CRC/C/93/Add.3, 12 February 2003

Minimum age for the end of compulsory education

162. [...] Other actions contemplated by the Government, especially in the field of basic education, include raising the compulsory schooling age to the age of 16.

456. The education policy is based on well-established legal and constitutional principles as follows:

- The right of everyone to education (art. 13 of the Constitution);
- The obligation of the State to provide education for every Moroccan child from age 7 to 13 (Royal Decree of November 1963 on Compulsory Education);
- Increasing the period of compulsory education to nine years (Education Reform Decrees of 1985) [...]

Minimum age for admission to employment

160. [...] As pointed out in the initial report, the minimum age for employment is 12 [...]

161. The Government has taken the following measures to adapt the legal age to the requirements of the Convention: [...] (d) The minimum age for employment has been raised to 15,

following the ratification by Morocco of ILO Convention No. 138;

615. On the legal level, it is noted that in addition to the laws governing labour relations addressed in the initial report, the legal age for employment of children has been raised in the Labour Code to 15 in line with provisions of ILO Convention No. 138, which was ratified by Morocco on 19 March 1999 and will enter into force on 6 January 2001. It may be pointed out that steps have been already taken to ratify ILO Convention No. 182 to combat the most serious forms of child labour.

Minimum age for marriage

168. Non-discrimination is the rule; any exception to the rule is specified in the law, and is meant to safeguard the best interests of the child. Examples are found in the difference in the mandated minimum age for marriage, which is 15 for females and 18 for males.

Minimum age for criminal responsibility

160. The Criminal Code defines a minor in terms of three age groups:

- (a) A minor under the age of 12, who cannot be criminally liable because of immaturity, as stipulated in article 138 of the Penal Code;
- (b) A minor between the ages of 12 and 16, whose liability is limited because of incomplete maturity and who can be subject only to protection or rehabilitation measures, as defined in article 516 of the Criminal Procedure Code, or to mitigated punishment as defined in article 517 therein;
- (c) A delinquent person at or above the age of 16: the law allows for the treatment of a suspect between the ages of 16 and 18 as a minor if the judicial body so decides, with proper justification.

161. The Government has taken the following measures to adapt the legal age to the requirements of the Convention: (a) According to a new draft Penal Code and a new Criminal Procedure Code, the age for legal criminal responsibility will be raised to 18 [...]

MOZAMBIQUE

Sources:

2nd periodic report: CRC/C/MOZ/2, 23 March 2009

Initial report: CRC/C/41/Add.11, 14 May 2001

Minimum age for the end of compulsory education

From 2nd report

116. The following matters are as previously reported in the initial report: [...] Compulsory schooling, for which the legal age of admission to basic primary education is six years; the State tries to encourage school age children enrolment and retention up to grade seven [...]

From initial report

60. Given the impact of the war and its destruction of the school network and the general structure of the country's education system, under the new education policies it has been decided that mandatory school attendance is an objective to be achieved gradually. The Council of Ministers shall determine the rate of implementation, in the light of the country's socio-economic development. Consequently, there is no rigid determination of ages for mandatory school attendance. It is however stipulated that the legal age for admission to basic primary education is six years. The State tries to encourage the registration of school-age children and their continuation throughout the seven classes that make up basic education.

Minimum age for admission to employment

From 2nd report

116. [...] The legal age to work is 15 years, as per Labour Law No.º 8/98, which is currently under review. The review is looking at the possibility of allowing children aged 12 to 15 to work under special conditions [...]

Minimum age for marriage

From 2nd report

115. The Civil Code previously stated that all persons wishing to marry should not be of "age lower than 16 years for men and 14 years for women". The new Family Law now stipulates that a person should not be of "age lower than 18 years". However, it states that "women or men over the age of 16 may, exceptionally, enter into marriage in the case of special circumstances involving public and family interest, and when there is consent from parents or legal guardians".

Minimum age for criminal responsibility

From 2nd report

348. As mentioned in the initial report, the minimum age for criminal responsibility established under the Mozambican Penal code is 16 years.

354. Minors aged between 16 and 18 years of age have reduced criminal responsibility in that they cannot be sentenced to more than 8 years imprisonment.

MYANMAR

Sources:

Concluding Observations: CRC/C/15/Add.237, 30 June 2004

2nd periodic report: CRC/C/70/Add.21, 5 November 2003

Initial report: CRC/C/8/Add.9, 18 September 1995

Minimum age for the end of compulsory education

From initial report

98. [...] The State Law and Order Restoration Council enacted the Child Law (Law No. 9/93) on 14 July 1993. Section 20 (a) of the Child Law states that every child shall: (a) have opportunities of acquiring education; (b) have the right to acquire free basic education (primary level) at schools opened by the State. Section 20 (b) of the Child Law states that the Ministry of Education shall: (a) have an objective of implementing the system of free and compulsory primary education; (b) lay down and carry out measures as may be necessary for regular attendance at schools and the reduction of untimely drop-out rates; (c) make arrangements for literacy of children who are unable for various reasons to attend schools opened by the State;

101. [...] The 1973 Union of Myanmar Basic Education Law, chapter 5 (c) relating to the duties of the Basic Education Council, prescribes compulsory basic education of children at an appropriate time and up to a suitable stage of learning as one of its specific tasks.

Minimum age for admission to employment

From 2nd report

235. [Under] the Factories Act, 1951[...] [a] child under the age of 13 years is prohibited from working. A child who is between the ages of 13 and 15 may work for a maximum of four hours a day and shall not be permitted to work between the hours of 6 p.m. and 6 a.m. The period of work for all children shall be limited to two shifts which shall not overlap, and both of which shall not exceed five hours inclusive of intervals [...] Sunday is a weekly holiday for child workers and there is no exemptions

from these provisions.

236. According to the Shops and Establishments Act, 1951, the child under the age of 13 years shall not be permitted to work in any shop, commercial establishment, or establishment for public entertainment.

Minimum age for marriage

From concluding observations

25. [T]he Committee is concerned that there is no minimum age for marriage for boys and that marriage of girls as young as 14 is allowed with parental consent.

Minimum age for criminal responsibility

From initial report

45. Concerning the offences committed by a child, section 28 (a) of the Child Law states that a child under 7 years and under 12 years of age who has not attained sufficient maturity of understanding to judge the nature and consequences of his conduct on that occasion is exempted from penal action.

NAMIBIA

Source:

Initial report: CRC/C/3/Add.12, 22 January 1993

Minimum age for the end of compulsory education

33. The Namibian Constitution [...] makes education compulsory until age 16, or until the completion of primary education, whichever comes first (art. 20 (3)) [...]

Minimum age for admission to employment

35. Namibia's Labour Act No. 6, 1992 makes it illegal to employ a child under the age of 14 for any purpose and provides varying degrees of protection for children under 15 and under 16 (sect. 42).

463. [...] It is illegal to employ any child between the ages of 14 and 16 for certain categories of hazardous work, including employment in mines, factories, electricity works, construction work, or in connection with the installation, erection or dismantling of machinery. Children between the ages of 15 and 16 may not be employed to work underground in a mine. [...] No distinction is made between part-time and full-time employment in the provisions on child labour.

Minimum age for marriage

44. A minor (a child under the age of 21) requires parental consent in order to marry. In addition, no boy under the age of 18 years and no girl under the age of 15 years may contract a civil marriage without the permission of a designated government official (Marriage Act No. 25, 1961, sect. 26). This gender distinction appears to contradict the constitutional prohibition against discrimination on the basis of sex, but has not yet been challenged.

Minimum age for criminal responsibility

40. A child over the age of 7 can in theory be convicted of a crime in Namibia. For children between the ages of 7 and 14, however, there is a rebuttable presumption that the child is incapable of wrongdoing. This means that offenders in this age group can be convicted only if the State proves that the child knowingly intended to do wrong and understood the consequences of the wrongful act.

NEPAL

Sources:

2nd periodic report: CRC/C/65/Add.30, 3 December 2004

Initial report: CRC/C/3/Add.34, 10 May 1995

Minimum age for the end of compulsory education

From 2nd report

49. [...] Primarily for economic reasons, schooling has not been made compulsory in Nepal. Therefore, the minimum age of 14 for employment set by clause III of the Labour Act, 2000, does not guarantee the access to education of a child under the minimum employment age.

From initial report

63. In Nepal, children are allowed to enter primary school when they are 6, and they are normally 16 years old when they finish secondary school. Few students, however, finish secondary school. There is no compulsory education in Nepal.

Minimum age for admission to employment

From 2nd report

49. [...] the Government has adopted the Child Labour (Prohibition and Regularization) Act, 1999, which defines hazardous types of activities and prohibits the employment of children below 16 years of age in those areas. [...]

From initial report

57. A separate legal provision does not exist for part-time employment. However, certain provisions in the Labour Act (1992) permit full-time employment to anyone who is above 14. As regards employment of children, Section 17 of the Act has made the following provisions:

- (a) A child who has not attained the age of 14 shall not be employed as a labourer;
- (b) A child who has attained the age of 14 or above shall not be employed as a labourer from 6 p.m. to 6 a.m.;
- (c) A child who may be employed as a labourer shall not be engaged against his or her will;
- (d) No child labourer or minor (14-18 years old) shall be engaged in any work that is likely to be harmful to the child's health or hazardous to his or her life. Under the Civil Service Regulations, a person must be at least 18 years old to seek employment.

Minimum age for marriage

From initial report

55. The Muluki Ain (General Law) (1963) has fixed the legal age of marriage for boys at 18 and for girls at 16, if parents consent; and 18 and 21 respectively if parents do not approve of their marriage.

Minimum age for criminal responsibility

From initial report

62. The Children's Act states in section 11: (a) if a child below the age of 10 commits an act which is an offence under law, he/she shall not be liable to any type of punishment; (b) if a child who is between the ages of 10 and 14 years commits an offence which is punishable by a fine, the child shall be warned; and if the offence is punishable by imprisonment, the child shall be sentenced for a period of up to six months, depending upon the offence committed; (c) if the child is between 14 and 16 years of age and commits an offence, he/she shall be punished with half the penalty that is imposed by law on a person who has attained maturity.

NETHERLANDS

Sources:

3rd periodic report: CRC/C/NLD/3, 23 July 2008

2nd periodic report: CRC/C/117/Add.1, 5 June 2003

Initial report: CRC/C/51/Add.1, 24 July 1997

Minimum age for the end of compulsory education

From 3rd report

312. Under the Compulsory Education Act (Leerplichtwet), children must attend school full-time between their 5th and 16th birthdays; thereafter they must continue to attend part-time until their 18th birthday. From August 2007, young people who do not have a basic qualification will be obliged to attend a programme combining work and study. Children may in fact attend school from their 4th birthday, and 97% actually do so.

Minimum age for admission to employment

From 3rd report

437. Dutch legislation on child labour includes strict rules pertaining to child labour (< age 16) and youth labour (aged 16 and 17). Rules on child and youth labour are laid down in the Working Hours Act and the Working Conditions Decree. Further rules are set out in the Detailed Child Labour Regulations, the policy rules pertaining to exceptions to the ban on child labour, the Decree of 15 January 1997 setting out rules for the benefit of safety, health and welfare at work (Working Conditions Decree) and the Working Conditions Order of 7 March 1997. Young people aged 16 and 17 may work, although the regulations on work performed by young people include an absolute ban on a number of activities for people under the age of 19, and stipulates that certain other activities may be performed only under supervision. The Working Hours Act stipulates a ban on child labour that applies to all children up to the age of 15. Children in this age group may work only by way of exception, and subject to strict conditions.

Minimum age for marriage

From initial report

19. [...] The age at which a person can lawfully enter into a marriage is uniformly fixed at 18 for both men and women. This age requirement, which is the same as the age of legal capacity, does not apply if a man and a woman are both aged 16 or over and the woman lodges a doctor's statement that she is pregnant or if a child has already been born to the parties concerned. In this situation priority is given to the manifest wish of the prospective spouses to raise their child together. It is also possible to obtain a marriage licence at a younger age on "serious grounds". In such cases the main consideration is whether the prospective spouses are actually capable of taking responsibility for raising the child.

Minimum age for criminal responsibility:

From 2nd report

245. Children under 12 years of age who commit minor offences such as vandalism, theft, illegally setting off fireworks and rowdy behaviour may be given a brief corrective assignment. Parental consent is required. The aim is to provide a voluntary aid, free of obligations, to help parents and carers correct their child's behaviour. A "Stop" assignment is not a statutory sanction; this would be impossible, since children under 12 years of age cannot be prosecuted. The point of the assignment is to make it clear to the child, in an appropriate manner, that criminal behaviour is unacceptable. The assignment may consist of an interview, writing an essay, answering the questions on a form, or apologizing to the injured party. The assignment may on no account involve any kind of work. If a child is considered eligible for a "Stop" assignment, the police will suggest it to the parents, making it clear that participation is voluntary.

From initial report

25. Young people who have not yet reached the age of 12 years when they commit an offence (i.e. a criminal offence) may not be prosecuted. This means that in appropriate circumstances a child may be arrested and asked by an investigating officer to give his or her name. The child may also be questioned and searched and his or her possessions may be confiscated. More far-reaching measures such as police custody and remand in custody are not possible. In such cases the public prosecutor does not have a right of prosecution. If charges should be brought, the court is required to hold that the case is inadmissible.

NEW ZEALAND

Sources:

2nd periodic report: CRC/C/93/Add.4, 12 March 2003

Initial report: CRC/C/28/Add.3, 12 October 1995

Minimum age for the end of compulsory education

From 2nd report

753. Schooling is compulsory for children between the age of six and 16 years. Every person between the age of five and 19 who is not a foreign student is entitled to free enrolment and education at a state school. [...]

From Initial report

23. In New Zealand, schooling is compulsory for everybody between their sixth and sixteenth birthday, but it is possible to leave school earlier, with the permission of the school principal (and on application from the parent). The school-leaving age is to be raised to 17 with effect from 1 January 1998. Full primary and secondary education is available from the age of 5, the upper limit being 19 years of age.

Minimum age for admission to employment

From 2nd report

24. (ii) The protection of children under labour law. New Zealand has reserved the right not to legislate further or take additional measures because existing law adequately protects the rights of the child provided for in article 32(1). The Committee raised related concerns about the fact that New Zealand does not have:

- a comprehensive policy to deal with child labour
- a basic minimum age of admission to employment, or a range of minimum ages for different types of work and working conditions.

The New Zealand Government does not consider all forms of employment for children are harmful. New Zealand society has a long established tradition of children being employed in part-time and holiday work (such as picking fruit and delivering newspapers). The employment of young people encourages them to develop skills and foster an attitude of independence for their own and the society's benefit. A number of current initiatives and existing protections cover children and young people who work. However, in recognition of children's vulnerability and special needs in the workplace and in response to the Committee's concerns, by September 2001 the New Zealand Government will clarify the minimum age requirements under UNCROC and assess what steps would need to be taken to remove this reservation.

250. [...] Employment legislation does not provide any specific definition of a child (young people have the same employment rights as other employees). There are, however, age limits for types of employment prescribed in the Education Act 1989 requiring that children under 16 cannot be employed during school hours. [...]

939. The Initial Report stated that regulations were being drafted to re-introduce and extend provisions relating to minimum ages for certain types of work and working conditions. Previous provisions had gone into abeyance when the HSE Act came into effect on 1 April 1993. The Health and Safety in Employment Regulations actually came into effect on 2 October 1995, after the Initial Report was written, but before it was submitted. The aim of the new regulations is to ensure that young people do not work in dangerous places or do dangerous work, and are not otherwise present in places where dangerous work takes place. The regulations therefore prohibit:

- employment of persons under 15 years of age in manufacturing, forestry, construction, or in any other area where the work taking place is likely to harm their health and safety
- the presence of people under 15 years of age in any area in a place of work where manufacturing work, forestry work, construction work, or other work which is likely to harm their health and safety is taking place, unless they are under the direct supervision of an adult
- persons under 15 years of age being employed to work with machinery or to drive or ride on any heavy vehicle, including tractors and implements being towed by vehicles
- persons under 15 years of age being required to lift any weight or perform any other task likely to injure their health
- employment of persons under 16 years of age between the hours of 10.00pm and 6.00am.

940. The new regulations covering bullet points one, three, four and five above only apply to employees. They do not apply to any young people who may be engaged to do work on contract. However, the regulation covering bullet point two applies to all young people, whether they are working in or simply visiting a workplace.

From initial report

368. New Zealand made a reservation in relation to article 32 of the Convention at the time of ratification. The Government considers that the rights of the child provided for in article 32 (1) are adequately protected by its existing law. It therefore reserved the right not to legislate further or to take additional measures as may be envisaged in article 32 (2).

369. While New Zealand law does not specifically provide a minimum age for admission to employment, further legislation is not considered necessary in view of the range of protections and entitlements available. The employment of children under the age of 16 is constrained under section 30 of the Education Act 1989 which prohibits: the employment of a child aged less than 16 within school hours or if the employment then prevents or interferes with the child's attendance at school; the employment of a child aged less than 16, where the child is enrolled at a correspondence school, where the employment interferes with the child's ability to do the work of the course; and the employment of a child aged less than 16, where the child has been granted a certificate of exemption by the Secretary for Education, where the employment interferes with the child's ability to be taught as well and regularly as in a registered school. Parents and/or employers can be prosecuted and fined up to \$1,000 for breaching these provisions.

Minimum age for marriage

From initial report

19. [...] The Marriage Act 1955 uses the term "minor" to specify the age at which a person under 20 years may marry with parental consent (at age 16 years). [...]

Minimum age for criminal responsibility

From 2nd report

248. Paragraphs 29 to 31 of the Initial Report set out the age of criminal liability in New Zealand. New Zealanders have debated whether the age limits for prosecution of criminal offences should be lowered. However, there has been no law change and minimum ages have remained the same throughout the reporting period.

From initial report

29. New Zealand law provides limits on the age at which criminal liability can be placed upon children. No person under 10 years of age can be convicted of an offence (sect. 21 of the Crimes Act 1961). A child between the ages of 10 and 14 can only be prosecuted for murder, manslaughter, or a minor traffic offence and only if the child knew that the act or omission was wrong or that it was contrary to the law (sect. 22 of the Crimes Act 1961 and sect. 272 of the Children, Young Persons and Their Families Act 1989).

NICARAGUA

Sources:

4th periodic report: CRC/C/NIC/4, 22 March 2010

3rd periodic report: CRC/C/125/Add.3, 15 October 2004

Initial report: CRC/C/3/Add.25, 9 March 1994

Minimum age for the end of compulsory education

From 4th report

79. The third report moreover mentioned different minimum ages at which adolescents have the right to perform various activities within the national territory: [...] 3. End of compulsory schooling at 15 years (primary).

284. On 11 January 2007, basic and middle education was declared free and compulsory for all Nicaraguans under Presidential Decree No. 116-2007, published on 2 January in the Official Gazette.

Minimum age for admission to employment

From 4th report

393. In 2003, section VI, chapter I, of the Labour Code was amended under Act No. 474, published in the Official Gazette N° 199 of 21 October 2003, where the meaning of the term 'working adolescent' is examined. Adolescents belonging to this category are defined in article 1 as: 'workers having completed their 14th but not yet their 18th year of age, who, in exchange for financial remuneration, engage in productive activities or provide physical, intellectual or other services on a permanent or temporary basis'.

394. The Act also defines 14 years as the minimum age for admission to employment (article 2). It is important to note that this minimum age of 14 for admission to employment is not consistent with education being compulsory up to the age of 12, when children conclude their primary schooling. Harmonizing these two ages is essential, and must be treated as a goal.

From 3rd report

86. The Code on Children and Young Persons bans the employment of children and young persons for any type of work. Businesses, individuals and corporate bodies may not take on children aged under 14. Under the Labour Code, persons aged 16 and over have the legal capacity to enter into contracts, while young people aged 14 or 15 may enter into a contract of employment only with the consent of their parents.

88. The minimum age for work is set at 14 under article 131 of the Labour Code. Article 134 (e) lays down that the working day must not exceed 6 hours and the working week 30 hours. Article 134 (g) specifies that children must arrange and schedule their schooling in a manner compatible with the requirements and conditions of their work.

Minimum age for marriage

From 3rd report

89. Under the Civil Code, boys of 15 and girls of 14 may enter into marriage with the permission of their parents, and males aged 21 and females aged 18 without such permission.

Minimum age for criminal responsibility

From 3rd report

94. Under article 95 of the Code on Children and Young Persons, young people bear criminal responsibility if they are aged between 13 and 18 at the time when they commit an act classified as a serious or minor offence in the Criminal Code or in special laws.

NIGER

Sources:

2nd periodic report: CRC/C/NER/2, 20 November 2008

Initial report: CRC/C/3/Add.29/Rev.1, 17 October 2001

Minimum age for the end of compulsory education

From second report

100. The goal of harmonizing the rules governing child labour with the duration of compulsory education has not yet been achieved.

From initial report

273. The Constitution is complemented by legislative and regulatory instruments (decrees, laws, orders) which constitute the legal framework for education. Act No. 98-12 of 1 June 1998, which sets out the aims of the education system, states that formal education is a means of acquiring education and vocational training in a school setting. The Act sets forth the right of the child to education and the obligation of the State to make primary education compulsory and free.

274. Thus, article 2 of the Act states that education is compulsory for every citizen of Niger without discrimination on the basis of sex, race or religion. Education is compulsory from 4 to 16 years of age. No child, boy or girl, can be taken out of or excluded from the education system for any reason whatsoever before the age of 16 years.

Minimum age for admission to employment

From initial report

30. Child labour is governed by Ordinance No. 96-039 of 29 June 1996 instituting the Labour Code of the Republic of Niger. The Ordinance includes protective mechanisms for children. Its provisions strictly prohibit night work by children, employment of children under 14 years of age and employment of children to perform work that is recognized as beyond their strength. Niger has ratified the International Labour Organization (ILO) Minimum Age Convention (No. 138).

Minimum age for marriage

From 2nd report

98. [...] For persons with legal status, the Civil Code sets the marriageable age at 18 for men and 15 for women. For persons with customary status, on the other hand, the marriageable age is 14 for girls and 16 for boys pursuant to the Decree of 13 July 1939.

From initial report

18. Custom does not provide for an age of majority. The stage at which certain communities begin to marry their children is puberty. In such cases the age varies from 9 to 16 years for girls and from 14 to 18 years for boys.

22. Article 144 of the Civil Code prohibits marriage before the age of 18 for boys and 15 for girls. However, it provides that consent from ascendants shall be necessary for marriages between minors.

23. It should be noted that the Civil Code is virtually never applied in Niger due to the existence of two other sources of law, one in the official sphere (Act No. 62-11 of 16 March 1962 on the organization of the justice system) and the other in the practical sphere (Muslim law).

24. Regarding official law, article 51 of the above-mentioned Act states that matters relating to marriage are governed by custom.

Minimum age for criminal responsibility

From 2nd report

365. [...] Minors under 13 years of age are not criminally responsible, but measures of protection may be ordered on their behalf by the juvenile judge.

NIGERIA

Sources:

Concluding Observations: CRC/C/NGA/CO/3-4, 11 June 2010

3rd and 4th periodic reports combined: CRC/C/NGA/3-4, 5 January 2009

2nd periodic report: CRC/C/70/Add.24, 17 September 2004

Initial report: CRC/C/8/Add.26, 21 August 1995

Minimum age for the end of compulsory education

From 2nd report

44. The end of compulsory education is 15 years of age, but some children are still in school at 18 years.

From initial report

76. It is stipulated in the National Policy on Education that children from age 6-12 years shall undergo six years of primary education and three years of junior secondary education.

Minimum age for admission to employment

From initial report

31. The National Child Welfare Policy of 1989 defines a child as anybody who is 12 years or below.

32. The Nigerian Labour Act of 1990 states as follows:

“(1) No child shall [...] (a) be employed or work in any capacity except where he is employed by a member of his family on light work of an agricultural, horticultural or domestic character approved by the Minister; or (b) be required in any case to lift, carry or move anything so heavy as to be likely to injure his physical development.

(2) No young person under the age of fifteen years shall be employed or work in any industrial undertaking: [...]

(3) A young person under the age of fourteen years may be employed only:

(a) on a daily wage; (b) on a day-to-day basis; and (c) so long as he returns each night to the place of residence of his parents or guardian or a person approved by his parents or guardian: Provided that, save as may be otherwise provided by any regulations made under section 65 of this Act, this subsection shall not apply to a young person employed in domestic service.

(4) No young person under the age of sixteen years shall be employed in circumstances in which it is not reasonably possible for him to return each day to the place of residence of his parent or guardian except: (a) with the approval of an authorized labour officer; and (b) on a written contract (which, notwithstanding any law to the contrary, shall not be voidable on the ground of incapacity to contract due to infancy) conforming with Part I of this Act: Provided that, save as may be otherwise provided by any regulations made under section 65 of this Act, this subsection shall not apply to a young person employed in domestic service.

(5) No young person under the age of sixteen years shall be employed: (a) to work underground; or (b) on machine work; or (c) on a public holiday.

(6) No young person shall be employed in any employment which is injurious to his health, dangerous or immoral; and, where an employer is notified in writing by the Minister (either generally or in any particular case) that the kind of work upon which a young person is employed is injurious to the young person's health, dangerous, immoral or otherwise unsuitable, the employer shall discontinue the employment, without prejudice to the right of the young person to be paid such wages as he may have earned up to the date of discontinuance.

(7) No person shall continue to employ any young person under the age of sixteen years after receiving notice either orally or in writing from the parent or guardian of the young person that the young person is employed against the wishes of the parent or guardian: Provided that this subsection shall not apply to a young person employed under a written contract entered into with the approval of an authorized labour officer.

(8) No young person under the age of sixteen years shall be required to work for a longer period than four consecutive hours or permitted to work for more than eight working hours in any one day: Provided that, save as may be otherwise provided by any regulations made under section 65 of this Act, this subsection shall not apply to a young person employed in domestic service."

Minimum age for marriage

From 3rd and 4th reports combined

2.1.1 Minimum Legal Ages provided by the Child's Rights Act 2003

The minimum legal ages as provided for by the Act are as follows: [...]

Sections 21–23 prohibit any child under the age of 18 years from contracting or being contracted into marriage, under any guise [...]

From concluding observations

26. While noting that the Child Rights Act defines the child in accordance with the Convention and establishes the legal minimum age of marriage at 18 years, the Committee notes with serious concern that the definition of the child in some legislation domesticating the Child Rights Act at state level sets the age at 16 years (Akwa-Ibom state) or defines the child not by age but by "puberty" (Jigwa state), reportedly for the purposes of early marriages. The Committee also reiterates the earlier concern expressed in 2005 about the wide variety of minimum ages that are very low at state level (CRC/C/15/Add.257, para. 27).

Minimum age for criminal responsibility

From 3rd and 4th reports combined

2.1 Definition of a child

Section 277 of the Child's Rights Act 2003 of Nigeria defines a child as "a person under the age of 18 years." [...]

2.1.1 Minimum Legal Ages provided by the Child's Rights Act 2003. The minimum legal ages provided for by the act are as follows: [...] Section 204 provides that "No child shall be subjected to the criminal justice process or to criminal sanctions, but a child alleged to have committed an act which would constitute a criminal offence if he were an adult shall be subjected only to the child justice system and processes set out in this Act."

From concluding observations

90. [...] the Committee [...] expresses great concern over information indicating that there is not a minimum age for criminal responsibility and that children younger than 18 years of age can be tried and deprived of their liberty in rehabilitation centres or even in detention facilities [...]

From 2nd report

49. The age of criminal responsibility in most States is 18, in line with the Convention, but in some States the age is still below 18, for example 7-12 years in the south-east, 12-18 years in the north-central and 14-21 years in the north-west.

NORWAY

Sources:

4th periodic report: CRC/C/NOR/4, 11 May 2009

2nd periodic report: CRC/C/70/Add.2, 12 November 1998

Initial report: CRC/C/8/Add.7, 12 October 1993

Minimum age for the end of compulsory education

From 2nd report

285. The Norwegian school system has undergone two major reforms since the initial report: REFORM 94 and REFORM 97, which are described below.

286. Primary and lower secondary education is compulsory, and all children are entitled to education free of charge. [...]

288. From 1997, children are required to attend school for 10 years (REFORM 97), commencing the calendar year they reach the age of 6.

Minimum age for admission to employment

From initial report

60. Section 34 of the Working Environment Act of 4 February 1977 No. 4 states that children under the age of 15 or children subject to compulsory schooling according to the Primary and Lower Secondary Education Act may not as a rule engage in paid work. There are exemptions to this rule and a general condition in this respect is that the work must not adversely affect the health, development or schooling of the child in question.

61. Starting at 15 years of age, the child may engage in ordinary paid (full-time) work and manage the money he has earned (cf. sections 32 and 33 of the Guardianship Act). The guardian may, however, repudiate such a work agreement if necessary due to the welfare or the upbringing of the child.

62. The Working Environment Act also contains provisions regarding working hours for employees under the age of 18. Regulations laid down pursuant to the Act contain provisions concerning hazardous work for such employees.

68. Norway has adopted and is following the provisions of ILO Convention No. 138, the Minimum Age Convention (1973), and Recommendation No. 146 concerning this Convention.

Minimum age for marriage

From 4th report

88. [...] Those under 18 years of age cannot enter into marriage

without consent from those who have parental responsibility and authorization from the County Governor. From 1 June 2007, the law is changed so that the County Governor cannot give authorization if the petitioner is under 16 years of age.

Minimum age for criminal responsibility

From 2nd report

365. The age of criminal responsibility in Norway is 15 years. [...]

OMAN

Sources:

Concluding Observations: CRC/C/OMN/CO/2, 29 September 2006

2nd periodic report: CRC/C/OMN/2, 8 May 2006

Initial report: CRC/C/78/Add.1, 18 July 2000

Minimum age for the end of compulsory education

From 2nd report

104. [...] the minimum age for admission to basic education is five years and six months for private schools and between six and eight years for State schools. Basic education ends at 16 years and general education ends in the eleventh and twelfth grades (18 years).

From concluding observations

55. [...] the Committee reiterates its concern that primary education is not yet made compulsory by law.

Minimum age for admission to employment

From 2nd report

106. Under the Employment Act (section 2.1.5), the employment of children under 15 years of age is prohibited.

Minimum age for marriage

From 2nd report

113. [...] the legislation makes no distinction between girls and boys concerning the age of marriage.

From initial report

49. Among the provisions contained in the Personal Law is the stipulation, mentioned above, that the age of marriage shall not be less than 18 years (sect. 7) for both males and females. The judge may permit a marriage by a person under 18 with proof that this is in the minor's interest (sect. 10/C).

Minimum age for criminal responsibility

From 2nd report

478. Article 104 of the Penal Code provides that anyone who was under nine years of age at the time of perpetrating an offence may not be criminally prosecuted. Consequently, no allegation of violating the Penal Code may be made against any person under nine years of age.

PAKISTAN

Sources:

Concluding Observations: CRC/C/PAK/CO/3-4, 15 October 2009

3rd and 4th periodic reports combined: CRC/C/PAK/3-4, 19 March 2009

2nd periodic report: CRC/C/65/Add.21, 11 April 2003

Minimum age for the end of compulsory education

From 3rd and 4th reports combined

361. Education in general and primary education in particular is on the concurrent list of the constitution of Pakistan and therefore is not a federal subject. After nationwide devolution in 2001, education up to grade 12 is a district subject. All implementation lies at district and provincial level. National compulsory primary education law cannot be devised as this action is done at the provincial level. Three of the four provinces, Federally Administered Areas and the Islamabad Capital Territory (ICT) have compulsory primary education laws.

362. Despite the fact that compulsory primary education laws have been introduced in almost all parts of the country except Balochistan province the implementation machinery is not up to capacity for full and effective implementation of these laws.

Minimum age for admission to employment

From 2nd report

58. The Constitution of Pakistan, Article 11 (3), lays down that no child below the age of 14 years shall be engaged in any factory or mine or any hazardous employment.

59. In the Employment of Children Act, 1991, section 2 (iii) (Annex 7, Appendix XVI) a child is a person who is less than 14 years of age. An adolescent under this act is a person who has completed his fourteenth year, but not the eighteenth year. The Act attempts to regulate the conditions of work for children and to prohibit their employment in certain occupations. It attempts to bring uniformity in the age of employment of minors in various trades and also provides for the setting up of a National Committee on the Rights of the Child (sect. 5).

396. Economic exploitation in terms of the provisions of the CRC, the labour laws of Pakistan and the International Programme on the Elimination of Child Labour (IPEC) Memorandum of Understanding signed by ILO and Pakistan means work performed by underage children, work of a hazardous or exploitative nature that is likely to interfere with the child's education or is harmful to his or her health, his or her mental, spiritual, moral and social development. It covers children between the ages of 5 and 14, for whom working is unlawful, and those above 14, for whom it is permitted.

Minimum age for marriage

From 3rd and 4th reports combined

104. Child Marriages Restraint Act, 1929 prohibits the marriages of children under 18 for boys and 16 for girls. It treats the conclusion of such marriages as an offence for those arranging the marriage or registering it. However, in spite of the law prohibiting child marriages, there have been cases where children are getting married earlier than the prescribed, ages especially in rural areas.

105. The Law and Justice Commission of Pakistan therefore has examined the Child Marriages Restraint Act 1929. Punishment of imprisonment and fine provided under different sections of the Act for violation of the law has been enhanced for increasing the deterrence value of the law.

From concluding observations

26. The Committee reiterates its previous concern (see CRC/C/15/Add.217) about legal inconsistencies concerning the definition of a child at federal, provincial and territorial levels and between secular and sharia law. It notes in particular the difference between the minimum legal age for marriage of boys (18 years) and that of girls (16 years) and the definition of a girl child contained in the Zina and Haddood Ordinances (1979) (until 16 years or puberty).

From 2nd report

55. The meaning of "child" for the purposes of marriage is

governed by the Child Marriage Restraint Act, 1929 (Annex 7, Appendix XVII). According to this act, a child is a person who, if a male, is under 18 years of age and, if a female is under 16 years of age (sect. 2 (a)). A "child marriage", under the Act, means a marriage any of the contracting parties to which is a child (sect. 2 (b)). The Act aims to ban child marriages. If such a marriage takes place, the parties are to be punished with imprisonment or with fine or with both. Persons performing the contract or directing it are to be punished in the same way.

108. Where the marriage of a young girl is arranged by her guardian, she can repudiate the marriage on the attainment of puberty. This provision of Islamic law is called the option of puberty and is incorporated in the Dissolution of Muslim Marriages Act, 1939 (Annex 19) as section 2 (vii) and provides an additional ground to a woman on the basis of which she can have her marriage dissolved.

Minimum age for criminal responsibility

From 2nd report

47. The Pakistan Penal Code, 1860 (PPC) declares that nothing is an offence that is done by a child under seven years of age (sect. 82). A child above the age of 7 years and under 12 years of age can commit an offence, under the PPC, if such child has sufficient maturity of understanding to judge the nature and consequences of his act (sect. 83). Mental maturity influences the court in the fixation of penalty. Under the new section 299 of the PPC, an "adult" is a person who has attained the age of 18 years and a "minor" is a person who is not an adult. The child who can have criminal responsibility under this law, then, is a minor who has attained maturity of understanding, and his age may extend from 7 to 18 years.

PALAU

Source:

Initial report: CRC/C/51/Add.3, 23 March 2000

Minimum age for the end of compulsory education

210. For many years, the Palau Government has made available to all children free and compulsory education until the age of 14 or eighth grade graduation, whichever occurred earlier (Constitution, art. 6.4). [...] the law was recently amended to require compulsory schooling from age 5 (kindergarten) extending through age 17 or high school graduation. This law became effective in the 1997/98 school year. [...]

Minimum age for admission to employment

36. There is disparity with respect to employment in that Palauan law sets no minimum age for wage employment (as required by Convention article 32). As there are no known or suspected cases of children within Palau subjected to economical exploitation, this disparity can be addressed in due course in the context of a proposed Uniform Labour Act. [...]

Minimum age for marriage

36. [...] There is also a disparity with respect to marriage in that Palauan law does not regulate the age of marriage for citizens and customary child marriages, although rare, occur occasionally. Since marriage is regulated primarily by custom rather than by statute, this issue is best addressed through education and counselling.

Minimum age for criminal responsibility

234. [...] Additional rights and special protections under Palau law include:

- Presumption of innocence if the accused is insane at the time

of the offence (PNC Title 17.105);

- Presumption of innocence for children under 10; partial presumption of innocence for children aged 10–14 years (PNC 17.106) [...]

PANAMA

Source:

2nd periodic report: CRC/C/Add.20, 5 December 2003

Minimum age for the end of compulsory education

86. According to Act No. 47 of 1946, the Education Act, as amended by Act No. 34 of July 1995 (Official Gazette No. 22823), the first level of education, comprises pre-primary, primary and pre-secondary education and is compulsory (sect. 1. title III, arts. 36-39 and 43).

Minimum age for admission to employment

87. According to Act No. 17 of 15 June 2000 (Official Gazette No. 24077), the minimum age for admission to employment is 15 (art. 2, para.3). Where the nature of the work or the conditions under which it is carried out may pose a potential risk to the health, safety or morality of minors, the minimum age is 18 (art. 3). If their safety, health and morality can be guaranteed, the minimum age is 16 (art. 3, para.3). The Constitution of Panama prohibits persons under the age of 14 from working, except as provided by law.

Minimum age for marriage

88. [M]en may marry at 16 and women at 14.

Minimum age for criminal responsibility

91. The age of criminal responsibility is 14, in accordance with Act No. 40 of 26 August 1999 (Official Gazette No. 23874).

PAPUA NEW GUINEA

Source:

Initial report: CRC/C/28/Add.20, 21 July 2003

Minimum age for the end of compulsory education

92. Education is neither universal or compulsory in Papua New Guinea, therefore the law does not specify a legal age of entry to school or an age at which children are permitted to leave school. Officially, children are eligible to enrol at 7. However, due to the problems many children have in accessing education, they usually do not enrol until 8 or 9 years of age. Some commence school as late as 15 years old. The biggest problem then is to get children into school and to keep them in school. However, at this stage they are free to leave whenever they choose. Trying to stay in school is a much bigger issue for most Papua New Guinean children and their parents, rather than trying to leave early.

Minimum age for admission to employment

93. In the Employment Act (sect. 103, 3), persons under 16 shall not be employed outside the home. Exceptions are made for a child of 11-16 years, if the employer obtains a medical certificate to certify the child fit for that type of employment or the written consent of parent or guardian. In addition, the employer must prove that employment is outside of school hours or not prejudicial to the child's education. A child of 14 or 15 years of age may be employed, except in industrial undertakings and the fishing industry, where it can be demonstrated that he is no longer attending school. There is no real ability to police these laws in Papua New Guinea. Furthermore, the issue of schooling is not so relevant when so few children have access to education beyond 12 to 14 years of age.

383. There is no effective State regulation of the employment of

children, especially the labour of children who are informally adopted into the home they call family and made to feel indebted, but are actually trapped into long hours of work, lack of rest and leisure, lack of freedom of mobility and association, deprived of the right to education, and sometimes even of the right to medical treatment.

Minimum age for marriage

79. One of the common determining criteria applied to males is the ability to independently and successfully make gardens, build a house and hunt, i.e. be able to live by their own means and provide for a family. A young man able to satisfy these criteria is for all intents and purposes an adult. In some cases this could be achieved at 14 years of age or less. In the eyes of the community, the onset of menarche renders the female child ready for marriage. Thus parents and the community may accept marriage of children at the age of 14-15, even though the Criminal Code makes it unlawful.

80. The Constitution, domestic law and the Convention are not yet meaningful in the lives of many rural children. Prevailing “traditional acceptance” regarding the age of marriage and other issues relating to the protection of the child make both domestic law and the Convention insignificant in the lives of children in many remote and traditional villages. This fact poses serious problems, even though it is considered to be a temporary situation.

91. In the Marriage Act (chap. 280, sect. 1), a minor is a person below the age of 21 years. Marriageable age for males is 18. Marriageable age for females is 16 years. In exceptional and unusual circumstances, following an inquiry into the relevant facts and circumstances, males of 16 and females of 14 may obtain authorization from a judge or magistrate to marry a particular person of marriageable age. [...]

Minimum age for criminal responsibility

86. A legal “minor” is a person under the age of 18. In the Child Welfare Act (276, sect. 1) a “child” means a boy or girl under the age of 16 years. In the Juvenile Courts Act (sect. 2) an “infant” means a person aged less than 7 years. A “juvenile” is interpreted as a person aged not less than 7 years, and less than 18 years. A child over 7 years therefore assumes legal culpability. The court requires that under the age of 10 years, the prosecution must strictly prove age. Under the Criminal Code (sect. 30) a juvenile under the age of 14 is not considered criminally responsible for any act or omission unless it is proven that at the time of the act of the omission he had the capacity to understand not to act. A juvenile between 7 and 14 years of age is not considered fully responsible for an act unless the Court is satisfied that the child fully understood the law at the time a crime was committed.

PARAGUAY

Sources:

3rd periodic report: CRC/C/PRY/3, 27 March 2009

2nd periodic report: CRC/C/65/Add.12, 15 March 2001

Minimum age for the end of compulsory education

From 3rd report

554. [...] Basic education is compulsory and it is free in state schools. It comprises three class-cycles for children between the ages of 6 and 14. [...]

Minimum age for admission to employment

From 3rd report

231. In 2003 Paraguay ratified ILO Convention No. 138 making 14 the minimum age for admission to employment. It likewise ratified ILO Convention No. 182 and Recommendation No. 190 concerning the prohibition and immediate action for the elimination of the worst forms of child labour, of 1999 through Act No. 1657/01. Further to this ratification, Decree No. 4951 of 22 March 2005 approved the list of dangerous forms of child labour and prohibited all persons under the age of 18 from engaging in them. It thus fully guarantees the education, health, security and morals of children, although domestic labour may be performed as from the age of 16 if the competent authority allows it.

Minimum age for marriage

From 3rd report

225. Under Act No. 1/92 partially reforming the Civil Code both sexes may marry as from the age of 16. Article 17 thereof stipulates that minors of either sex may not enter into wedlock below the age of 16, apart from in some exceptional cases, when they may do so as from the age of 14 with the authorization of the children’s judge.

Minimum age for criminal responsibility

From 2nd report

198. According to article 18 of the current Criminal Code, the age of criminal responsibility is 14 years. Similarly, the new Criminal Code, which enters into force on 1 November 1998, states that “a person who has not attained the age of 14 years shall be exempt from criminal responsibility”.

199. Article 219 of the Juvenile Code states: “Minors under the age of 14 years may not be prosecuted. If such a minor is charged with an unlawful act, he may not be tried or punished by an ordinary court. All such cases shall be heard by a juvenile court, and the rules contained in this Code shall apply”.

PERU

Sources:

3rd periodic report: CRC/C/125/Add.6, 24 May 2005

2nd periodic report: CRC/C/65/Add.8, 3 August 1998

Initial report: CRC/C/3/Add.7, 10 November 1992

Minimum age for the end of compulsory education

From 2nd report

152. Compulsory schooling in Peru includes early, primary and secondary education, all of which are guaranteed by the State. The age of completion of compulsory schooling is between 6 and 18.

Minimum age for admission to employment

From 3rd report

164. Peru has signed ILO Convention 182 on the elimination of the worst forms of child labour and the exploitation of children. It has adopted Act No. 27571, which amends the minimum ages for admission to work in certain activities (article 51 of the Children’s and Adolescents’ Code). However, the Children’s and Adolescents’ Code, promulgated in August 2000 and recently revised, is still vague with respect to the minimum age of child labour and conceals this issue in provisions relating to situations of economic crisis. The need in this context is to promote effective measures to contribute to the gradual elimination of child labour, with the emphasis on hazardous work.

165. The current Code is vague on the question of child labour in the following respects: It does not refer specifically to the ages of child workers or list the programmes for the gradual

elimination of work by children below the minimum ages; Similarly, the Code should stipulate that child labour is permissible only when the work in question is not harmful to children's health or safety and does not affect their education and that the minimum age for performing any kind of work deemed dangerous shall be 18 years;

Minimum age for marriage

From initial report

32. Minors cannot enter into marriage; however, the judge may waive this prohibition for serious reasons provided that the male is over the age of 16 and the female over the age of 14 (art. 241 (1) of the Civil Code).

Minimum age for criminal responsibility

From 2nd report

141. The minimum ages established by Peruvian legislation vary as follows, depending on the context: [...] (f) Criminal liability: In Peru, criminal liability is acquired at the age of 18. Juveniles under 18 and over 12 are not liable to prosecution but possess criminal liability. This means that adolescents (over 12 but under 18) bear different criminal liability from that of adults for the consequences of their actions; if their actions are categorized as being unlawful and blameworthy, they give rise to what is called a crime, misdemeanor or felony. While the criminal laws are the point of reference both for adults and for persons under 18 years of age, the concept of liability differs substantially in so far as liability to prosecution is concerned. The three basic differences concern: procedures; duration and type of punishment, which for adults differ from the duration and type of rehabilitative measures applied to adolescents; and physical location where the measure is imposed.

142. Children under 12 are not liable to prosecution and do not possess criminal liability. A child under 12 years of age who commits a punishable act (if duly proven) should be the subject not of a rehabilitative measure but of a protective measure. If the same act is committed by an adolescent, it may constitute a criminal offence.

PHILIPPINES

Sources:

3rd and 4th periodic reports combined: CRC/C/PHL/3-4, 20 March 2009

2nd periodic report: CRC/C/65/Add.31, 5 November 2004

Minimum age for the end of compulsory education

From 2nd report

91. The age for compulsory schooling is defined by Department of Education Order 65. Age six is the child's entry to grade one. Elementary education of six years is completed at eleven years of age. With four years in high school, free education ends, at age fifteen, which is also the minimum age for admission in any undertaking except in employment that endangers the child's life, safety, health, morals or impair his/her normal development.

Minimum age for admission to employment

From 2nd report

281. The following measures were adopted in particular relative to the minimum ages for admission of a child to employment and the conditions of such employment:

(a) RA 7658 – An Act Prohibiting the Employment of Children Below 15 years of Age in Public and Private Undertakings provides exceptional cases when a child below fifteen years of age may be employed, i.e. under sole responsibility of parents

and such does not endanger his/her life safety, health, morals, and the child goes to school. The child may be employed in public entertainment when such is essential and when the child agrees and the contract is concluded by the child's parents and approved by the DOLE. The employer should ensure the protection, health, safety, moral and normal development of the child. The employer should institute measures to prevent the child's exploitation or discrimination, taking into account the level of remuneration, the duration and arrangement of working time. The employer shall implement a continuing programme of skills acquisition for the child;

(b) Articles 107 – PD 603 stipulates the conditions under which children aged fifteen may be employed; Articles 108 and 109, refer to the duty of the employer to submit report and maintain a register of children employed with data of birth, written consent of employment, educational and medical certificates. Article 110 provides for the support by the employer for the education of an employed domestic helper who is below sixteen years old; (c) Article 112, PD 603 stipulates close collaboration between employment and management of the condition of employment and management of the condition of employment for working children; Article 113, allows time off without loss or reduction of wages for working children with special talents to enable them to pursue formal studies. Article 114 provides that welfare programmes be undertaken by management for working children. These measures are implemented to prevent economic exploitation of children sixteen to eighteen years of age.

Minimum age for marriage

From 2nd report

92. The Family Code provides that contracting marriage shall require parental consent until the age of twenty-one. There is now no difference between girls and boys age of marriage without parental consent.

205. There are traditional practices prejudicial to the child's health for which changes in attitude and practice are to be addressed: [...]

(b) Almost all indigenous communities are observed to have practiced "arranged marriages". The problem with proving this claim, however, is that there is a dearth of documentation of the existence of such practice. Girl children aged nine to ten, who have not attained biological/reproductive maturity (menstruation) are coerced by their parents to get married in consideration of the customary dowry. The establishment of the National Commission on Indigenous Peoples is expected to abolish this traditional practice. However, no study has yet been done on the issue [...]

Minimum age for criminal responsibility

From 3rd and 4th reports combined

13. The Passage in 2006 of Republic Act 9344, "An Act Establishing a Comprehensive Juvenile Justice and Welfare System, Creating the Juvenile Justice and Welfare Council under the Department of Justice, Appropriating Funds Therefor and For Other Purposes" otherwise known as the Juvenile Justice and Welfare Act (JJWA) has raised the minimum age of criminal responsibility in the country from nine (9) to fifteen (15) years.

80. [...] RA 9344 or the Juvenile Justice and Welfare Act of 2006 provides under Section 6 that "a child fifteen (15) years of age or under at the time of the commission of the offense shall be exempt from criminal liability. However, the child shall be subjected to an intervention programme pursuant to Section 20 of this Act". It further provides that "a child above fifteen (15) but below eighteen (18) years of age shall likewise be exempted from criminal liability and be subjected to an intervention

programme, unless he/she acted with discernment, in which case, such child shall be subjected to the appropriate proceedings in accordance with this Act”.

POLAND

Source:

2nd periodic report: CRC/C/70/Add.12, 6 February 2002

Minimum age for the end of compulsory education

58. [...] Moreover, the Constitution contains a catalogue of basic civil rights and freedoms (articles 30 to 76), including regulations directly affecting children’s rights. Mention should be made above all of:

- Article 70, paragraphs 1 and 2, concerning the right to education, compulsory education until the age of 18 and free education in public schools. [...]

280. In Poland, the right of children to schooling free of charge is guaranteed by the Constitution (article 70). The principles according to which the education system functions are spelt out in the Law of 7 September 1990 on the Education System (Legislative Gazette of 1991, No. 67, item 329, as amended). In accordance with this Law:

- The cornerstone of education is the eight-form primary school which is compulsory (article 315); [...]

281. The school network comprises:

- General compulsory primary schools for children and adolescents aged 7 to 15; [...]

Minimum age for admission to employment

69. (4) The regulations under section 9 of the Labour Code establish a uniform category of juvenile employees and specify a separate system of protective regulations for that group. According to the legal definition contained in article 190, paragraph 1, of the Labour Code, a working minor is someone who has attained 15 years of age but is under the age of 18. Such a person may be employed on condition that he/she:

- Has completed at least primary school;
- Presents a medical certificate stating that a given job does not pose a health threat.

73. Exceptional cases of employment of minors who have not completed primary school and are under the age of 15 are specified in the directives issued by the Minister of Labour and Social Policy on 29 May 1996 (Legislative Gazette No. 62, item 291).

74. Where a legal representative submits the appropriate application, the above directives permit the employment of a minor who has not completed primary school for the purpose of job training, on condition that a medical certificate is presented stating the lack of contraindications for such employment in the following situations:

- Where a minor is not subject to compulsory schooling requirements or has been released from that obligation by the Superintendent of Schools;
- Where a minor over 15 years of age who is subject to compulsory education requirements is permitted by his or her primary school principal to fulfil the schooling requirement outside of school or is assigned by the principal to a job-training class.

76. In accordance with the above-mentioned directives, the employment of a minor who is over 14 but under 15 is permissible at the official request of the minor’s legal representative but may involve only a minor who has completed primary school and received a positive recommendation from

the psychological counselling office and a medical doctor. A job contract may be concluded with such an individual solely for the purpose of vocational training.

Minimum age for marriage

85. (6) [...] The minimum marriageable age for both men and women has been set at 18. But a family court may allow a woman who has attained 16 years of age to marry (article 10, paragraph 1, of the Family and Guardianship Code).

Minimum age for criminal responsibility

90. The age of criminal responsibility is 17 years, an age limit laid down both in the 1969 Penal Code and in article 10, paragraph 1, of the new Penal Code of 2 August 1997. Both legal enactments envisage a special case of criminal responsibility of minors for certain kinds of particularly heinous crimes, but they maintain objective premises. The 1969 Penal Code sets the age limit in such cases at 16 (article 9, paragraph 2); the new Code lowers the age to 15 (article 10, paragraph 2). The above-mentioned age limits constitute the minimum age at which an offender may be sentenced to incarceration.

Offenders under that age are held responsible for punishable acts as minors in accordance with the Law of 26 November 1982 on Procedure in

Cases Involving Minors.

360. There are, however, no clearly defined lower age limits as regards responsibility for violating criminal law, because where evidence of corruption of a minor exists (including the commission of prohibited acts, i.e. breaches of criminal law as interpreted by the Convention), juveniles under the age of 13 may be held responsible. In practice, the age of 10 is accepted as such a limit.

PORTUGAL

Sources:

2nd periodic report: CRC/C/65/Add.11, 26 February 2001

Initial report: CRC/C/3/Add.30, 16 September 1994

Minimum age for the end of compulsory education

From 2nd report

382. Basic education – which we also call primary education – is compulsory and free for all children. It lasts for nine years, beginning at the age of 6 and continuing until the age of 15, and is organized in three cycles of three years each.

Minimum age for admission to employment

From 2nd report

511. Although the legal framework mentioned in the initial report (paras. 218 ff.) remains valid, it must be emphasized that the Portuguese Constitution explicitly prohibits school-age children from working. The recent revision of the Constitution, referred to throughout the present report, refers to that prohibition not only as a means of guaranteeing the right to an education, but also as a general norm for the protection of children.

512. That prohibition, which since 1986 had been included in the section on cultural rights and is now contained in the section on social rights, has had a major impact, given that there have been nine years of compulsory schooling since 1986 (law 46/86 of 14 October 1986), since 1 January 1997 it has not been possible to employ anyone under age 16.

From initial report

15. [...] In addition, the minimum age for admission to employment is, in principle, 16; in certain special cases – mentioned in

chapter VIII, section C, paragraph 219 – minors can be admitted to employment from the age of 15 or even 14, provided that the employment involves “light work”. Dangerous occupations are prohibited for young people under 18 years of age.

219. Decree-Law No. 396/91 raises the age of admission to employment, which had previously been 14 years. This change is aimed at bringing Portuguese legislation into line with the legislation in most of the countries of the European Community and create the conditions needed for ratification of International Labour Organisation Convention No. 138 of 1973. The minimum age for admission to employment is 16 years for young people who have not completed their nine years’ compulsory schooling (see paras. 150 and 151). Children having completed their nine-year school requirement can work from age 15 onwards. Fourteen-year olds are exceptionally permitted to “perform light work”, provided they have completed their compulsory schooling. No labour contract concluded with children under 16 years of age is valid without written permission from their legal representatives.

Minimum age for marriage

From initial report

16. [...] The marriageable age, both for men and for women, is also 16 (Civil Code, art. 1601, para. (a)). However, the marriage of persons under 18 years of age requires the consent either of both parents exercising parental authority or of a guardian, or, in default of the latter, a court decision. Marriage results in the minor coming of age in the legal sense, this being the only form of coming of age for minors currently recognized under Portuguese law.

Minimum age for criminal responsibility

From 2nd report

452. Like current legislation, the draft reform plan is based on the principle of exemption of minors under the age of 16 from criminal liability. Thus one cannot, strictly speaking, refer to a “presumption of innocence”, since up to the age of 16 minors are never considered “guilty” of any offence against the Penal Code committed by them. The Commission asserts, however, that that does not mean that proof of any illicit acts ascribed to a child need not be obtained. On the contrary, proof of the facts is considered to be an essential condition for any decision on the measures to be taken.

From initial report

182. Under Portuguese law, minors under the age of 16 are exempt from criminal liability. If they commit an offence which, were it perpetrated by an adult, would be treated as a crime, they are subject to the provisions of the Act on the Organization of Care for Minors (OTM), the current version of which was approved by Decree-Law No. 314/78 of 27 October 1978.

192. Strictly speaking, there is no age-limit below which children are presumed not to have legal capacity to infringe criminal law. There exists, however, as has been said, an age (16 years) below which children are considered not to be criminally liable for any crimes they may commit. That being said, when a child commits an offence, “guardianship measures” may be set in motion, regardless of the child’s age.

QATAR

Source:

2nd periodic report: CRC/C/QAT/2, 16 December 2008

Minimum age for the end of compulsory education

221. The Compulsory Education Act No. 25 of 2001 introduced free universal compulsory education. The Act states that education is compulsory and free of charge for all children from the beginning of the primary stage to the end of the intermediate change or until the child reaches the age of 18, whichever of the two comes first.

217. With regard to raising primary school enrolment and attendance rates and offering educational opportunities to boys and girls, the primary school stage in Qatar offers six years of education to children beginning at the age of 6.

219. With regard to enrolment in intermediate and secondary education, the course of study for the two stages lasts a total of six years, divided into three years for each stage.

Minimum age for admission to employment

53. The Qatari legislature raised the minimum working age from 15 to 16 years under Act No. 14 of 2004, promulgating the Labour Code. It therefore prohibits persons below this age from engaging in any type of work whatsoever, and goes even further by barring them from entering any place of work. Under article 87 of the Labour Code, restrictions are imposed on the employment of persons who are over 16 and under 18 years of age: consent must be given by the legal guardian, the Department of Labour and also the Ministry of Education if the young person is still at school. In addition, no person under the age of 18 may be employed in work likely to jeopardize his or her health, safety or moral welfare.

Minimum age for marriage

47. [...] the minimum age for marriage is defined in article 17 of the Family Act as 18 years for boys and 16 years for girls. Marriage of persons below this age is not permitted except in conformity with religious and cultural norms which are specific to the State. The Act lays down conditions which limit the possibility of contracting such marriages, including the need to obtain consent from the legal guardian, to ensure that both prospective marriage partners consent to the union and to apply for permission from a competent court.

Minimum age for criminal responsibility

49. As for the age of criminal responsibility, under article 7 of the Juveniles Act criminal responsibility does not apply to persons below the age of 7 years.

REPUBLIC OF KOREA

Source:

2nd periodic report: CRC/C/70/Add.14, 26 June 2002

Minimum age for the end of compulsory education

35. The Framework Act on Education (art. 8, para. 1) designates nine years’ compulsory schooling – six years in elementary and three years in middle school. Children in compulsory schooling are defined as “persons under 15”.

Minimum age for admission to employment

34. Article 32, paragraph 5, of the Constitution contains special protection of the employment of “young persons”; its concrete protections are explained in the Labour Standards Act. The Labour Standards Act provides that a person under 18 may not be employed in a number of occupations in order to guarantee the right of child to education. A person under 15 years – increased from 13 in the revision of the Labour Standards Act in March 1997 – is prohibited from working in order to guarantee

the opportunity for compulsory education. However, those with written permission to work issued by the Minister of Labour may be employed doing light work which is not detrimental to their health, growth, or schooling.

216. To protect school-aged children, it is provided that no child below 15 shall be employed at any job except for those who have obtained an employment authorization certificate from the Ministry of Labour (Labour Standards Act, art. 62). Jobs for which an employment authorization certificate may not be given are waiters in restaurants or bars, incineration jobs, slaughtering, operating elevators and others detrimental to health (Labour Standards Act, art. 62 and its Enforcement Decree, art. 33) and underground work (Labour Standards Act, art. 70), like at smelting furnaces (Labour Standards Act, art. 63 and its Enforcement Decree, art. 37).

Minimum age for marriage

37. The Civil Act regulates that a boy who reached his full 18 years of age and a girl of her full 16 years of age may marry with his/her parents' or guardians' consent. If a minor gets married, he/she is deemed to have reached the age of majority and is granted legal capacity, independent from parental authority or guardianship. The difference in the age requirement for marriage between men and women is in line with the gap in biological and mental development. [...]

Minimum age for criminal responsibility

36. Children committing crimes before they are 14 years may not be sentenced under the Criminal Act. A young offender less than 20 receives special treatment under the Juvenile Act. This aims to return juveniles to society by providing correction and guidance, not by punishment.

196. The Criminal Procedure Act (art. 9) provides that a minor offender, who has not attained 14 years of age is not subject to criminal punishment. The Juvenile Act (art. 4, para. 1) provides that juveniles over the age of 12 but less than 14 have committed acts which are contrary to the criminal laws and decrees are tried as protection cases by the Juvenile Department.

REPUBLIC OF MOLDOVA

Sources:

2nd and 3rd periodic reports combined: CRC/C/MDA/3, 10 July 2008

Initial report: CRC/C/28/Add.19, 3 May 2002

Minimum age for the end of compulsory education

From initial report

89. In accordance with Law No. 547 on Education, of 21 July 1995, the compulsory education period is nine years. Obligatory attendance of school ceases at the end of the school year when the student reaches the age of 16 (art. 9).

Minimum age for admission to employment

From initial report

95. The Labour Code of the Republic of Moldova provides that employment of people under the age of 16 is not allowed. In exceptional cases, by mutual agreement with the union committee of the company, institution or organization, persons who have reached the age of 15 can be employed. For professional training of teenagers in production, individual work contracts may be drawn up with students of secondary professional technical professional and speciality schools for performance in their spare time of easy activities that do not

cause damage to their health and education, if they have reached the age of 14, with their parents' or guardians' agreement (art. 181).

Minimum age for marriage

From 2nd report

46. [...] According to article 14 of the Family Code, the matrimonial age is 18 years for men and 16 years for women.

From initial report

88. In accordance with the Marriage and Family Code, the minimum age for marriage is 18 for men and 16 for women. This age can be lowered, in exceptional cases, but by no more than two years (art. 16).

Minimum age for criminal responsibility

From initial report

106. Criminal liability of minor persons is provided for by the current legal framework of the Republic of Moldova. Thus, article 10 of the Criminal Code establishes criminal liability for persons who, at the time the offence was committed, had reached the age of 16. Juveniles who have not reached the age of 14 bear no criminal liability.

107. Persons between 14 and 16 who commit a crime, are criminally liable only in cases of murder, intentional harm to bodily integrity causing damage to health, rape, theft, robbery, serious theft of private property, for serious and exceptionally serious hooliganism, intentional destruction or deterioration of private property, theft of drugs, weapons, ammunition or explosives, as well as for intentional acts that can cause a train derailment.

ROMANIA

Source:

3rd and 4th periodic reports combined: CRC/C/ROM/4, 18 November 2008

Minimum age for the end of compulsory education

161. The right to education is guaranteed to all Romanian citizens, for all the levels and forms of education, irrespective of the social and material condition, gender, race, nationality, political affiliation or religious belief.

904. The compulsory education is of 10 classes, the attendance is obligatory, in day form, terminating at the age of 18 (art. 6 – Education Law).

Minimum age for admission to employment

1164. Regarding the age from which the children can be employed within the labour field or used in various activities, the International Labour Organization Convention No. 138 (1973) on the minimum age for admission to employment and associated Recommendations, ratified by Romania through the Decree No. 83/1975 sets as the minimum age of framing or use of teenagers in labour, 16 years old. At the same time, this convention stipulates that the national law can authorize the framing or execution by children with ages between 13-15 years, of easy labors. Easy labors are characterized by the fact that they do not damage the health and development of children and do not affect the interest for school the participation to the programme of professional training and orientation, the possibility to benefit from the training received (according to art. 7, sub-par. 1 of the International Labour Organization Convention No. 138 (1973).

1165. Furthermore, art. 6 of the same convention allows the performance of the labour for children if it is performed for the professional training or in a programme of professional orientation, within profile institutions and with the approval of the national competent authority.

1166. Furthermore, references to the age of the working children and to the types of activities developed exist in the provisions of art. 13 from the Law No. 53/2003 – Labor Code, with further and subsequent changes which decides that: The child acquires the labour capacity at the age of 16; Persons who turned 15 can be included in the labour with the approval of the legal representatives and in the conditions in which their development, health and professional training is jeopardized; persons turning 16 years can close labour contracts without the need of the approval of the legal representatives; It is forbidden to develop hard activities, in dangerous or harmful working places for children who did not turn 18 years old.

Minimum age for marriage

170. According to the provisions of the Family Code, in art. 4 it is stipulated that the man can marry only if he has turned 18 and the woman only after turning 16. Nevertheless, the marriage of a woman who has turned fifteen can be approved only for solid reasons. The approval can be given by the Local Council/the council of the Bucharest municipality, depending on the place where the woman resides and only based on an endorsement gave by the official doctor. Now there is in study the project of the new Civil Code that wants to equalize the age for marriage, so a marriage could be possible only from the age of 18. In the same time, in respect of the approval given in case of an early marriage it is proposed that such a document be available only from 16 years old, no matter we are talking about girls or boys.

Minimum age for criminal responsibility

1106. Regarding the criminal limits of the underage child, these are stipulated in art. 99 of the Criminal Code: (a) The underage child who did not turn 14 is not criminally liable; (b) The underage child between 14 and 16 is criminally liable, only if it is proved that he committed the crime with power of judgment; (c) The underage child who has turned 16 is criminally liable.

RUSSIAN FEDERATION

Sources:

3rd periodic report: CRC/C/125/Add.5, 15 November 2004

2nd periodic report: CRC/C/65/Add.5, 20 November 1998

Minimum age for the end of compulsory education

From 3rd report

247. Under the legislation of the Russian Federation, basic general education is compulsory. This requirement applies up to attainment of the age 15.

Minimum age for admission to employment

From 3rd report

62. During the period under review the minimum age for being hired for work was raised from 15 to 16 by the Labour Code (2001).

30. In accordance with ILO Convention No. 138 concerning Minimum Age for Admission to Employment, the Labour Code has raised the age at which admission to employment of permitted from 15 to 16. A labour agreement may be concluded with a person aged 15 only if he has completed basic general education.

Minimum age for marriage

From 2nd report

71. Under current Russian legislation: [...] The minimum age for marriage is 18 years. Should there be valid reasons the local authorities may permit the marriage of individuals who have reached the age of 16. On the basis of the laws of members of the Russian Federation, marriage below the age of 16 years may be permitted as an exception (Family Code of the Russian Federation) [...]

Minimum age for criminal responsibility

From 2nd report

381. The setting of the lower age limit for criminal responsibility is a specific feature of Russian criminal law. Under present-day conditions and having regard to historical and cultural features the 1996 Criminal Code set this limit in an alternative way. Individuals who have reached 16 years of age at the time of the perpetration of an offence have general criminal responsibility for all types of offence. Criminal responsibility commences at the age of 14 years for some types of offence, namely: murder, premeditated causing of grievous bodily harm, premeditated causing of moderately severe bodily harm, kidnapping, rape, indecent assault, theft, robbery, robbery with violence, extortion, taking and driving a car or other vehicle without the permission of the owner but without intent to steal, premeditated destruction of or damage to property with aggravating circumstances, terrorism, hostage taking, deliberately giving false information concerning an act of terrorism, hooliganism with aggravating circumstances, vandalism, misappropriation or extortion of a weapon, ammunition, explosives and explosive devices, misappropriation or extortion of narcotics or psychotropic substances, and rendering vehicles or means of communication unfit for use.

RWANDA

Source:

2nd periodic report: CRC/C/70/Add.22, 8 October 2003

Minimum age for the end of compulsory education

269. In accordance with article 28 of the Convention, Rwandan legislation provides that primary education is compulsory and free of charge. Under article 27 of the Constitution of 10 June 1991, "Subject to the enforcement of article 24, paragraph 2, primary education shall be compulsory and free of charge, in accordance with the procedures established by law". [...]

270. This principle of the right to education, as set out in the Constitution, is given explicit expression in Law No. 14/1985 of 29 June 1985, amended by Law No. 48/91 of 25 October 1991 concerning the organization of primary, integrated rural and vocational, and secondary education. Article 2 of that Law provides that "Subject to the special provisions of the present law, primary education shall be free of charge and compulsory for all children domiciled in Rwandan territory without any discrimination, especially with respect to race, origin, clan, ethnic background, sex, colour, opinion, religion or social status". [...]

Primary or basic education

278. This is for children aged 7 to 12 and lasts for six years. [...]

Minimum age for admission to employment

347. Article 24 of the Labour Code prohibits the employment of a person under the age of 18 without the express permission of the person exercising paternal authority over him. However, the Minister responsible for labour may authorize the exceptional and temporary employment of children under 14, in the light of circumstances particular to the profession or situation of the

persons concerned. Article 61 of the Labour Code stipulates that no one may be taken on as an apprentice if his age is below that at which compulsory education ends or above that of legal majority, except with the express authorization of the Labour Office. However, Rwandan legislation is not explicit regarding the age at which compulsory education ends.

348. Whereas article 125 of the former Labour Code set the minimum age for access to employment at 14, the new Law of 1999 containing the Labour Code provides that children under the age of 16 may in no case work in an enterprise, even as apprentices. This law does, however, give the Minister in charge of labour the power to authorize the exceptional and temporary employment of children under 14, in the light of circumstances particular to the profession or situation of the persons concerned.

350. Currently, no legal text or regulation specifies the kinds of employment or work to which the legal minimum working age applies. However, the new law recently adopted by the National Assembly on revision of the Labour Code provides for determination of the kind of work and categories of enterprise prohibited to juveniles.

351. There are no specific provisions limited exceptions, particularly for:

- (a) The circumstances in which children are authorized to work in schools or other establishments for general, vocational or technical education;
- (b) The circumstances in which children under 14 would be authorized to be part of the staff of an establishment for general or vocational education (in accordance with the conditions laid down in article 6 of ILO Convention No.138);
- (c) In addition, the Rwandan legislator has not yet defined the worst forms of child labour or the light work which adolescents from 13 to 15 years of age are authorized to do;
- (d) Another major challenge lies in the fact that children work mostly in the informal sector, which is difficult for the appropriate services to monitor.

Regulation of access to employment

352. As has been emphasized above in this chapter, Rwandan labour legislation provides reasonable protection for the child against under-age labour and the worst forms of labour. However, legal exceptions tend to weaken this protection. For instance, the legislator has even specified exceptions to the minimum age of access to labour which conflict with the normal age at which compulsory education ends. Worse still, child labour in various sectors is a daily reality, and the departments responsible for applying the relevant provisions of the law do not have sufficient resources to counter this situation. In other words, there is a discrepancy between the rights recognized by law and practice. This is not due to any disregard of the rights of the child, but rather to the pressure of circumstances. In fact, what is at stake in almost all cases is the very survival of children and their disadvantaged families.

Minimum age for marriage

88. Article 171 of Law No. 42/1988 of 27 October 1998 stipulates that a man and a woman under 21 may not enter into marriage. It does, however, lay down an exception: for serious grounds, the Minister of Justice or his representative may grant special permission to marry younger.

Minimum age for criminal responsibility

92. The Rwandan Penal Code establishes penal majority at 14. However, in the best interests of the child, lesser penalties are laid down for offenders under 18. [...]

SAINT KITTS AND NEVIS

Source:

Initial report: CRC/C/3/Add.51, 5 May 1997

Minimum age for the end of compulsory education

40. The policies of the Government of SKN, for the most part, are in keeping with the principles outlined in the Convention. There is provision for compulsory education between the ages of 5 and 16 years.

Minimum age for admission to employment

13. The legal age at which a child may undertake part-time or full-time employment is at the age of 16 years as provided in the Employment of Children (Restriction) Act.

Minimum age for marriage

14. [...] A person may enter into a marriage legally at 16 years of age without the consent of a parent or guardian as provided in the Marriage Act.

Minimum age for criminal responsibility

16. The age of criminal liability is eight years. In the words of section 3 of the Juvenile Act, "It shall be conclusively presumed that no child under the age of eight years can be guilty of any offence"; it thereby incorporates the English common law rule *doli incapax*.

SAINT LUCIA

Source:

Initial report: CRC/C/Add.23, 13 October 2004

Minimum age for the end of compulsory education

29. The Education Act, No. 41 of 1999 makes provision for the promotion of universal access to primary and secondary education services to children between the ages of five to fifteen years.

Minimum age for admission to employment

30. [...] Within the public sector [...] eighteen is the minimum age that has been established for a person to be eligible to engage in full-time and part-time employment. In the private sector a person may be employed once he or she has attained sixteen years.

Minimum age for marriage

33. The Laws of Saint Lucia require that a person under the age of sixteen may marry with parental consent and that a person eighteen years may marry without parental consent.

Minimum age for criminal responsibility

26. The Children and Young Person's Act of 1972, makes provision for a definite age of criminal accountability in that "it shall be conclusively presumed that no child under the age of twelve years can be guilty of any offense."

27. However, the Criminal Code offers a different stipulation, providing that "nothing is a crime which is done by a person under eight years of age."

37. [...] For purposes of criminal responsibility a child is a person twelve years and over, but that child even though he may be deprived of his liberty at twelve, may not be imprisoned prior to attaining the age of sixteen years.

SAINT VINCENT AND THE GRENADINES

Source:

Initial report: CRC/C/28/Add.18, 10 October 2001

Minimum age for the end of compulsory education

42. There is no legal minimum age for the end of compulsory education in Saint Vincent and the Grenadines. The Education Act 1992 provides the framework for compulsory education to be instituted in the State.

Minimum age for admission to employment

37. The Employment of Women, Young Persons and Children Act (cap. 148, sect. 2) states that no child shall be employed in any industrial undertaking or on ships. A child is defined as a person under the age of 14. There is a provision to the section which allows children under 14 to be employed in industrial undertakings which are carried out in recognized schools, as long as such work is approved and supervised by a public authority.

39. Exception is made by The Employment of Women, Young Persons and Children Act (cap. 148, sect. 8) to agricultural or horticultural work done by a child for his parents or guardians on the family land or garden outside of school hours and also to the participation of a child without fee or reward in an entertainment the net proceeds of which are devoted to any charitable or educational purpose or to any purpose other than the private profit of the promoters.

41. The Employment of Women, Young Persons and Children Act (cap. 148, sect. 8) establishes that no child under the age of 14 years shall be employed and provides for exceptions to be made for certain types of employment. There is no specific provision for a higher age limit for employment which by its nature or the circumstances in which it is carried out is dangerous to the life, health or morals of the persons employed therein, as recommended by article 5 of the Minimum Age (Industry) Convention (Revised) 1937. The age limit for hazardous employment remains 14 years.

Minimum age for marriage

45. The Marriage Act (cap. 173, sect. 4) states that the minimum age for marriage for females is 15 and for males is 16.

Minimum age for criminal responsibility

34. The legal minimum age for criminal responsibility is eight years (Juveniles Act, cap. 168, sect. 3 and the Criminal Code, cap. 124, sect. 12).

SAMOA

Source:

Initial report: CRC/C/WSM/1, 16 February 2006

Minimum age for the end of compulsory education

177. [...] "Education is compulsory but not free. The Compulsory Education Act of 1994 provides the legal mandate for all children of up to 14 years of age or until Year 8 is completed to attend school." Primary education is compulsory. It begins at age 5 and lasts for 8 years. Enrolment in secondary education is not compulsory.

Minimum age for admission to employment

197. (a) Labour and Employment Act 1972, Part IV Working Conditions, Safety and Health 32 – Employment of children: [...] "It shall be unlawful to employ any child under the age of 15 years of age in any place of employment except in safe and light work suited to his capacity, and subject to such conditions as may be imposed by the Commissioner." [...]

(d) Covered under the Labour and Employment Act 1972 and the Public Service Act 1977. The minimum age for employment is 15 years and the minimum age for entering an apprenticeship is 17 years.

Minimum age for marriage

126. (a) Section (9) states: "A marriage officer shall not solemnize or record any marriage unless the husband is at least 18 years of age and the wife is at least 16 years of age, but no marriage shall be invalidated by a breach of the provisions of this section".

(b) Section (10) (1) states: "A marriage officer shall not solemnize or record the marriage of any man under the age of 21 years or of any woman under the age of 19 years without the consent of one of the parents or the guardian of such man or woman, if either of those parents or such guardian is alive and resident in Samoa. (2) A Magistrate may in any case, if he thinks fit to do so, grant exemption from the requirements of this section. (3) No marriage shall be invalidated by any breach of the provisions of this section."

Minimum age for criminal responsibility

131. (a) Crimes Ordinance 1961: Section 11 – no child under 8 can be convicted of an offence.

(b) Crimes Ordinance 1961: Section 12 – children between 8 and 14 can only be convicted if a jury or Court (in summary proceedings) is satisfied the child knew it was wrong.

SAN MARINO

Source:

Initial report: CRC/C/8/Add.46, 17 March 2003

Minimum age for the end of compulsory education

19. Education is compulsory until the age of 16. Those having parental responsibilities or legal guardianship shall oversee the effective fulfillment of this obligation. To ensure the effective implementation of this provision, employers are not allowed to hire workers under the age of 18 or who have not been released from compulsory schooling. [...]

Minimum age for admission to employment

102. [...] in San Marino the minimum age for admission to employment is 16 years. Exceptions are envisaged by law in case of summer jobs performed by minors who regularly attend school during winter.

Minimum age for marriage

14. [...] Article 4 of Law No. 49 of 26 April 1986, "Reform of Family Law", provides that minors cannot contract marriage unless a judge, after consulting the holders of parental responsibility, establishes that there are serious grounds for authorizing a minor of at least 16 years to marry. [...]

Minimum age for criminal responsibility

18. Article 10 of San Marino Penal Code sets forth that a child under the age of 12 cannot be charged with a crime. With regard to a minor who has reached the age of 12 but is less than 18, the judge, after having ascertained his/her mental capacity, shall sentence him/her to a reduced punishment. A mitigation of the punishment may also be granted to anyone who was under the age of 21 when committing the crime.

SAO TOME AND PRINCIPE

Source:

Initial report: CRC/C/8/Add.49, 1 December 2003

Minimum age for the end of compulsory education

79. Decree Law No. 53/88 regulating the national education system establishes five years of primary education, in addition to a mandatory pre-school year. Owing to financial constraints, the shortage of classrooms and the deterioration in the

infrastructure in place, in 1988-1989 the obligation to attend a year of pre-primary schooling was suspended, and, in primary education, a triple-shift system was begun, involving three successive sessions of three classes in three-hour periods in the same classroom (instead of the regulatory five hours). This system has had serious repercussions on the quality of education and has introduced an element of discrimination in terms of opportunity to learn, as provided for by law. Similarly, mandatory schooling for all children through sixth grade has remained somewhat theoretical inasmuch as conditions in practice do not permit it. Schools providing education up to sixth grade are not accessible to children in remote areas, as they exist only in district capitals.

80. [B]y law, compulsory education lasts for six years.

Minimum age for admission to employment

81. Employment of children is regulated by Act No. 6/92 of 11 June 1992, which sets the minimum age of employment at 14 (art.128).

84. By law the employment of children under 18 in heavy work or work carried out in unsuitable or dangerous conditions, as well as work underground, is prohibited (Act No. 6/92, art. 129).

85. The law also prohibits night work by children, other than in exceptional circumstances and with the authorization of the labour authorities. In the case of work by a minor, the minor must be over 16 and the work must not imperil his or her physical or mental development and must be essential to his or her education (Act No. 6/92, art. 134).

Minimum age for marriage

95. The minimum age of consent to marriage is 18, for both men and women (art. 3 [Act No. 2//77]).

96. Minors under 18 may enter into marriage, under exceptional circumstances, for a justified cause, from the age of 14 for a woman and the age of 16 for a man, but require authorization from their parents or legal representative.

Minimum age for criminal responsibility

103. In Sao Tome and Principe minors under 17 are considered to have no criminal liability, and are subject only to protection, assistance or education measures ordered by the juvenile court (Criminal Code, art. 42; Statute on judicial assistance for minors, arts. 15 and 16).

SAUDI ARABIA

Sources:

Concluding Observations: CRC/C/SAU/CO/2, 17 March 2006

2nd periodic report: CRC/C/136/Add.1, 21 April 2005

Initial report: CRC/C/61/Add.2, 29 March 2000

Minimum age for the end of compulsory education

From 2nd report

44. With regard to compulsory education, the eighth strategic basis of the seventh development plan (A.H. 1420-1425 (2000-2005)) stipulates that primary education is compulsory for both boys and girls.

From initial report

216. In accordance with chapter 2 of the Educational Policy Document, the period of schooling at the elementary stage is six years and is available to all children of school age.

Minimum age for employment

From 2nd report

281. The Labour Code promulgated in Royal Decree No. M/21

of 6/9 A.H. 1389 (16 November 1969) prohibits the employment of children under the age of 13 and protects them from exploitation in work that is hazardous or harmful to their health. Children are only allowed to work for six hours per day, which must be interspersed with rest breaks. Children are not allowed to work for more than five hours consecutively or at night or in heavy or hazardous work. Children's work is optional, not compulsory, and it must not interfere with their studies or damage their health or physical, mental, spiritual, moral or social development.

Minimum age for marriage

From 2nd report

37. With regard to social status, the law does not define a specific minimum age for marriage; the Islamic Shariah regulates discrepancies relating to capacity for marriage and promotes marriage in a manner that ensures the happiness of both spouses and averts the countless social dangers inherent in the deferment of marriage. This flexibility of the Islamic Shariah helps to satisfy the disparate needs of men and women and serves the interests of both parties.

Minimum age for criminal responsibility

From 2nd report

276. [...] Article 13 of the Code states that young boys and girls must be examined and tried in accordance with the relevant laws and regulations. These laws define the relevant procedures as follows:

Minors below the age of 10 may not be detained under any circumstances, in order to protect them from the psychological effects that might otherwise arise from their detention, unless a judge issues a detention order in the child's best interest; Minors below the age of 15 may not be detained other than in situations of force majeure or by order of a court; Minors aged 15 and over may be detained for serious offences such as murder, robbery and immoral acts, provided that they are referred to the courts [...]

From concluding observations

73. The Committee is encouraged by the State party's efforts to reform its juvenile justice system, inter alia, through adoption of the new Code of Criminal Procedure and Practice for Lawyers in 2001. The Committee takes note of the State party's intention to raise the minimum age of criminal responsibility but is deeply concerned that it is still 7 years.

SENEGAL

Sources:

Concluding Observations: CRC/C/SEN/CO/2, 20 October 2006

2nd periodic report: CRC/C/SEN/2, 20 February 2006

Minimum age for the end of compulsory education

From 2nd report

258. Education is free in Senegal.

From concluding observations

3. The Committee welcomes [...] the enactment of the following legislation: [...] The 2004 amendments to the Law No. 91-92 to make education free and compulsory for children aged 6-16.

Minimum age for admission to employment

From 2nd report

167. [...] The minimum age for admission to employment was raised from 14 to 15 in May 1997 [...]

319. While the Ministry of Labour can make exceptions to the

minimum age of admission to employment, children between 13 and 15 years of age may only work as domestic servants or seasonal workers if: The parents or legal guardian give their express authorization, except when the child works in the same place and alongside them; The activity does not interfere with the child's education; The work does not harm the child's health or development; The child is not engaged in the worst forms of labour.

Minimum age for marriage

From 2nd report

93. A median minimum age of marriage of 16.6 years has been set, but under article 111 of the Family Code, the age of consent to marriage is 16 for a girl and 20 for a boy and any infractions brought to the courts' notice are severely punished, including in cases of forced marriage.

167. [...] The minimum age for marriage is 16 for girls and 18 for boys [...]

Minimum age for criminal responsibility

From 2nd report

94. The minimum age of criminal responsibility has been set at 13. Up to the age of 13 no child can be convicted, regardless of the offence.

167. [...] The minimum age for criminal responsibility is 18 (article 556 of the Code of Criminal Procedure) [...]

SERBIA

Source:

Initial report: CRC/C/SRB/1, 31 August 2007

Minimum age for the end of compulsory education

322. Pursuant to article 62 of the Constitution of FRY, education is accessible to all, under equal conditions. Primary education is mandatory, in accordance with the Law, and no school fees are paid for it.

336. Exercising the right to primary education is regulated by the Law on Principles of the system of Education and Guidance (articles 86 through 90). Primary education lasts for eight years, including mandatory attendance of preparations for school lasting for four months during the year preceding the enrolment of the child in primary education.

338. [...] The first grade of primary school is attended by children who, at the time of the beginning of the school year, are aged at least 6 and at most 7½ years.

Minimum age for admission to employment

462. According to the Labour Law, an employment contract may be made with a person who is at least 15 years of age and who meets other requirements for work in specific posts, as set out by the law, or by the regulation on organization and systematization, which identifies the organizational units, type and degree of qualification and other special requirements for a specific job (art. 24). Employees under the age of 18 and employed disabled persons are entitled to special protection (art. 12).

Minimum age for marriage

50. The court may, for justified reasons, permit marriage to a juvenile who has attained the age of 16 years and attained physical and mental maturity necessary for exercising the rights and duties in marriage (art. 23, para. 2).

Minimum age for criminal responsibility

54. From the aspect of criminal liability, no criminal sanctions

may be introduced and no other measures provided for by the law can be taken against a person who, at the time of committing the unlawful act specified as a criminal offence in the law, has not attained the age of 14 years (art. 2).

SEYCHELLES

Source:

Initial report: CRC/C/3/Add.64, 3 May 2002

Minimum age for the end of compulsory education

27. The end of compulsory education is 15 years. This is specified in the Constitution by requiring the child to follow 10 years of schooling.

359. Education and the operation of schools in Seychelles is governed by the Education Act. Under this Act education is free to all students and is compulsory for all children up to the age of 16.

Minimum age for admission to employment

482. The Seychelles Constitution recognizes the right of children and young persons to special protection in view of their immaturity and vulnerability. Article 31 protects children under the age of 15 years against economic exploitation and hazardous employment, subject to exceptions for children who are employed part time in light work prescribed by law, without harm to their health, morals or education.

483. The Employment Act goes even further. It is illegal under this statute to employ a child under the age of 15 years for any purpose whatsoever. It is illegal to employ any child between the ages of 15 and 16 for certain categories of hazardous work. The Constitution also provides for a higher minimum age of admission to employment with respect to occupations which the State regards as dangerous, unhealthy or likely to impair the normal development of a child. In addition, the Minister of Employment and Social Affairs is empowered under the statute to further limit the types of employment that are permissible for children between the ages of 15 and 16.

Minimum age for marriage

27. A child under the age of 18 requires parental consent in order to marry. In addition, no boy under the age of 18 years and no girl under the age of 15 may contract a civil marriage without the permission of a designated government official, currently the Minister (Civil Status Act, sect. 40). Furthermore, marriage of a girl between the age of 15 and 18 requires the consent of the parents.

Minimum age for criminal responsibility

27. Under the Penal Code a child aged 7 is incapable of committing a crime, and a child between the ages of 7 and 12 will only be criminally liable if he/she understands that what he/she is doing is wrong.

SIERRA LEONE

Sources:

2nd periodic report: CRC/C/SLE/2, 8 September 2006

Initial report: CRC/C/3/Add.43, 3 June 1996

Minimum age for the end of compulsory education

From 2nd report

114. [...] The Education Act (2004)] makes basic education a right for every citizen. It defines "basic education" as six years of primary education and three years of junior secondary school education. The Act further provides for and supports pre-primary, senior secondary and technical/vocational education.

From initial report

77. The guiding principles of the National Education Policy are:

(a) Each child should start formal education at age six [...]

(c) Basic formal education should be nine years. It should be compulsory.

Minimum age for admission to employment

From 2nd report

87. As mentioned above (para. 84), the Employers and Employed Act (1960) has several age definitions for various kinds of labour. It provides, inter alia, as follows: that no girl or woman of any age shall be allowed to work in any mine below the ground; that no girl, woman or boy below 18 years shall be employed during the night in any private or public undertaking except by members of his/her family; that children below 12 years shall not be employed at all; that children below 15 years shall not be employed on vessels except by the same family member(s); that any young person below 18 years shall only work on a vessel upon the production of a medical certificate of fitness, and where permitted, that s/he shall not work as a stoker or trimmer on any vessel, and the Act also provides that male persons below 16 years shall not work underground in mines.

88. Even as they stand, the above provisions are rarely fully observed in practice. Lack of proper and effective monitoring by officials of the Ministry of Labour, Social Security and Industrial Relations coupled with the lack of required capacity by the understaffed Ministry have indirectly increased child labour in many places, including the streets, mines, factories and market-places. This awkward situation is reflected in the UNICEF 2005 *The State of the World's Children's* report, which indicates that for 2003, child labour for children between 5 and 14 years, including child miners and hawkers, ranked at 57 per cent in Sierra Leone.

Minimum age for marriage

From 2nd report

93. The Government notes that customary law, which governs the lives of about 80 per cent of the population of the country, has no minimum age of consent to marriage. "Consent" is also a relative term under customary law, as consent by one's parents (especially one's father) and/or guardian could be a sufficient term of the marriage contract. In many cases, the child's consent (especially that of a girl) does not at all need to be sought. Additionally, and as explained above, age of marriage may be determined by one's physical looks (in the case of girls, puberty) or by initiation rites conducted by secret societies. These practices violate the right of the child to refuse betrothal/marriage and to be free from sexual exploitation in any form. However, civil, Christian and Islamic marriages, properly conducted within the country, abstain from such practices.

94. In order to stop and at the same time prevent early or forced marriages for children, especially girls, the current Child Rights Bill provides that "the minimum age of marriage of whatever kind shall be 18 years" and that "no certificate, licence or registration shall be granted in respect of any marriage unless the registrar or other responsible officer is satisfied that the parties to the marriage are of the age of majority". Similarly, the Bill amends under its schedule all previous statutes that provide different ages of consent for children by substituting the definition of a child under the said statutes with the revised definition under the Bill. The draft Children's Policy re-echoes the issue.

97. The current mass literacy programme for children in the form of compulsory basic primary and junior secondary education for all by virtue of the Education Act (2004), is also

helping to prevent and reduce frequent early/forced marriages in the country.

Minimum age for criminal responsibility

From 2nd report

286. On the question of legislation, the Child Rights Bill places the juvenile offender not only as the bearer of rights, but also as a vulnerable victim in need of parental care and society's support. The Bill increases the minimum age of criminal responsibility from 10 to 16 years, and considers the latter age to count from the time of the alleged offence.

SINGAPORE

Source:

Initial report: CRC/C/51/Add.8, 17 March 2003

Minimum age for the end of compulsory education

417. Although Singapore currently does not practise compulsory education, education at the primary and secondary levels is almost universal.

419. In view of this, the Government has, after extensive discussions with community leaders, interest groups and members of the public, decided to make the six-year primary education in national schools compulsory with effect from January 2003, starting with the cohort entering primary 1 that year. The Compulsory Education (CE) Bill was passed by the Singapore Parliament in October 2000 to effect this change.

421. However, in view of the reality of the situation in Singapore, exemptions from CE are given to four categories of pupils.

These categories are:

(a) Pupils of madrasahs. [...]

(b) Pupils of San Yu Adventist School. [...]

(c) Children receiving home schooling. [...]

(d) Children with special needs. [...]

424. [...] the number of pupils exempted from CE is very small. To a large degree, therefore, Singapore is meeting the requirements of article 28 (1) (a) of the Convention, although a reservation on it has been entered.

Minimum age for admission to employment

85. Singapore prohibits the employment of children below the age of 12 years. While a child or a young person is allowed to work under the law, Singapore's labour legislation restricts the type of work the child or young person can engage in and the maximum hours he or she may be employed. A "child" may be employed in industrial work when such undertaking is one which only members of the same family are employed in, and as a workman on any vessel which is under the personal charge of the parent of the child (save for a child employed under an approved apprenticeship scheme). A "child" can only engage in light work in a non-industrial undertaking which is suited to his capacity. A "young person" may be employed in an industrial undertaking provided that the Commissioner of Labour is notified within 30 days from the date of employment. Children and young persons are not allowed to work:

(a) In any occupation, place or working conditions injurious or likely to be injurious to their health; or in any service involving management of, or attendance to, machinery in motion; or in any service involving management of, or attendance to, or proximity to, any live electrical apparatus which is not effectively insulated; or in any underground work;

(b) During the night between 11.00 p.m. and 6.00 a.m.;

(c) On their rest days without the permission of the Commissioner of Labour;

(d) More than three hours without a break of 30 minutes or six hours in any one day in the case of a child; and four hours without a break of 30 minutes or seven hours in any one day, inclusive of the period of school attendance (if he/she is attending school) in the case of a young person; and
(e) Unless certified medically fit by a medical practitioner.

510. Singapore employment legislation grants protection to children up to the age of 16 which may not be in line with the Convention which envisages protection granted to children up to the age of 18 years. Singapore has entered a reservation on this article, stating that “the employment legislation of the Republic of Singapore prohibits the employment of children below 12 years old and gives special protection to working children between the ages of 12 years and below the age of 16 years. The Republic of Singapore reserves the right to apply article 32 subject to such employment legislation”. The current minimum age restriction on the employment of children and young persons in Singapore was set based on the duration of primary and secondary education in Singapore. Students complete their secondary education usually at 16 years. Those who do not wish to pursue further studies may thus join the labour force at 16 years. In practice, most youths between the ages of 16 to 18 years are either pursuing higher education or vocational training in technical institutes. Notwithstanding this, our employment legislation does provide for the protection of the child in respect of the maximum number of hours that he/she may work, working hours and types of work. The types of employment Singaporean children would likely be engaged in would be fast-food restaurants, clerical or other support services in offices or sales in department stores during the school holidays.

Minimum age for marriage

88. The Women’s Charter governs civil marriages in Singapore. The minimum legal age of marriage in Singapore is 18 years with parental consent. A person below 18 years of age wishing to get married has to apply for a Special Marriage Licence from the Minister of Community Development and Sports before he/she can marry. Any person above 18 years but below 21 years of age is required to furnish his/her parent’s/guardian’s written consent for marriage.

Minimum age for criminal responsibility

92. Section 82 of the Penal Code states that nothing is an offence which is done by a child under 7 years of age. The age of criminal responsibility therefore starts at 7 years of age. Though the age of criminal liability is 7 years, there are safeguards for children up to 12 years. Section 83 of the Penal Code qualifies that in the case of a child between 7 and 12 years, there would be no criminal responsibility if the child has not attained sufficient maturity of understanding to judge the nature and consequences of his conduct on that occasion. [...]

SLOVAKIA

Source:

2nd periodic report: CRC/C/SVK/2, 21 September 2006

Minimum age for the end of compulsory education

51. In the Slovak Republic, the right to education is guaranteed by the Constitution, which guarantees the right to education to everyone and stipulates compulsory school attendance. Citizens have the right to free education at primary and secondary schools and, depending on the abilities of the individual and the potential of society, also at universities (more details in chapter VII).

52. In the Slovak Republic, compulsory school attendance is 10 years and it continues at least until the end of the school year, in which the pupil reaches 16 years of age.

Minimum age for admission to employment

54. Employment of children and juveniles is regulated by Act No. 311/2001 Coll. – the Labour Code. The capacity of a natural person to possess rights and duties as an employee within employment relations, and the capacity to acquire rights and assume duties through his own legal actions, arises on the day the natural person reaches 15 years of age. However, an employer shall not agree on a date for starting the employment before the day on which the child concerned completes compulsory school attendance. A child under the age of 15 may perform exceptionally light work, the nature and scope of which do not present a risk to the child’s health, safety, further development or school attendance. In such cases, the competent labour inspectorate, in agreement with a health protection body, shall give its permission for light work to a child under 15. The permit shall determine the number of hours and other terms and conditions under which light work can be performed.

Minimum age for marriage

41. [...] Majority is attained at the age of 18 [...]

44. Section 194 of the Civil Procedure Code regulates the proceedings to qualify a minor to enter into marriage. A minor who wants to enter into marriage is entitled to lodge a motion with a court that shall decide on permission for entering into marriage. Prior to reaching a decision, the court shall hear the person that wants to enter into marriage whether he/she really wants to enter into marriage, in the absence of other persons, and the court shall also hear the person the marriage shall be entered into with. Section 13 of the Family Act regulates, that in exceptional cases, the court may allow a minor older than 16 to enter into marriage on serious grounds when it complies with the social purpose of the marriage. Without this permission, the marriage shall be void and the courts shall proclaim it void even without being petitioned to do so.

Minimum age for criminal responsibility

49. The new Penal Code – Act No. 300/2005 Coll. – has lowered the criminal liability age-limit from 15 to 14 years of age. Under the Penal Code, a person who has reached the age of 15 and is under the age of 18 at the time of committing an offence shall be considered a juvenile. Individual mental maturity (determined, inter alia, in a mandatory psychological examination of juveniles from 14 to 15 years of age – the so-called conditional sanity legislated in the new Criminal Procedure Code) shall serve as a correctional reference for determining the juvenile’s criminal capacity and choosing mainly educational procedures aiming at his/her correction. Lowering the age-limit shall result in appropriate relapse prevention using all available means. Most paedopsychologists and paedopsychiatrists hold the view that the acceleration of mental and physical development of youth in recent decades has had the consequence of juveniles of at least 14 years of age being, in fact, capable of distinguishing and assessing the consequences of their actions and the related criminal consequences in all crimes.

SLOVENIA

Sources:

2nd periodic report: CRC/C/70/Add.19, 18 June 2003

Initial report: CRC/C/8/Add.25, 30 May 1995

Minimum age for the end of compulsory education

From initial report

13. The right of children to education and training is determined in article 57 of the Constitution. Primary education is compulsory and is financed with public money. Under the Primary School Acts (1980, 1986), compulsory primary education lasts eight years, i.e. until the age of 15. As the Act also stipulates one year preparation for primary school, the length of compulsory primary education is actually nine years, starting at the age of six.

Minimum age for admission to employment

From 2nd report

286. This provision was explained in the initial report.

288. The new Employment Act, which is currently in parliamentary procedure, contains a special chapter on the protection of children, which is not defined in the legislation in force. The proposed Employment Act in this section regulates:

- The practical training of apprentices, and secondary school and university students within educational programmes;
- Labour conditions for children under 15;
- The application of certain security provisions of this Act to the above-stated cases, to temporary or occasional work by secondary school and university students over 15, and to volunteer apprenticeship.

289. Children under 15 are prohibited from working; only exceptionally are children allowed to participate in film-making and theatrical performances and in the preparation and display of works of art and other works from the areas of culture, sports and advertising activities against payment. Children over 13 may carry out light work for a maximum period of 30 days in any given calendar year, and other activities during school holidays, in the manner, within the scope and on condition that such work does not endanger their safety, health, morals or education. The types of light work are determined by executive regulations. Children may perform this work with the prior permission of the labour inspector; such permission is issued on the basis of an application made by the child's legal representative. The working hours of children under 15 who carry out light work during the summer holidays may not exceed 7 hours a day or 35 hours a week. The working hours for labour carried out by a child during the school year and outside the school timetable may not exceed 2 hours a day or 12 hours a week. Children are prohibited from doing night work between 8 p.m. and 6 a.m. Children must be guaranteed a daily rest period of 14 consecutive hours in each 24-hour period.

291. Young people may not carry out hard physical work that may endanger their health or have a harmful effect on their health or on their physical development, or cause psychological damage. The maximum working hours for a young worker are 8 hours a day or 40 hours a week, which means that young people may not be engaged in overtime work. The rest period between two successive workdays must not be shorter than 12 hours. When workers under 18 work a minimum of 4.5 hours a day, they have the right to a 30-minute break. In contrast to the legislation in force, there is uniform prohibition of night work for all young people between 10 p.m. and 6 a.m. Exceptions may only be made in the event of force majeure, or when adult workers are not available, provided that during the three weeks following such night work young people are assured an appropriate rest period. The annual vacation for young people must, by reason of their age, be extended by seven days.

Minimum age for marriage

From initial report

15. The legal age for marriage is 18 (the Law on Matrimony and Family Relationships, art. 18). Where good grounds exist, the Centre for Social Work may allow a person under age to marry.

Minimum age for criminal responsibility

From 2nd report

265. Children under the age of 14 continue to be considered unable to violate criminal law (14-16 = young minor, over 16 = older minor, from 18 = young adult). Children are dealt with by the social services, no criminal sanctions may be applied against them, and no educational or safety measures may be administered against them.

SOLOMON ISLANDS

Source:

Initial report: CRC/C/51/Add.6, 12 July 2002

Minimum age for the end of compulsory education

350. Education is neither universal nor compulsory in the Solomon Islands. The cost of providing education for all children is constrained by geographic, demographic and economic factors. The current policy, therefore, is to simply provide greater opportunity for access at all levels of education and to provide for a steady increase in the provision of education services.

Minimum age for admission to employment

446. The Labour Act sets out minimum ages for admission to employment in various sectors of the economy: Section 84 of the Labour Act states, "no children under the age of 12 years shall be employed in any capacity whatsoever." Exceptions: children employed by or in the company of their parent or guardian in light work or agricultural/domestic or other forms of employment as may be approved by the Minister. [N.B. Children under 12 are not allowed to work in any capacity in the industrial or commercial sectors.]

Minimum age for marriage

66. The Islanders' Marriage Act (Cap 47) states that no marriage shall be celebrated unless each of the parties has attained 15 years of age. Also no Islander under the age of 18 (who is not a widow or widower) may be married without written consent of the father or, in his absence, the mother or, in her absence, the guardian. This and other laws have recently been reviewed and are in the process of revision by the Law Reform Commission.

475. Customary law is part of the law of the land as long as it does not violate the principles of humanity ensured by the Constitution. Although there has not yet been a case brought to court, potential does exist for legal conflict to arise between certain customary marriage practices and the constitutional protection of the right to personal liberty afforded to young females as citizens of this country.

476. In certain areas of the country, customary marriage practices may, for example, allow a female child of comparatively young age to be married to a person chosen by her parents, but against her own will. In such cases any potential advocate for the girl's interests might be deterred for several reasons. Persons who might help would not be welcome interfering in family affairs. Such persons may also be uninformed of the child's legal rights under the Constitution. Or an advocate may not be willing to disrupt the highly valued

cohesion of the community in such a circumstance. Though such hypothetical situations may or may not be uncommon, a legal case must be presented before the strength of the constitutional protection can be effectively measured.

Minimum age for criminal responsibility

64. Under the Penal Code, section 14, a person under the age of 8 years is not criminally responsible for any act or omission; therefore no child under the age of 8 years can be guilty of an offence. A child between the age of 8 and 12 years can be found guilty only if it can be proved that the child knows that what is committed is a crime.

SOUTH AFRICA

Source:

Initial report: CRC/C/51/Add.2, 22 May 1999

Minimum age for the end of compulsory education

85. The Constitution grants every person the right to a basic education. The South African Schools Act (1996) provides for compulsory education between the ages of 7 and 15.

Minimum age for admission to employment

81. The minimum age of employment for children is specified in the Basic Conditions of Employment Act (1996) and the Child Care Act (1983). The Basic Conditions of Employment Act is being revised, and a new bill is presently being debated in Parliament. This strengthens provisions on the prohibition of child labour, as well as protecting children in employment between 15 and 18 years.

82. While there have been pressures from organized labour to increase the age in the bill to 16 years of age, Cabinet recently took a decision that it should remain at 15 years as this is the same as the school-leaving age.

83. A practical point of concern is the number of children who work who are below the minimum age specified in the present legislation. Additionally, there are reports of children being subjected to exploitative and hazardous work. At present, the child labour provision appears in the Child Care Act (1983) which is administered by the Department of Welfare. But, in 1996 responsibility for child labour issues was handed to the Department of Labour, because the Department of Welfare was unable to monitor child labour issues adequately and no resources for an inspectorate were available. There have allegedly been no prosecutions whatsoever instituted for violations of the child labour provision in the Child Care Act (1983). The new provisions will be enacted in the above-mentioned Basic Conditions of Employment Act, which will be enforced by the Department of Labour. In practice, though, it may not be easy to enforce the rules of employment.

524. The present Basic Conditions of Employment Act (1983) prohibits the employment of children under the age of 15. However, the Act makes no provision for enforcing this prohibition. This responsibility rests in the Child Care Act (1983). However, the Child Care Act (1983) does not make provision for inspectors, and the Department of Welfare does not have the capacity to undertake inspections.

527. South Africa has not ratified any of the existing International Labour Organization (ILO) Conventions on child labour, although the Department of Labour is in the process of discussing the ratification of Convention 138. South Africa is also part of the revision process of the proposed new ILO Convention.

Minimum age for marriage

57. Minors under the age of 21 require parental permission to marry. Where parents refuse consent, an application may be made to the High Court (as guardian of all minors). Further, if a boy below the age of 18 years, or a girl below the age of 15 years wishes to marry, not only parental consent, but also the permission of the Minister of Home Affairs must be obtained, unless the High Court has already given its consent. No girl below the age of 12 or boy below the age of 14 may marry.

Minimum age for criminal responsibility

68. Under common law, children are regarded as having criminal capacity at the age of 7 years, although between the ages of 7 and 14 there is a presumption that the child lacks criminal capacity. This presumption can be rebutted by the State if it is shown that the child knows the difference between right and wrong and has the ability to act in accordance with that knowledge.

70. In practice, the presumption that a 7- to 14-year-old lacks criminal capacity is fairly easily rebutted, and children under the age of 14 are often arrested and convicted of criminal offences. Children under the age of 14 are to be found serving sentences of imprisonment in South African prisons. In law, children of 14 and above have the same criminal capacity as that of an adult and can be sentenced to imprisonment.

SPAIN

Sources:

3rd and 4th periodic reports combined: CRC/C/ESP/3-4, 20 November 2009

2nd periodic report: CRC/C/70/Add.9, 12 November 2001

Minimum age for the end of compulsory education

From 3rd and 4th reports combined

622. [...] it is expressly stated in the two State-level laws that have governed education during reporting period, Organic Law No. 10/2002 of 23 December on quality in education (LOCE) and Organic Law No. 2/2006 of 3 May on education (LOE), which supersedes the previous Law and the Royal Decrees pursuant thereto, as set out in articles 9 and 4, respectively, that basic education – including primary education and compulsory secondary education- is compulsory and free, covering children from 6 to 16 years of age, although students are entitled to remain enrolled in normal basic education up to age 18 under the conditions set out in the respective laws.

Minimum age for admission to employment

From 2nd report

439. According to articles 6 and 7 of Royal Decree 1/1995 of 24 March, which approved the amended text of the Workers' Statute Act, the minimum age of work is 16 years, subject to some exceptions discussed below. Thus the labour legislation does not allow children aged under 16 to work. However, the appearance of such children in public performances may be authorized by the labour authorities on an exceptional basis.

471. In Spanish law the minimum age of employment (16 years) is the same as the age of completion of compulsory education.

Minimum age for marriage

From 2nd report

431. Depending on their degree of maturity and subject to the law, minors aged 14 years or older may act in the following matters:

(a) They may marry, provided that a competent court, with just

grounds and on the application of the party concerned, waives the age impediment (arts. 46.1 and 48, second para., of the Civil Code). Marriage produces the de jure emancipation of a minor (art. 316).

Minimum age for criminal responsibility

From 3rd and 4th reports combined

202. [...] in the field of criminal law, Act No. 5/2000 of 12 January governing the criminal liability of minors (as amended by Organic Law No. 8/2006 of 4 December), provides in article 1.1 that the law “shall apply to hold liable persons over fourteen and under eighteen years of age for committing acts defined as crimes or offenses in the Criminal Code or special penal laws”, and thus, as provided in article 3, “the provisions of juvenile protection measures under the Civil Code and other existing laws shall apply to persons under age 14.”

SRI LANKA

Sources:

3rd and 4th periodic reports combined: CRC/C/LKA/3-4, 20 January 2010

2nd periodic report: CRC/C/70/Add.17, 19 November 2002

Minimum age for the end of compulsory education

From 2nd report

126. National policies on education are underpinned by the Constitution and legislative enactments. The right to education is enshrined in the Constitution. Article 27 (2) of the Constitution commits the State to “complete eradication of illiteracy and assurance to all persons of the right to universal and equal access to education at all levels”.

131. Though the Education Ordinance provided for the introduction of regulations for making education compulsory for children between specified age limits, this provision was not brought into operation until recently. The impact of the ratification of the Convention on the Rights of the Child by the Government and the recommendations made by the President’s Task Force referred to earlier culminated in the introduction of the compulsory school attendance regulation in 1988. The compulsory attendance regulations were promulgated by a Gazette Notification under the name and authority of the Minister of Education and Higher Education. According to the Gazette Notification every parent is required to send his/her child to a school if the child is not less than 5 and not more than 14 years. Every parent contravening the regulation will be guilty of an offence. It is envisaged that the upper age limit will eventually be extended to 16 years. Two committees have been appointed in each local administrative unit to ensure the implementation of compulsory attendance regulations.

Minimum age for admission to employment

From 4th report

402. After submitting the second periodic report under the Convention but before it was taken for consideration, as the Committee notes in its concluding observations Sri Lanka ratified ILO Convention No. 138 on the Minimum Age of Employment in 2000 and ILO Convention No. 182 on the Worst Forms of Child Labour in 2001. In pursuance of these obligations the government reviewed national labour legislation to make it compatible with international standards. Sri Lanka amended the Employment of Women, Young Persons and Children (EWYPC) Act by Act No. 8 of 2003. The law now prohibits employment of children (under 14), except in training

institutions operating under government supervision and in light agricultural or horticultural work done by members of the same family before the commencement or after the close of school hours. In other changes, the law:

(a) increases from 16 to 18 the age at which children may take part in public performances in which their life or limb are endangered;(b) Increases from 14 to 16 the age at which children may be trained to take part in dangerous performances [...]

(c) Increases from 16 to 18 the age at which children may be trained to take part in dangerous performances under a license; (d) Increases the fine and sentence for offences under the Act; (e) Makes provision for payment of compensation to victims.

Minimum age for marriage

From 4th report

74. The age of marriage in the general law is 18 years. The wording of a recent amendment to the law created some slight confusion at one time as to whether a person below 18 years could marry with parental consent.

75. This was however settled in the Court of Appeal decision in Gunaratnam v. The Registrar General 2002 (2) SLR 302, which held that the age of marriage of 18 was absolute, and that there could be no valid marriage with or without parental consent below that age. It has nevertheless been proposed that an amendment be made to the law to remove any possible confusion which may arise on a reading of the legislation.

76. Sri Lanka recognizes certain Special or Personal Laws which apply to particular groups within the country. Muslim law is one such law. Muslim law does not specify a minimum age of marriage. While there have been attempts at various times to change Personal Laws which were not in conformity with international human rights standards, the Government sees change in this area as very difficult to achieve without the demand for such change coming from the relevant communities themselves. The Government nevertheless continues to have personal law reform on its agenda and attempts are made to move forward, for instance by advocating this issue with leaders in the Muslim community.

Minimum age for criminal responsibility

From 2nd report

232. The Penal Code of Sri Lanka prescribes 8 years as the minimum age of criminal responsibility.

SUDAN

Sources:

3rd and 4th periodic reports combined: CRC/C/SDN/3-4, 24 February 2010

2nd periodic report: CRC/C/65/Add.17, 6 December 2001

Minimum age for the end of compulsory education

From 3rd and 4th reports combined

204. Article 22 of the 2005 Interim Constitution stipulates that primary and secondary schools and educational authorities fall under the competence of the states. Article 13 (1) (a) stipulates that the State shall ensure free and compulsory education at the primary level and in illiteracy eradication programmes.

226. Although education is free and compulsory, the relevant decision is yet to be fully implemented [...]

Minimum age for admission to employment

From 3rd and 4th reports combined

306. [...] The draft Children's Act stipulates that children must enjoy protection from physical, mental or moral exploitation and must not be denied education. According to this draft law the minimum age for paid work is 14 years and the minimum age for engaging a child in light work is 12 years. This covers employment that does not put the child's health and development at risk, and does not affect his school attendance and education.

Minimum age for marriage

From 2nd report

36. Given that the basis of marriage is consent, article 34 of the Personal Status of Muslims Act of 1991 stipulates that a guardian may give a mature woman in marriage if she consents to the husband and to the dowry. Her statement of her maturity is accepted unless it is conspicuously false. Information has already been provided on how maturity is determined, namely on the attainment of puberty or the appearance of unmistakable physical signs. Article 40 of the Act nevertheless permits the marriage of a person of discretion; in accordance with paragraph 2 of the article, discretion is acquired at 10 years of age. A 10-year-old male is therefore permitted to marry if it is demonstrated that the marriage is likely to be in his interest. A guardian may not, however, give a 10-year-old girl in marriage without the consent of the judge, which is based on the considerations of advantage and good reason, provided that the husband is suitable and the dowry equals that of the girl's peers.

37. The marriage of non-Muslims is regulated by the Marriage of Non-Muslims Act of 1926, article 10 of which stipulates that the competent court may invalidate a marriage entered into under the Act by a male under 15 years of age or a female under 13 years of age.

38. As for minors, the Act stipulates that their consent is required for marriage. Article 29 provides that if either one of the couple to be married is under 21 years of age and is not widowed or divorced, it is essential to obtain the written and signed consent of the father, or of the mother if the father is deceased, delinquent or outside the country, or of the guardian if both parents are deceased, delinquent or outside the country. In all cases, if the party in question has no parent or guardian resident in the Sudan who is qualified to consent to the marriage, the judge of the court may give his written consent if, after interviewing the couple, he is persuaded that the marriage is appropriate. In such cases, his consent has the same effect as the consent given by a father or mother. [...]

54. In accordance with the law, the basis for marriage is maturity, the definition of which is given in this report. In Sudanese law, there is no difference between girls and boys in regard to the legal marriageable age, which is 10 years. There is a difference, however, in that, for the marriage of a discerning young girl, the law additionally requires that the judge must give his permission, the husband must be deemed suitable and the dowry must equal that of her peers. This requirement is stipulated out of concern for girls and in order to prevent any form of exploitation.

Minimum age for criminal responsibility

From 3rd and 4th reports combined

46. [...] The proposed draft child act of 2006, which is due for ratification, defines [...] the legal age of criminal responsibility as 12 years.

From 2nd report

40. Article 8 of the Sudanese Penal Code of 1991 stipulates that criminal responsibility applies only to persons who are legally obliged to fulfil the precepts of the law and also capable of exercising free choice. In regard to acts of minors, article 9 provides that a minor who has not attained maturity is not deemed to have perpetrated an offence. The measures of care and reform stipulated in the Code must, however, be applied in the case of all such persons over seven years of age, as the court deems fit. Accordingly:

(a) A person having attained seven years of age has no criminal responsibility;

(b) Article 3 stipulates that "a mature person" means any person showing the unmistakable physical signs of proof that he has reached puberty, which could apply to a person having attained 15 years of age. Any person having attained 18 years of age is considered mature, even if he shows no such signs of maturity;

(c) Pursuant to article 3, a child is not considered responsible for a criminal act, although he is subject to the measures of care stipulated in article 47, pursuant to which the court may apply such measures to a young suspect who was over 7 and under 18 years of age at the time of perpetration of the criminal offence, as well as reform measures intended to improve and correct behaviour.

SURINAME

Sources:

Concluding Observations: CRC/C/SUR/CO/2, 18 June 2007

Written Replies by the Government of the Suriname:

CRC/C/SUR/Q/2/Add.1, 29 November 2006

2nd periodic report: CRC/C/SUR/2, 24 November 2005

Initial report: CRC/C/28/Add.11, 23 September 1998

Minimum age for the end of compulsory education

From 2nd report

44. No measures have been taken yet to increase the minimum school-leaving age for compulsory education for children. Within the Ministry of Education and Community Development there are suggestions to increase the minimum school-leaving age from 12 to 14.

135. [...] The primary school consists of grades 1-6 for the ages 6-11.

Minimum age for admission to employment

From 2nd report

19. [...] Within the framework of its annual Project Plan of Action for the GOS/UNICEF programme, the Ministry of Social Affairs and Housing has included a project for addressing the minimum age for employment. This was in recognition of the existing age gap between the maximum age for obligatory education (12 years) and minimum age for employment (14 years).

Minimum age for marriage

From 2nd report

43. No measures have been taken or are envisaged to increase the legal minimum age for civil marriage of girls (15 years) to the equivalent of boys (18 years). No measures have either been taken for amending the Asian Marriage Act to increase the legal minimum ages for marriage of boys (15 year) and girls (13 year). This issue remains a sensitive area for formal intervention since it regards customs based on cultural-religious norms and values. For example, particularly in cases of early pregnancy, the girl's family will protect her and its own honour by trying to arrange a marriage with the child's father. The Government

recognizes the need to address the issue of early marriage and has attempted to do so since 1973, but has experienced some resistance coming from several groups.

Minimum age for criminal responsibility

From concluding observations

70. [...] In particular the Committee recommends that the State party, while taking into account the Committee's General Comment No. 10 on the administration of juvenile justice (CRC/C/GC/10, 2007): [...] Take the necessary steps to ensure that the revised Penal Code, which raises the age of criminal responsibility to 12 years, is adopted without further delay [...] and to ensure the abolishment of the rules providing judges with discretionary power to treat a child between the ages of 16 and 18 as an adult.

From written replies

1.B.2 The Penal Code: in 2005 a consultant has revised the penal code including juvenile justice. Inter alia the legal age for criminal responsibility is increased from 10 to 12 years.

From initial report

18. A child who has committed a criminal offence before he has become 10 years of age shall not be prosecuted (art. 56, para.1, of the Code of Criminal Procedure). [...]

SWAZILAND

Source:

Initial report: CRC/C/SWZ/1, 16 February 2006

Minimum age for the end of compulsory education

69. [...] education is not compulsory in Swaziland. In Swaziland, children enter primary school at the age of six and official policy is that all children should complete the first nine years of basic education.

Minimum age for admission to employment

68. The Employment Act (1980) contains no minimum age for employment but does prohibit the employment of children (persons below 15) and young persons (above age 15 and below age 18) from underground, dangerous or unhealthy work. "Dangerous and unhealthy work" is however not defined, but the Control of Radio-Active Substances Act (1964) prohibits the employment of persons under 18 in an operation involving the production, emissions or use of ionising radiation. To date there have been no such industrial undertakings in Swaziland.

Minimum age for marriage

64. Under customary law and practice, the age of marriage for girls is considered to be puberty or the ability to procreate. Puberty for boys is not an indication of their capacity to marry under customary law but often depends on the declaration, usually by the King, that a particular age regiment of male peers now has such capacity. This might only occur when this male cohort is in their late twenties. In the only existing monograph on the principles of Swazi Customary Law it was acknowledged that marriage must in any event occur after puberty.

65. According to the Marriage Act (1964), the minimum ages are 16 and 18 for girls and boys respectively. This provision discriminates between boys and girls by providing a lower minimum age for marriageability with respect to girls. This is compounded by the fact that the Act empowers the Deputy Prime Minister to consent should the girl be below 16. However, in all cases parental consent is still required should either the bride or groom be under 21.

Minimum age for criminal responsibility

79. According to general law, a child of 7 has criminal responsibility, rebuttable up to the age of 14. Criminal responsibility is dependent on proof that the child knew the difference between right and wrong, knowingly intended to do wrong and understood the consequences of that act.

SWEDEN

Sources:

3rd periodic report: CRC/C/125/Add.1, 12 July 2004

2nd periodic report: CRC/C/65/Add.3, 11 February 1998

Minimum age for the end of compulsory education

From 2nd report

564. All children domiciled in Sweden have to attend school, starting in the autumn term of the calendar year when a child is seven years old. The school starting age has been flexible since 1991, and a child can start school at the age of six if the custodian so requests and the municipality is able to provide a place. As of the 1997/98 school year, the municipalities must provide places for all children wishing to start school at the age of six. In the 1996/97 school year, 7.5 per cent of children starting school were aged six or under.

565. Compulsory schooling lasts for 9 years (10 years for special school pupils). It is normally completed in compulsory school, but can also be completed in an approved independent school, Saami school, special school or compulsory school for the intellectually handicapped. School ceases to be compulsory at the end of the spring term of the calendar year in which the child is 16 years old (17 years old for special school pupils). A pupil attending compulsory or special school who has not satisfactorily completed the final grade when the period of compulsory schooling ends but is judged capable of completing the education, shall be given the opportunity of doing so for up to two years after the end of the compulsory school period.

Minimum age for admission to employment

From 2nd report

185. Children may not enter into contracts for employment or other work without the guardian's consent. The child may personally cancel the agreement and, if the child is aged 16 or over, enter into an agreement concerning work of a similar nature without obtaining renewed consent. Special rules exist for the protection of minors at work. [...]

744. Concerning paragraph 2 (a), reference is made to the main rule of the Work Environment Act, which lays down that a minor may not be used for work before the calendar year in which he is 16 years of age or before he (or she) has completed his compulsory schooling. Before this, however, a minor may be employed on light work which cannot have a detrimental effect on his health, development or schooling. The Work Environment Act also contains a provision making 13 the minimum age for light work. The provisions of the Act also apply to minors engaged for work without being employees. Special provisions concerning minors were issued by the National Board of Occupational Safety and Health in 1996.

Minimum age for marriage

From 2nd report

207. A person under the age of 18 may not marry without special permission. If the right of entering into matrimony is to be examined in accordance with foreign law, then, under the Act on Certain International Legal Relations Concerning Marriage and Guardianship, the rule is that permission from the

county administrative board is required for a person aged under 15. Proposals put forward in 1987 provide for this rule to be amended in such a way that Swedish law will always apply to the examination of impediments to marriage. If so, permission will be required for all persons under the age of 18. This proposal is currently being studied at the Ministry of Justice.

Minimum age for criminal responsibility

From 3rd report

136. Under the Swedish Penal Code, no one under the age of 15 may be sentenced or fined for a crime. The age of criminal responsibility begins when a person reaches his or her 15th birthday.

SWITZERLAND

Source:

Initial report: CRC/C/78/Add.3, 19 October 2001

Minimum age for the end of compulsory education

504. Beyond the institutional framework, inter-cantonal coordination took an important step forward in 1970, when an Inter-Cantonal Concordat was adopted "with the aim of developing education and harmonizing legislation in the various cantons". To date, 25 out of the 26 cantons have signed the Concordat.

505. The signatory cantons committed themselves to harmonizing their education legislation with the following objectives, which have now been achieved: Age of entry to compulsory education: six years of age by 30 June; entry may be brought forward or put back by four months; Compulsory education: a minimum of nine years, with a minimum 38-week school year.

Minimum age for admission to employment

689. Under the LTr, LDT, ONM and ILO Convention No. 138, the minimum age of employment is set at 15 years. This limit applies to any job and any sector of activity (industry, crafts, commerce, business firms, agriculture, horticulture, fisheries, private households, etc.).

695. The Work Act permits a lowering of the minimum age for admission to employment (15 years) for the purpose of certain types of light work which may be performed as from the age of 13 (art. 30, supplemented by OLT 1, art. 59). As from the age of 14, young people may perform undetermined light work. The OLT 1 stipulates that the health and schooling of children must not suffer as a result of this work and that their morals must be safeguarded (art. 60). It should be emphasized that these provisions are in keeping with the requirements of ILO Convention No. 138 (art. 7). The LTr, in article 30 (2), permits the employment of children under 15 only in the context of cultural, artistic or sporting events and in publicity activities.

Minimum age for marriage

51. As regards capacity to marry, a person may not contract marriage before the age of 18 (CC, art. 94), and the consent of the minor's legal representative is required for betrothal (CC, art. 90 (2)).

Minimum age for criminal responsibility

59. At the present time, the child may be subject to the special provisions of the Swiss Criminal Code (CP) concerning minors. Children of under 18 years of age are considered to be minors for the purposes of criminal law. In this case the special provisions concerning minors contained in articles 83–88 of the Criminal Code for children of 7 to 15 years of age and in articles

89–99 of the Criminal Code for adolescents of 15 to 18 years of age are applicable. The Criminal Code is not applicable to children of under seven. As mentioned above, on 21 September 1998 the Government submitted to Parliament the draft of a new federal act governing the criminal status of minors (P-CPMin) which states that the age of criminal responsibility is to be raised from 7 to 10 years (P-CPMin, art. 3).

SYRIAN ARAB REPUBLIC

Sources:

2nd periodic report: CRC/C/93/Add.2, 18 October 2002

Initial report: CRC/C/28/Add.2, 14 February 1996

Minimum age for the end of compulsory education

From 2nd report

30. Approval has been granted to extend the period of compulsory education up to the end of the preparatory stage. This will be known as basic education and will entail raising the age for the completion of compulsory education to 16 full Gregorian years. The arrangement will be put into effect as soon as the requisite financial resources become available.

129. Education is free of charge at all stages and compulsory at the primary stage.[...]

143. The Government lends great importance to the stage of primary education. The Syrian Constitution affirms that every child is entitled to an education and that education is compulsory and free of charge at the primary stage. Major efforts are being expended to implement the principle of education for all, as illustrated by the facts adduced hereunder.

(a) The Compulsory Education Act No. 35 of 1981 makes education compulsory for all Syrian children, boys and girls alike, who are aged between 6 and 12 years, and it requires their legal guardians to enroll their children in primary school (art. 2).

Minimum age for admission to employment

From 2nd report

32. With regard to the link between the minimum age for employment and the age for the completion of compulsory education, and the effects thereof on the child's right to education, having due regard for the relevant international instruments in this connection, legislation had been enacted to prohibit the employment of young persons who are under 12 years of age (the Labour Code No. 91 of 1959, the Agricultural Relations Act No. 134 of 1985, Legislative Decree No. 13 of 3 April 1982, concerning the employment of children in the home, and the State Employment Statute No. 1 of 1985).

222. The Syrian Arab Republic is undertaking a study to raise the minimum age for the employment of minors to 15 years, in preparation for the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 134).

From initial report

39. The age for admission to employment is legally set at 18 years in accordance with article 7 of the State Employment Statute. Any violation of this provision is punishable under the terms of Legislative Decree No. 13 of 3 April 1982.

40. The legislature left the question of the employment of juveniles under 12 years of age to the discretion of the Minister of Labour and the Office of the Prime Minister.

41. The Minister of Labour promulgated Ordinance No. 415 of 26 August 1959 specifying 17 occupations in which it is prohibited to employ juveniles under 15 years of age. These

occupations include the soap, tallow, tanning, cotton ginning and sugar processing industries.

42. The Minister of Labour promulgated Ordinance No. 417 of 26 August 1959 specifying 50 occupations in which it is forbidden to employ juveniles under 17 years of age. These occupations include work underground, in foundries and in the lead and petroleum processing industries. It is also prohibited to employ them to carry, pull or push loads exceeding a certain weight. The Syrian legislature's purpose in setting these minimum ages for admission to employment was to regulate occupations which affect the physical development of children and juveniles, which lead to chronic occupational diseases or which involve the use of dangerous tools or machinery.

43. Under the terms of article 47 of the Agricultural Relations Act No. 134 of 1958, it is prohibited to employ male and female children under 12 years of age in agricultural work. Article 48 further stipulates that adolescents and young persons over 12 but under 18 years of age may be employed in agricultural work only with the consent of their legal guardians.

44. The Prime Minister promulgated Decision No. 3803 of 20 November 1985 approving the model rules of procedure for all public bodies subject to the provisions of the State Employment Statute No. 1 of 1985. The said rules emphasized a number of principles, including the following:

"Juvenile" means any male or female person under 12 years of age. It is prohibited to employ a person under 12 years of age in any occupation and persons under 15 years of age must not be employed in production work. It is prohibited to assign a juvenile to work on dangerous machinery and equipment (hoisting gear, tractors, electrical installations, etc.). The rules prohibit the employment of juveniles in a number of occupations, including cotton-ginning, printing and mining, etc. The rules also prohibit the employment of juveniles between 15 and 18 years of age to carry, push or pull loads exceeding certain weight limits.

Minimum age for marriage

From 2nd report

34. In the past, the practice of early marriage adversely affected primary school attendance among girls and was a contributory factor in their failure to continue their education up to the secondary stage. However, this phenomenon is on the wane, and, according to the estimates produced by the 2000 Multiple Indicator Cluster Survey, the average marrying age for Syrian women has risen to 25.1 years. This is the result of the concerted efforts of the official and popular organizations, particularly the Women's General Federation.

From initial report

37. Syrian law makes a distinction between males and females in regard to marriageable age. Article 16 of the Personal Status Act stipulates: "The age of eligibility for marriage is 18 years in the case of young men and 17 years in the case of young women". Below this age, marriage may be authorized subject to the conditions laid down in article 18 of the Personal Status Act.

Minimum age for criminal responsibility

From 2nd report

199. Under the terms of the Juveniles Act, children begin to have legal responsibility after attaining the age of 7 years (art. 2) and cannot be held criminally liable until they have reached the age of 15 (art. 29). There is no sex-based discrimination in the definition of the age of responsibility.

200. Accordingly, the Juvenile Delinquents Act No. 18 of 20 March 1974 divides juveniles into the following distinct

categories in respect of legal and criminal responsibility:

(a) The first category refers to children who are incapable of discernment, meaning children who have not attained the age of 7 years and whom the law regards as being entirely absolved of responsibility for any act or offence which they commit, whether it takes the form of a contravention, misdemeanour or felony. Children of this age cannot be tried, prosecuted, arrested or interrogated, nor can general proceedings be taken against them;

(b) The second category refers to adolescents from 7 to 15 years of age. They cannot be sentenced to penalties for acts committed, but may be subject to special reform measures, the purpose of which is to provide for the welfare and reform of the child and ensure that he or she is safely reintegrated into society upon release. [...]

(c) The third category refers to adolescents who are aged between 15 and 18 years. Penalties are applied in respect of these juveniles only in one case, namely where they perpetrate a legally designated criminal offence. The penalties are lighter than those imposed on adults who commit the same offence. [...] Otherwise, if a juvenile over the age of 15 years commits a contravention or a misdemeanour, he or she is not liable to penalties, but only to reform and welfare measures.

TAJIKISTAN

Sources:

2nd periodic report: CRC/C/TJK/2, 2 April 2009

Initial report: CRC/C/28/Add.14, 8 October 1998

Minimum age for the end of compulsory education

From 2nd report

89. In Tajikistan, compulsory education comprises primary school (first four years) and the first four years of secondary school (fifth to ninth years). The State provides free basic general compulsory education within the public school system. In accordance with the Government decision on general secondary education, a child must start school at the age of seven (or six if so decided by a special commission). The minimum age for leaving school or interrupting compulsory education is set at 16.

Minimum age for admission to employment

From initial report

82. The use of hired child labour is not permitted under the legislation in force. In exceptional cases, with the agreement of the parents and the commission on juvenile affairs of the local council, children aged 14 years or older may be allowed to work, but only as trainees performing uncomplicated work. Employing children under 18 years of age for work under harmful or arduous conditions is prohibited.

Minimum age for marriage

From 2nd report

91. The minimum age for marriage is 17 (in accordance with article 13 (1) of the Family Code). However, in exceptional cases, a court may lower the age by one year (to 16) (art. 13 (2) of the same Code). Under article 17 of the Constitution, men and women have equal rights. The Tajik legislation prohibits early and forced marriages throughout the national territory (art. 143 of the Criminal Code).

Minimum age for criminal responsibility

From 2nd report

97. In accordance with article 23 of the Criminal Code, a person

who has committed an offence is criminally responsible if he or she was at least 16 at the time the offence was committed. However, the age of criminal responsibility is reduced to 14 if the child commits one of the following criminal offences: homicide (art. 104), grievous bodily harm with intent (art. 110), moderate bodily harm with intent (art. 111), kidnapping (art. 130), rape (art. 138), forcible acts of a sexual nature (art. 139), terrorism (art. 179), hostage-taking (art. 181), sabotage of a means of transport or a means of communication (art. 214), aggravated hooliganism (paragraphs 2 and 3 of art. 237), theft (art. 244), fraud (art. 247), armed robbery (art. 248), aggravated theft (art. 249) and blackmail (art. 250).

THAILAND

Sources:

2nd periodic report: CRC/C/83/Add.15, 31 May 2005

Initial report: CRC/C/11/Add.13, 30 September 1996

Minimum age for the end of compulsory education

From 2nd report

86. The National Education Act came into force on 20 August 1999. Section 17 states: “A nine-year compulsory education is provided to a child as soon as he enters the age of 7. His or her basic schooling lasts until the child reaches the age of 16, except where he or she has completed the ninth year of compulsory education.”

87. The compulsory education period has been extended from six years of primary education to nine years, adding three years of compulsory lower secondary education and resulting in a minimum school-leaving age of 15 years old.

Minimum age for admission to employment

From 2nd report

94. The Labour Protection Act of 1998 was enacted to replace Revolutionary Announcement No. 103 of 1972, in order to upgrade the quality of life for workers and to set minimum standards in work conditions. Several changes have been made to the previous legislation, particularly with regard to child labour. Major changes were introduced with regard to the age criteria set for employment, ensuring consistency with the age at which a child completes his or her compulsory education as specified in the National Education Act of 1999. Section 44 of the new Labour Protection Act raised the minimum age for employment to 15 years of age; previously, the minimum age was 13.

Minimum age for marriage

From initial report

106. The law stipulates that boys and girls must be at least 17 years old if they are to be married. This is because the law considers people aged 17 mature enough to start a new family. However, a court may allow an earlier marriage if there are reasonable grounds, e.g. religion.

Minimum age for criminal responsibility

From 2nd report

101. This issue was also addressed in Thailand’s initial country report under the CRC. At present, studies and consultations are in process with academics, legal experts, governmental and non-governmental organizations working with children, with the aim of increasing the age at which criminal penalty is imposed, that is, from 7 to 10 years old.

From initial report

82. The lowest age at which a person can be convicted of a criminal charge in Thailand under the country’s Penal Code is given in chapter 4 on Criminal Responsibility, section 73: “A child below 7 years of age, who commits a criminal offence, is not liable to punishment”. This means that criminal responsibility begins when the child is older than 7 years old. Although this child cannot be punished until he is over 14 years of age.

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Sources:

2nd periodic report: CRC/C/MKD/2, 12 November 2009

Initial report: CRC/C/8/Add.36, 27 July 1997

Minimum age for the end of compulsory education

From 2nd report

315. The changes and amendments to the Law on Primary Education of the Republic of Macedonia (Official Gazette of Republic of Macedonia, No. 63/2004) stipulate that starting from the school year 2005–2006, all children with six years old are obligated to attend first grade; this was implemented. The school year 2005–2006 was a pilot year of this goal, and in 2007 it has become a legal obligation for all six years old to attend, Article 1, 2 and 73 of the aforementioned Law stipulate that primary education in the Republic of Macedonia shall have nine year duration.

From initial report

188. In accordance with article 28 of the Convention, as mentioned earlier, the right to education of children results from the constitutionally guaranteed right to education. Education is equally accessible to all citizens. Primary education is compulsory and free of charge for all children from 7 to 15 years of age, and lasts eight years.

Minimum age for admission to employment

From initial report

12. The Constitution stipulates that the minimum age limit for employment, is 15 years of age. According to the Family Act, minors under custody who have reached 15 years of age can be employed, without prior permission from the guardian, and can freely handle their salary, but they are obligated to contribute for their maintenance, upbringing and education. [...]

Minimum age for marriage

From initial report

15. In accordance with the Family Act, persons who have not attained 18 years of age cannot enter into marriage. If a person who has not attained 18 years of age wishes to marry, the competent court, can in a non-contentious procedure, permit a person who has attained 16 years of age to enter into a marriage, provided that the court is of the opinion that the person possesses the physical and psychological maturity required for the performing rights and duties resulting from marriage. The court forms its opinion on the basis of the finding provided by a medical institution, as well as through the expert assistance provided by the Centre for Social Work. [...]

Minimum age for criminal responsibility

From initial report

21. The Criminal Code of the Republic of Macedonia provides special treatment for juvenile criminal offenders. In this context, and in the criminal justice sense, all persons who have not attained 14 years of age at the moment of perpetrating a crime are entitled to the status of a child and cannot be charged with

a crime. A juvenile may be subjected to correctional and safety measures if, at the time of committing the crime, he was under 14. Juveniles between 16 and 18 years of age can be legally responsible only for the most serious criminal offences, and can be sentenced to imprisonment. If during the proceedings it is proved that when the minor committed the criminal offence he was in fact under 14 years of age, then criminal proceedings are immediately halted, and the competent custody organ is duly informed.

TIMOR-LESTE

Source:

Initial report: CRC/C/TLS/1, 28 June 2007

Minimum age for the end of compulsory education

24. [...] There is [...] no current minimum school-leaving age, but an Education Policy Paper is being drafted and there are ongoing discussions on whether compulsory basic schooling should be six or nine years.

Minimum age for admission to employment

23. [...] different legal minimum ages are prescribed in various domestic laws as follows: Engagement in light work: 12 years old, UNTAET Regulation No. 2002/5 on the Establishment of a Labour Code for East Timor, section 11.2; Employment: 15 years old, UNTAET Regulation No. 2002/5 on the Establishment of a Labour Code for East Timor, section 11.2; Hazardous work: 18 years old, UNTAET Regulation No. 2002/5 on the Establishment of a Labour Code for East Timor, section 11.1;

Minimum age for marriage

23. [...] different legal minimum ages are prescribed in various domestic laws as follows: [...] Marriage: 15 years old for woman and 18 for men, Indonesian Civil Code, article 29;

Minimum age for criminal responsibility

227. The current minimum age for criminal responsibility is 12 years (for a serious crime) and 17 (for a minor crime), due to UNTAET Regulation No. 2000/30 on the Transitional Rules of Criminal Procedure, which raised the age from the Indonesian legal minimum age of 8 years. That regulation provides that children “under 12 years of age shall be deemed incapable of committing a crime and shall not be subjected to criminal proceedings. A minor between 12 and 16 years of age may be prosecuted for criminal offences only in accordance with such rules as may be established in subsequent UNTAET regulations on juvenile justice; provided, however, that minors between 12 and 16 years of age may be prosecuted under the provisions of the present regulation for any offence which under applicable law constitutes murder, rape, or a crime of violence in which serious injury is inflicted upon a victim”.

228. This means that children at the age of 17 years old are prosecuted as adults. The draft Penal Code that has been approved by the Council of Ministers but not yet promulgated by the President provides for criminal responsibility at 16 years old. The Code also states that special regulations for young offenders between 16 and 21 years old will be provided for in a separate law.

TOGO

Sources:

Concluding Observations: CRC/C/15/Add.255, 31 March 2005

2nd periodic report: CRC/C/65/Add.27, 11 May 2004

Initial Report: CRC/C/3/Add.42, 27 February 1996

Minimum age for the end of compulsory education

From 2nd report

55. Under the provisions of the 1995 education reforms, schooling is compulsory for children of both sexes up to the age of 15.

From concluding observations

58. The Committee is concerned that public spending on education is low, that primary education is not free and that the enrolment rate, especially of girls, is low. The Committee is also concerned that, despite the waiving or reducing of fees for girls and economically disadvantaged children, education is not free, that secondary education is not affordable to many children, and consequently that universal compulsory free education has not been achieved.

61. The Committee recommends that the State party:

(a) Ensure, as a matter of priority, that at least primary education is compulsory and free [...]

Minimum age for admission to employment

From 2nd report

19. With regard to the best interests of the child, Togo has ratified International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment and Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

From initial report

103. Child labour is regulated, as we have already indicated, by the provisions of the Labour Code (art. 114), as well as by decision No. 884-55/LTLS of 28 October 1955 relating to female and child labour, and by decision No. 15/MTAS-FP of 6 December 1958 relating to child labour. These instruments prohibit the employment of a child aged less than 14 years in an enterprise, even as an apprentice. Furthermore, work performed by a child must not exceed his physical capacity or endanger his health, education or morals.

Minimum age for marriage

From 2nd report

13. [...] Before the Convention was ratified, the following ages of majority were variously applicable: [...] (iv) marriageable age for boys, 20 years; and (v) marriageable age for girls, 17 years.

14. Since ratification, the age of majority for all purposes has been standardized at 18 years, in accordance with article 1 of the Convention.

15. Steps are now being taken to harmonize the various laws with the Convention. It is in this context that the preliminary draft children's code has been prepared.

From concluding observations

56. The Committee welcomes the promulgation of Act No. 98-106 prohibiting female genital mutilation. However, the Committee is deeply concerned at its persistence along with other practices harmful to the health of children, particularly the girl child, including forced and early marriages [...]

Minimum age for criminal responsibility

From 2nd report

13. [...] Before the Convention was ratified, the following ages of majority were variously applicable: [...] (ii) age of criminal liability, 18 years;

14. Since ratification, the age of majority for all purposes has been standardized at 18 years, in accordance with article 1 of

the Convention.

From concluding observations

74. The Committee is concerned about the absence of a juvenile justice system compatible with the provisions and principles of the Convention, particularly about: (a) The very limited number of qualified judges for juveniles; (b) The long pre-trial detention periods; (c) The lack of alternatives to detention for persons under 18 in conflict with the law; [...] (e) The fact that persons under 18 are often detained with adults and in very poor conditions.

TRINIDAD AND TOBAGO

Source:

2nd periodic report: CRC/C/83/Add.12, 15 November 2004

Initial report: CRC/C/11/Add.10, 17 June 1996

Minimum age for the end of compulsory education

From 2nd report

231. In Trinidad and Tobago the age of compulsory schooling is regulated by the Education Act, Chap. 39:01 which provides in S.76 as follows: S.76(1) In this Act the expression “a compulsory school age” means any age between six and twelve years and accordingly a person shall be deemed to be of compulsory school age if he has attained the age of six years and has not attained the age of twelve years, and a person shall be deemed to be over the compulsory school age as soon as he has attained the age of twelve years.

Minimum age for admission to employment

From 2nd report

232. The Children Act, Chap. 46:01, regulates the employment of children. The minimum age of employment of children is twelve years but the employment of children between the ages of twelve and eighteen is regulated by the Act. [...] S.90(1) An employer who employs a person under the age of eighteen years at night in any public or private industrial undertaking, or any branch thereof; other than an undertaking in which only members of the family of the proprietor or owner are employed...is guilty of an offence.

S.90(2) Persons over the age of sixteen years may be employed during the night in the following industrial undertakings on work which by reason of the nature of the process, is required to be carried on continuously day and night: (a) manufacture of raw sugar; (b) any other undertaking which may be declared to come under the exception created by this subsection by Order of the President.

S.91(1) Children under the age of fourteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed; and any person who employs such child or permits him to work in contravention of this section is guilty of an offence.

S.93(1) Children under the age of fourteen years shall not be employed or work on any vessel other than a vessel upon which only members of the same family are employed; and any person who employs any such child or permits him to work in contravention of this section is guilty of an offence.

S.94(1) A child under the age of twelve shall not be employed.

Minimum age for marriage

From 2nd report

234. In recognition of the religious diversity of the population,

the Government of Trinidad and Tobago has enacted domestic statutes to give legal recognition to marriages performed under Christian, Muslim, Hindu and Orisa rites respectively. However, there is no uniform minimum age of marriage under the various marriage laws. The minimum age at which a marriage can be contracted under each of these statutes differs as a result of the traditional attitudes and beliefs of the respective religious groups. There are also disparities in the minimum age of marriage based on gender.

235. Under this Act, consent is required for the marriage of a minor from his or her parents. Males must be at least fourteen (14) years of age and females at least twelve (12) years (which are the minimum ages of capacity for marriage at common law).

From initial report

23. In Trinidad and Tobago, this is governed by both statutory law and the common law. Three different situations apply:

(a) Under the Hindu Marriage Act, chapter 45:03, a girl may marry at age 14 and a boy at 18;

(b) Under the Muslim Marriage and Divorce Act, chapter 45:02, a girl may marry at 12 and a boy at 16;

(c) Under the common law, the ages are 12 for a girl and 14 for a boy. Parental consent is required for all marriages of minors except in respect of a Hindu girl who has attained the age of 16 years.

Minimum age for criminal responsibility

From 2nd report

248. The age of criminal responsibility is not defined by domestic statute. The minimum age is seven years, which is the original common law position. Children below the age of seven years are considered incapable of forming criminal intent.

TUNISIA

Sources:

3rd periodic report: CRC/C/TUN/3, 10 November 2008

2nd periodic report: CRC/C/83/Add.1, 30 October 2001

Minimum age for the end of compulsory education

From 2nd report

494. The child's right to education is guaranteed by Act No. 91-65 of 29 July 1991 concerning the educational system. Schooling is compulsory and free between the ages of 6 and 16. Administrative measures have been put in place to ensure the exercise of this right. They provide for various levels of penalties which may be used against any parent who attempts to prevent a son or daughter from attending school. In addition, the State is required to guarantee an education to all persons of school age.

Minimum age for admission to employment

From 2nd report

157. The minimum age for entry into the labour force in all sectors of activity regulated by the Labour Code (industrial, commercial, agricultural, etc.) is set at 16 years old as a general rule. This rule applies as much to full-time work as it does to part-time work. The age for entry into employment which by its nature or by the conditions in which it is carried out “is dangerous for the life, health or the morality of the persons engaged therein” is set at 18 years old (article 58 [new] of the Labour Code).

158. The age of admission for vocational training is 17 years. It is set at 15 years for apprenticeships.

585. Following Tunisia's ratification of ILO Convention concerning Minimum Age for Admission to Employment (by Act

No. 95-62 of 10 July 1995), Act No. 96-62 of 15 July 1996 amending certain provisions of the Labour Code raised the general minimum age for admission to employment, in all activities regulated by the Code, to sixteen instead of fifteen.

586. Tunisian law provides for certain derogations from the minimum age for admission to employment; these are enshrined in the international labour laws, in particular ILO Convention No. 138. Thus, the age of admission is lowered to 13 years in agriculture and in non-agricultural and non-industrial activities provided certain strict conditions are met: the duties must be light and not harmful to the health and normal development of the children, and must not affect their school attendance and ability to study or their participation in vocational guidance or training approved by the competent public authorities (Labour Code, articles 55 (new) and 56(new)).

Minimum age for marriage

From 3rd report

94. As part of the follow-up to the concluding observations and the recommendation made in that regard by the Committee, the present report notes the adoption of Act No. 2007-32 of 14 May 2007 amending certain provisions of the Code of Personal Status; that Act equalizes the minimum age for marriage for boys and girls, setting it at 18 years for both sexes.

Minimum age for criminal responsibility

From 3rd report

Administration of juvenile justice (art.40)

279. The protection takes the form of a number of guarantees which relate to the various stages of the criminal process, including the following: Introduction of the irrefutable presumption of the capacity of a minor aged under 13 years to infringe criminal law (art.68-CPE).

280. [...] A criminal sentence may be pronounced against a minor should his rehabilitation prove necessary, with due consideration for the provisions of this Code. In such a case, the rehabilitation shall be effected in a specialized establishment or, in any event, in a separate prison block reserved for juveniles" (CPE, art. 99).

TURKEY

Source:

Initial report: CRC/C/51/Add.4, 8 August 2000

Minimum age for the end of compulsory education

105. The Turkish Law on Primary Education repeats the constitutional provision to the effect that primary education is compulsory and free for all citizens and declares the 6–14 age bracket as the compulsory primary education period.

Minimum age for admission to employment

108. Under article 67 of the Labour Law, it is forbidden to employ children under 15 years of age, with the exception that employment in light work may be permitted to 13-year-old children if it will not adversely affect their health, school education or vocational training. On the other hand, 12 was set to be the lower age limit for working in article 173 of the General Law on Hygiene. Efforts are under way to deal with such discrepancies.

109. Similarly, according to article 59 (1) of the National Basic Education Law, children of primary school age but not attending an educational institution may not be employed with or without pay in any public or private enterprise or in any other institution. However, article 59 (2) permits the employment of children attending a primary school, provided that the attendance is

proven by documentary evidence and that the employment is outside of school hours.

527. According to the Labour Law (No. 1475), the minimum age for employment is defined as 15 as a rule and as 13 for exceptional light work. However, due to the fact that this provision is void in places where three people or more are employed, the minimum working age is 12, as specified in article 173 (1) of the Common Hygiene Law No. 1593.

Minimum age for marriage

87. The Civil Code lays down the minimum age for getting married as 18. However, with the consent of the parents, this limit can be 17 years of age for males and 15 years of age for females. Irrespective of these limits, the judge may permit the marriage of a 15-year-old male with a 14-year-old female for important reasons and under exceptional circumstances under article 88 of the Code.

Minimum age for criminal responsibility

165. Under the Turkish Penal Code, the age of transition to full penal liability is 18. Nevertheless, according to the Law on Juvenile Courts, the minimum age to stand before these courts is 15 years.

480. Article 11 of the Law on the Establishment, Duties and Procedures of Juvenile Courts states that No investigation can be made about and no sentence can be given to those who are younger than 11 years old at the time the crime is committed. However, if the crime requires an imprisonment sentence of more than one year or a heavier sentence, one of the measures specified in article 10 is applied. If sufficient measures will be taken by parents or persons liable for taking care of the child who is younger than 11 years old, other measures may not be applied by the court. Article 12 states that If the investigation carried out in accordance with article 20 on a child who has completed the aged of 11 but has not completed the age of 15 when the criminal act is committed does not require a sentence, one of the measures specified in article 10 may be applied by the court.

TURKMENISTAN

Source:

Initial Report: CRC/C/TKM/1, 5 December 2005

Minimum age for the end of compulsory education

164. [...] General secondary education in Turkmenistan is compulsory and free and lasts nine years.

Minimum age for admission to employment

51. Children in Turkmenistan are entitled to work as determined by their age, health, education and vocational training. The child's right to work arises at the age of 16. A child may be allowed to work from the age of 15 with the written consent of one of his or her parents (or his or her legal representative); the work must not interfere with the child's continuing attendance at school (Young People's Right to Work (Guarantees) Act of 1 February 2005, art. 1).

Minimum age for marriage

52. The age of marriage for men and women is 16 years. For Turkmen citizens who marry foreigners and stateless persons, the age of marriage is set at 18 years (Marriage and Family Code, art. 16).

Minimum age for criminal responsibility

194. Article 21 of the Criminal Code specifies that persons who had turned 16 before committing an offence are liable to

criminal prosecution. In the case of the most serious crimes, criminal liability begins at the age of 14 years.

UGANDA

Sources:

2nd periodic report: CRC/C/Add.33, 5 November 2004

Initial report: CRC/C/3/Add.40, 17 June 1996

Minimum age for the end of compulsory education

From 2nd report

171. [...] The national goal is the achievement of universal primary education (UPE) for all children of Uganda of ages 6 – 12 by the year 2003.

Minimum age for admission to employment

From 2nd report

210. No comprehensive study has so far been done to establish the number of working children in Uganda. However, it is still widely believed that a large number of children are subjected to hazardous work. They carry loads that are too heavy for their age. Many children are still employed in large agricultural farms to minimize costs, in households as domestic servants, on commercial farms, fishing and herding where they are subjected to abuse and exploitation. The minimum age for employment is 16, though this is not strictly followed.

Minimum age for marriage

From initial report

38. (d) [...] Marriage can be contracted for a person under 21 years with the written consent of a parent (Marriage Act); (e) The Customary Marriages (Registration) Decree 16 of 1973 states that the minimum age of marriage is 16 years for males and 18 years for females; (f) The Marriage and Divorce of Mohammedans Act allows a minor to apply to have his or her marriage registered if the lawful guardian fails to apply for it. The Act does not define a minor and does not set the minimum age of marriage; [...]

Minimum age for criminal responsibility

From initial report

38. (g) At present a child from the age of 7 to 12 years is criminally liable if it can be proved that he/she knew the act was wrong and ought not have done it.

237. The draft bill for the Children's Statute has adequately addressed the administration of juvenile justice.

242. It has been proposed in the bill that the minimum age of criminal responsibility shall be 14 years. This is an increase of 7 years from the present lowest age of criminal responsibility which is 7 years. At 14 the child is at least capable of understanding the consequences of his or her action.

UKRAINE

Source:

2nd periodic report: CRC/C/70/Add.11, 18 May 2001

Minimum age for the end of compulsory education

99. The obligation to complete the 11 grades of general secondary education, i.e. up to age 17, is stated in the Constitution (art. 53).

Minimum age for admission to employment

99. Children below the age of 16 may not be admitted to employment. With the consent of one of their parents or a

surrogate parent, children aged 15 may be admitted to employment on an exceptional basis. For the purposes of training young people for productive work, students aged 14 or older in general education, vocational-technical and secondary specialized schools may be employed in their free time to perform light work which does not harm their health or interrupt their schooling, subject to the consent of one of their parents or a surrogate parent (art. 188); [...]

Minimum age for marriage

99. The minimum age of marriage is 18 for males and 17 for females. Marriage may be permitted at an earlier age in exceptional circumstances (Marriage and Family Code, art. 16).

Minimum age for criminal responsibility

735. The Criminal Code provides that persons who had reached the age of 16 before committing the crime in question may be held criminally responsible. Persons who commit a crime when aged 14 or 15 may be held criminally responsible only in particularly serious cases (art. 10).

UNITED ARAB EMIRATES

Source:

Initial report: CRC/C/78/Add.2, 24 October 2001

Minimum age for the end of compulsory education

2. [...] chapter II of the Constitution, entitled "Basic social and economic principles", contains the following articles: Article 17: Education is a fundamental factor in social progress. Within the Federation, it shall be compulsory at the primary level and free of charge at all levels. [...]

170. All children at (pre-university) school age, regardless of their nationality, gender or religion, are entitled to enrol at government schools. There are separate schools for boys and girls. Education is free of charge and the schools provide the requisite books and stationery at nominal prices. The official age for enrolment at primary schools is 5.9 to 6 years and the primary stage of education lasts for six years.

Minimum age for admission to employment

4. The functions of the ministries and the powers of ministers are regulated by Federal Act No. 1 of 1972, which stipulates as follows:

- Article 20 of the Labour Relations Regulatory Act No. 8 of 1980 prohibits the employment of juveniles of either sex who are under 15 years of age. [...]

Minimum age for marriage

Information unavailable

Minimum age for criminal responsibility

97. [...] article 6 of Federal Act No. 9 of 1976 concerning juvenile delinquents and vagrants stipulates that: "Criminal proceedings shall not be brought against a juvenile delinquent under seven years of age. However, in all cases, the investigating authorities or the courts may order educational or remedial measures appropriate to the juvenile's situation if they deem such measures to be necessary." The Act therefore sets the minimum age at 7 years, even if the juvenile is found to be capable of exercising discretion at a younger age. The Act also stipulates that, if a juvenile is found to have been incapable of distinguishing between right and wrong at the time of his commission of an act, the judge should not sentence him to any penalty whatsoever but should merely order appropriate educational and remedial measures.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Sources:

3rd and 4th periodic reports combined: CRC/C/GBR/4, 25 February 2008

2nd periodic report: CRC/C/83/Add.3, 25 February 2002

Initial report: CRC/C/11/Add.1, 28 March 1994

Minimum age for the end of compulsory education

From initial report

67. The minimum school leaving age (MSLA) is generally around the child's sixteenth birthday. MSLA is defined as follows: "A child whose 16th birthday occurs between 1st September and the 31st January (both dates inclusive) shall be deemed to be of compulsory school age until the end of the spring term which includes such month of January. A child whose 16th birthday occurs between the 1st February and the 31st August (both dates inclusive) shall be deemed to be of compulsory school age until the Friday before the last Monday in May in that year". In Northern Ireland, the upper limit of compulsory school age is reached (a) For a person who attains the age of 16 between 1 September in any year and 1 July in the following year (both dates inclusive), on 30 June in that following year; (b) For a person who attains the age of 16 between 2 July and 31 August in any year (both dates inclusive), on 30 June in the following year.

457. [...] Children must by law receive education between the ages of 5 (4 in Northern Ireland) and 16.

Minimum age for admission to employment

From 2nd report

10.68.2 The law on children's employment, that is those under the minimum school leaving age, can now be outlined as follows.

10.68.3 Children between age 13 and the minimum school leaving age may work:

- (a) For a maximum of 2 hours on schooldays;
- (b) For a maximum of 2 hours on Sundays;
- (c) For a maximum of 5 hours (if aged under 15) or 8 hours (if 15 or over) on Saturdays and weekdays during the school holidays, subject to an overall limit of 25 hours (under 15) or 35 hours (15 and over) a week in the school holidays.

10.68.4 Children may not:

- (a) Do anything other than light work;
- (b) Work before they are 13 years of age;
- (c) Work for more than one hour before the start of school;
- (d) Work during school hours;
- (e) Work before 7.00 a.m. or after 7.00 p.m.;
- (f) Work for more than four hours without a break of at least one hour;
- (g) Work throughout the summer holidays; they must have a break of at least two weeks;
- (h) With or without an employment card issued by the local authority;
- (i) Work in any industrial undertaking, e.g. factory, building site, etc.;
- (j) Work in many occupations prohibited by local by-laws or in other legislation, e.g. in pubs or betting shops, or in any work which is likely to be harmful to their health, well-being or education;
- (k) Take part in certain theatrical or other performances or in professional sport or modelling without a licence issued by the local authority.

Minimum age for marriage

From initial report

71. In England and Wales, 16, with parental consent. If parental consent is refused, a court may authorize the marriage. Getting married between the ages of 16 and 18 without parental consent or permission of a court does not invalidate the marriage but it is a criminal offence. In Northern Ireland similar provisions apply. In Scotland a marriage can be contracted at age 16 without parental consent.

Minimum age for criminal responsibility

From 3rd and 4th reports combined

England

654. The Crime and Disorder Act 1998 (covering England and Wales) abolished the doctrine of 'doli incapax' for children aged 10-14. Previously, for a child aged over ten but under 14 to be convicted of a criminal offence in England or Wales, the prosecution had to prove that the child not only committed the act in question, but that he or she knew that what they were doing was seriously wrong. This led to difficulties such as delaying cases or even making it impossible for the prosecution to proceed.

655. The UK Government, in relation to England and Wales, believes that children of this age generally can differentiate between bad behaviour and serious wrongdoing, and that it is not in the interests of justice, of victims or the children themselves to prevent offending from being challenged through formal criminal justice processes. The Government is concerned about 10 and 11 year olds becoming drawn into offending behaviour, and believes that commencing criminal responsibility from the age of 10 helps children develop a sense of personal responsibility for their behaviour. However, interventions are intended to be rehabilitative rather than punitive [...]

Northern Ireland

658. The age of criminal responsibility in Northern Ireland is also 10. Although the comprehensive review of the criminal justice system in Northern Ireland considered the matter, it did not recommend that the age should be increased. It did, however, recommend that children aged 10 -13 who are found guilty of criminal offences should not be held in a juvenile justice centre and that their accommodation needs should be provided by the care system.

Scotland

659. In Scotland, the level at which the age of criminal responsibility is set was reviewed in 2001 and at that time Scottish Ministers concluded that age 8 years continued to be an appropriate threshold for criminal majority, in the context that most children aged under 16 who offend are dealt with through the Children's Hearings System; that System is welfare based (i.e. when a child offends this is addressed in the context of securing their own best interests – there is no punitive outcome); and for the small number of children prosecuted in the courts, referral to the Hearings System for advice and/or disposal is the usual outcome for all but a tiny minority.

UNITED REPUBLIC OF TANZANIA

Sources:

Concluding Observations: CRC/C/TZA/CO/2, 21 June 2006

Written Replies by the Government of the United Republic of Tanzania to the List of Issues: CRC/C/TZA/Q/2/Add.1, 20 April 2006

2nd periodic report: CRC/C/70/Add.26, 24 August 2005
Initial report: CRC/C/8/Add.14/Rev.1, 25 September 2000

Minimum age for the end of compulsory education

From 2nd report

209. Government of the URT is implementing the Primary Education Development Plan (PEDP) 2002 – 2006 as a strategy for the implementation of the Education Sector Development Programme (ESDP) in Tanzania Mainland. The Implementation of PEDP started in January 2002 with the following objectives: To reinstate UPE so as to ensure all eligible children aged 7 – 13 years obtain primary education [...]

From initial report

105. The Education Act of 1978 stipulates compulsory enrolment in primary education between the ages of 7 and 13 years.

107. In Zanzibar, primary education is compulsory according to the Education Act. No. 6 of 1982. Compulsory basic education constitutes 10 years of schooling: 7 years of primary education and 3 in junior secondary school.

Minimum age for admission to employment

From concluding observations

24. The Committee notes with appreciation that the State party has raised the minimum age of employment from 12 to 14 years.

From written replies

20. [...] Employment Act No. 11/2005 [...] strictly protects children from being employed.

Minimum age for marriage

From written replies

B.c.7. The Law of Marriage Act No. 5 of 1997. A male can enter into marriage at the age of 18 years. A female can enter into marriage at the age of 15 years.

From initial report

88. [...] In marriage, the minimum age for marriage is 15 for girls and 18 for boys as per the Law of marriage Act 1971. The same Act states that a married woman at 15 years and above is no longer a child.

103. Islamic law seems to permit the marriage of individuals who have reached puberty, at which point they are considered to be adults.

104. It also seems to recognize the possibility that girl children may be married before they reach puberty and without their consent. A girl so married has the possibility of repudiating the marriage when she reaches adulthood.

Minimum age for criminal responsibility

From 2nd report

256. In Zanzibar, a child under the age of 12 years cannot be accused for any criminal case. According to Act 11 of 1986.

URUGUAY

Sources:

Concluding Observations: CRC/C/URY/CO/2, 5 July 2007

2nd periodic report: CRC/C/URY/2, 13 October 2006

Initial report: CRC/C/3/Add.37, 13 November 1995

Minimum age for the end of compulsory education

From initial report

232. State primary education is free and compulsory. The compulsory module includes six years of basic and three years

of secondary education [...] official figures show that 98.9 per cent of children aged 11 have completed the last year of primary school.

Minimum age for admission to employment

From 2nd report

31. The minimum age for admission to employment is 15, in accordance with Uruguay's commitments under the ILO Convention concerning Minimum Age for Admission to Employment (No. 138).

32. Article 162 of the Children and Adolescents Code, which was ratified by Act No. 17823 of 8 September 2004, now provides that the age of admission to employment is 15.

Minimum age for marriage

From concluding observations

25. The Committee regrets that the minimum age for marriage remains too low and discriminatory in its application, as the age of 14 years applies to boys, while it is only 12 for girls.

26. The Committee recommends that the State party further review its legislation with a view to establishing the minimum age for marriage at 18 years of age, equally applicable to both boys and girls.

Minimum age for criminal responsibility

From 2nd report

41. There have been no changes to the age of criminal responsibility since information was submitted to the Committee in 1996. In accordance with the provisions of article 34 of the Criminal Code, "anyone who commits an offence before the age of 18 years cannot be held criminally responsible".

UZBEKISTAN

Sources:

2nd periodic report: CRC/C/104/Add.6, 30 August, 2005

Initial report: CRC/C/41/Add.8, 19 February 2001

Minimum age for the end of compulsory education

From 2nd report

178. [...] Under article 4 of the Education Act, everyone is guaranteed equal rights to 12 years of free education without distinction as to sex, language, age, race, ethnic origin, beliefs, attitude towards religion, social origin, occupation, social status, place of residence or length of residence in the territory of Uzbekistan.

189. Compulsory 12-year education includes nine years of general secondary education and three years of specialized secondary or vocational education. General secondary education is conducted in two stages in general education schools: primary education (grades 1-4), and general secondary education (grades 1-9). Specialized secondary and vocational education is provided by academic lycées and vocational colleges.

191. [...] Children are accepted into the first grade at the age of 6 or 7.

Minimum age for admission to employment

From 2nd report

286. The Labour Code sets 16 as the minimum age for admission to employment. As part of their preparation for employment, pupils and students aged 14 and over at general education schools, vocational technical colleges and secondary educational establishments are permitted, during after-study hours, to perform light work which poses no hazard to health;

to this end the written consent of one parent or of a person acting in the parent's stead is required.

Minimum age for marriage

From initial report

69. [...] Under the provisions of the Family Code of the Republic of Uzbekistan marriageable age is set for men at 18 and for women at 17 and in exceptional circumstances may be lowered, by decision of the hokimiyat, but by no more than one year.

Minimum age for criminal responsibility

From 2nd report

269. By law, persons who have attained 13 years of age at the time they commit a crime are liable to criminal prosecution, but only for aggravated intentional homicide; for certain serious offences criminal responsibility is incurred at 14 years, while for all other offences it is 16 years.

VANUATU

Source:

Initial report: CRC/C/28/Add.8, 26 May 1997

Minimum age for the end of compulsory education

31. Six years of primary education are provided by government schools, Government-assisted schools with religious affiliation and private schools. Primary education is not compulsory but the Government since independence has strived to provide places for all school-age children. [...]

Minimum age for admission to employment

101. (c) Employment Act (Cap 160), section 38: no person under the age of 12 shall be employed in any capacity, except on light work suitable to his/her capability in an agricultural undertaking owned and managed by the family of which he or she is a member; section 39: a person under the age of 14 is not allowed to be employed except on light work of an agricultural or domestic character in which members of the employer's family are employed with him, or on agricultural light work carried on collectively by the local community; section 40: a person under the age of 15 is not allowed to work on any industrial undertaking except with the approval of the Commissioner of Labour or on a ship; section 41: no person under the age of 18 is allowed to work at night in any industrial undertaking; section 42: no person under the age of 18 is allowed to work on a ship unless certified by a medical practitioner that he is fit for such work; section 43: every employer in any industrial undertaking and every master of a ship shall keep a register of all persons under the age of 18 years employed in such undertaking or on the ship. Such register is open to inspection by the labour officer.

Minimum age for marriage

101. (d) Control of Marriage Act (Cap 45): article 2 states that no person of the male sex being under the age of 18 years and no person of the female sex being under the age of 16 years may lawfully marry; article 3 states that no person under the age of 21 years may lawfully marry without the consent of his/her parents or guardians.

Minimum age for criminal responsibility

193. The Penal Code (sect. 17 (1)) protects children under 10 years of age from responsibility for crime. It states that no child under the age of 10 years shall be capable of committing any criminal offence. A child of 10 years of age or over but under 14

years of age shall be presumed to be incapable of committing a criminal offence unless it is proved by evidence that he was able to distinguish between right and wrong and that he did so with respect to the offence with which he is charged. [...]

VENEZUELA

Sources:

2nd periodic report: CRC/C/VEN/2, 5 April 2007

Initial report: CRC/C/3/Add.54, 22 September 1997

Minimum age for the end of compulsory education

From initial report

49. Compulsory schooling ends with the completion of basic education, which covers a period of at least nine years. Children up to the age of 15 may receive compulsory basic education only under the attendance system, in shifts from 7 a.m. to 6 p.m. Attendance at night is prohibited before that age. The purpose of this measure is to ensure that a child's main activity is study. Compulsory basic education should be completed by 14, the age at which children are legally entitled to work.

Minimum age for admission to employment

From 2nd report

82. As regards the minimum age of employment, article 96 (Minimum age) of the Protection of Children and Adolescents (Organization) Act states that "the age of 14 years is established throughout the territory of the Republic as the minimum age of employment". Article 247 of the Labour Organization Act also prohibits the employment of minors under 14 years of age in industrial, commercial or mining companies, establishments and facilities; in its first paragraph, it establishes that "the National Children's Institute, or, failing that, the labour authorities, may in particular, duly justified circumstances, authorize the employment of minors under 14 years and over 12 years provided that they undertake tasks befitting their physical condition and that their education is guaranteed".

Minimum age for marriage

From 2nd report

76. The minimum marriageable age for men is 16 years, and for women, 14 years, as stated in article 46 of the Civil Code: "Marriage may not be entered into by women below the age of fourteen (14) years nor by men below the age of sixteen (16) years."

From initial report

44. Marriage is a free and voluntary act. For a marriage to take place, the woman must be at least 14 and the man 16 (art. 46 of the Civil Code). If the girl is pregnant and the boy acknowledges that he is the father, the minimum age provided for in article 46 of the Civil Code is waived (art. 62 of the Civil Code). Minors under 18 need parental permission to marry. Should the parents refuse it, the marriage may be authorized by the juvenile court (art. 59 of the Civil Code).

Minimum age for criminal responsibility

From initial report

54. Criminal responsibility is acquired at the age of majority. Before the age of 18, the person is deemed to be exempt from criminality responsibility (art. 1 of the Minors' Protection Act).

VIET NAM

Sources:

2nd periodic report: CRC/C/65 Add.20, 5 July 2002

Initial report: CRC/C/3/Add.4, 22 October 1992

Minimum age for the end of compulsory education

From initial report

63. (f) The Law on the Universalization of Primary Education states that children from 6 to 14 years of age shall receive primary education and complete it (i.e. complete fifth grade)

188. With respect to the Law on the Universalization of Primary Education: (a) Article 1 states that primary education (i.e. from first to fifth grade) is compulsory for every Vietnamese child between the ages of six and ten years.

Minimum age for admission to employment

From 2nd report

245. The Labour Code 1994, article 6, states that “A labourer must be at least 15 full years old, have the ability to work, and have a labour contract”; article 119, section 1, stipulates: “A juvenile labourer is one who is under 18 years of age”; section 2 of this article stipulates: “It is strictly forbidden to misuse the labour of minors”; article 120 stipulates: “It is forbidden to employ children below 15 years of age, except in some occupations designated by MOLISA”; article 121 stipulates: “An employer is allowed to employ minors only for jobs suited to a minor’s health in order to protect the development of their physical and intellectual conditions as well as their personality, and has the responsibility to take care of the minor labourers’ work, salary, health and education during their working process. It is strictly forbidden to use minors in hard or dangerous jobs or in work which requires frequent contact with noxious substances named in the list provided by MOLISA and MOH”. Government Decree No. 38/CP of 1996 stipulates the administrative sanctions for violations of labour legislation.

Minimum age for marriage

From initial report

63. (b) The Law on Marriage and the Family states that the minimum ages for marriage are 20 years for men and 18 years for women. [...]

Minimum age for criminal responsibility

From 2nd report

234. In the penal procedures, only children of 14 full years of age and above can be criminally indicted or accused.

YEMEN

Sources:

Concluding Observations: CRC/C/15/Add.267, 21 September 2005

3rd periodic report: CRC/C/129/Add.2, 3 December 2004

2nd periodic report: CRC/C/70/Add.1 of 23 July 1998

Initial report: CRC/C/8/Add.20 of 6 June 1995

Minimum age for the end of compulsory education

From 3rd report

213. Article 88 of the Constitution provides that basic education shall be compulsory and guaranteed by the State to be free of charge.

From 2nd report

152. The Republic of Yemen applies the principle of equal opportunities in regard to education, which is free and compulsory. Article 32 of the Constitution stipulates that the State, together with society, must contribute to the provision of education, which is a prerequisite for social development and progress. Article 53 further stipulates that all citizens have a

right to education which the State must safeguard, in accordance with the law, by establishing various educational institutions and making basic education free. [...]

From initial report

13. Article 37 affirms that:

“education is a right of all citizens guaranteed by the State in accordance with the law through the establishment of various schools and cultural and educational institutions. Education at the primary stage shall be compulsory ... [...]

62. The principle of compulsory education has not been applied for various reasons, including:

- (i) The inability of schools to absorb everyone of school age, particularly in rural and remote areas;
- (ii) Social opposition to application of the principle of compulsory education, since families need child labour, particularly in rural areas;
- (iii) The lack of equal educational opportunities for children who work to support themselves at other times.

Minimum age for admission to employment

From 3rd report

312. Article 133 of the Rights of the Child Act provides that: “A child of working age means any person over 14 years of age. The employment of any person below that age shall be prohibited, as shall the employment of children in industrial jobs before they reach the age of 15.”

Minimum age for marriage

From 2nd report

6. (c) The Personal Status Act. Article 15 of this Act sets the minimum age for marriage at 15 years in the case of both males and females.

From concluding observations

30. [...] The Committee is [...] concerned at the minimum age for marriage for girls, 15, and that some may even get married earlier, as young as 12, due to the lack of law enforcement.

Minimum age for criminal responsibility

From 3rd report

31. The Penal Code No. 12 of 1994: Article 31 of the Code defines the responsibility of minors and those who, to all intents and purposes, are minors. Article 32 stipulates that the right of a person or his heirs to indemnity for bodily injury (diyah) or for the shedding of blood (arsh) shall not be abandoned and that the indemnity shall be payable by the group which shares the liability of its members in such cases (al- ‘aqilah). It is thus clear that no child under seven years of age is held criminally responsible. If the child is over 7 but under 15 years of age, the precautionary measures stipulated in the Juveniles Act are applied. If he is over 15 but under 18 years of age, his criminal responsibility is limited and he is sentenced to not more than half of the maximum penalty prescribed by law. If the penalty is death, he is imprisoned for a period of not less than three years and not more than 10 years.

ZAMBIA

Source:

Initial report: CRC/C/11/Add.25, 19 November 2002

Minimum age for the end of compulsory education

88. There is no provision in the law for compulsory education in Zambia. However, it is government policy under the Basic

Education Sub-sector Investment Programme (BESSIP) that nine years of basic education should be mandatory.

362. [...] Education is not compulsory, but once a child is enrolled in a school, it is the duty of every parent or guardian to ensure the child's regular attendance, which is stated in the Compulsory Attendance Regulation Statutory Instrument No. 118 of 1970. [...]

Minimum age for admission to employment

89. The Employment of Young Persons and Children Act, chapter 274, prohibits employment of children below age 14, unless the employment is an enterprise where members are of the same family.

Minimum age for marriage

73. During the reporting process, the State party identified the following constraints and challenges in the existing legislation: [...]

(b) The Marriage Act, chapter 50, does not cover marriages contracted under customary law. The latter permits child marriages and, thus, circumvents the protective provisions of the Marriage Act;

91. The Marriage Act, chapter 50, stipulates that any person below 21 years requires written consent of a parent or guardian before a marriage is contracted. However, customary law allows the contracting of marriage after attainment of puberty subject to parental consent.

Minimum age for criminal responsibility

82. According to the Penal Code, chapter 87, a child below 8 years is not criminally responsible for his or her actions. The criterion of puberty is not used in criminal law.

Minimum age for criminal responsibility

53. The general principle is that no child under the age of 7 years is capable of committing crimes. Between 7-14 years there is a rebuttable presumption that a child is incapable of committing a crime. Boys under the age of 14 years are deemed incapable of committing a crime. [...]

ZIMBABWE

Source:

Initial report: CRC/C/3/Add.35, 12 September 1995

Minimum age for the end of compulsory education

46. Under the Education Act, 1987 (No. 5 of 1987), every child has a right to education, though education is not compulsory. The minimum age at which a child can attend primary school is six years in terms of section 4 of the Act.

Minimum age for admission to employment

45. [...] legislation is under consideration to amend the Labour Relations Act and set a minimum of 16 years for employment.

47. Under the Labour Relations Act, 1985 (No. 16 of 1985), it is presumed that the minimum age for employment is 16 years. The presumption is based on the provisions of section 11 of the Act which provide that if anyone below the age of 16 years enters into a contract of employment, even with the consent of the parents or guardian, or even if the child is expressly or tacitly emancipated, the contract is not enforceable except in the case of apprenticeship. There is no legislation that specifically sets out the minimum age.

Minimum age for marriage

49. Although under common law, boys can marry at 14 and girls at 12, legislation prohibits such marriages. Section 11 of the African Marriages Act [Chap. 238] sets the minimum age at 18 years for boys and 16 years for girls. For anyone below these ages to marry, the Minister of Justice, Legal and Parliamentary Affairs must give his approval in terms of section 23 [Chap. 37] of the Marriages Act and the parents must consent to the marriage. [...]



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