

CRC Optional Protocol (Armed Conflict) CRC/C/146 (2005)

Concluding observations: Austria (initial report under article 8 of the Optional Protocol)

281. The Committee considered the initial report of Austria (CRC/C/OPAC/AUT/1) at its 1008th meeting (see CRC/C/SR.1008), held on 14 January 2005, and adopted at its 1025th meeting, held on 28 January 2005, the following concluding observations.

A. Introduction

282. The Committee welcomes the submission of the State party's comprehensive initial report, which gives detailed information of the Optional Protocol. The Committee appreciates the frank and constructive dialogue held with the delegation, which included members of the Ministry of Defence to answer specific questions.

B. Positive aspects

283. The Committee notes with satisfaction that the Austrian National Defence Act has been amended in 2001 in order to reflect the provisions of the Optional Protocol.

284. The Committee welcomes the State party's international and bilateral technical cooperation activities and financial assistance aimed at preventing the involvement of children in armed conflicts and assisting recovery of child victims of armed conflicts and the rehabilitation and recovery of child combatants.

C. Principle areas of concern and recommendations

Voluntary recruitment

285. The Committee notes that section 9, paragraph 2, of the National Defence Act sets the minimum age of voluntary recruitment at 17 years. It also notes that according to the State party, "no systematic or comprehensive debate took place in Austria" (CRC/C/OPAC/AUT/1, para. 26) regarding a possible review of legislation to increase this age limit to 18 as "the existing legislation reflected consensus on the minimum age".

286. The Committee recommends that the State party consider the possibility to increase the minimum age for voluntary recruitment to 18 years.

287. The Committee notes the existence in Vienna of a military school (Militärrealgymnasium) offering a combination of secondary education with military training for students - also called cadets - from age 14 onward, under the joint responsibility of the Federal Ministries of Education and Defence, that "aims to prepare students for a military career (military officers)" (CRC/C/OPAC/AUT/1, para. 42).

288. With regard to incentives for recruitment, and in light of the fact that a significant proportion of new recruits in the armed forces come from the cadets, the

Committee requests the State party, in its next report, to include more detailed information and statistics on its military school and the cadets, in particular on how the activities of the cadets fit with the aims of education, as recognized in article 29 of the Convention and in general comment No. 1 (2001) of the Committee, and on recruitment activities undertaken by the armed forces within the cadet forces.

Assistance for physical and psychological recovery

289. The Committee requests that the State party provide information in its next report on refugee and migrant children within its jurisdiction that may have been involved in hostilities in their home country and the assistance provided for their physical and psychological recovery and their social reintegration.

Training/dissemination of the Optional Protocol

290. The Committee recommends that the State party continue to develop ongoing and systematic education and training on the provisions of the Convention for all relevant professional groups, in particular military personnel. In addition, the Committee recommends that the State party make the provisions of the Optional Protocol widely known to children, through, inter alia, school curricula.

Dissemination of documentation

291. In light of article 2, paragraph 2, of the Optional Protocol the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and consider publishing the report along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

Next report

292. In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its next (combined 3rd and 4th) periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention, due on 4 September 2009.