



Convention on the Rights of the Child

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Summary record of the 1563rd (Chamber B) meeting

Held at the Palais Wilson, Geneva, on Tuesday, 21 September 2010, at 10 a.m.

Chairperson: Mr. Zermatten (Vice-Chairperson)

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties *(continued)*

Third and fourth reports of the Sudan on the implementation of the Convention on the Rights of the Child (continued) (CRC/C/SDN/3-4; CRC/C/SDN/Q/3-4; CRC/C/SDN/Q/3-4/Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of the Sudan took places at the Committee table.*
2. **Ms. Magot** (Sudan), speaking as a representative of Southern Sudan, said that the third and fourth reports covered the period prior to the current President's assumption of office, a time when war was still raging, access to clean water was limited, over 90 per cent of the population lived on less than one dollar a day, and infant and child mortality rates were extremely high. Living conditions for children had improved since then. The Government of Southern Sudan was committed to fully implementing the Convention. The priority accorded to the rights of the child was reflected in the drafting in 2005 of the Child Act and the signing of agreements on ground rules to commit authorities to enforce the rights of the child and international humanitarian law.
3. The Child Act of 2005, which was the most comprehensive legal instrument governing Southern Sudan, was the product of consultations with civil society organizations and children. Work was under way in partnership with the international community to improve the implementation of children's rights in Southern Sudan. The Act had been drawn up the same year in which the Comprehensive Peace Agreement had been signed and the current President had come to power. It enshrined several important principles, such as equality, social justice, respect for human rights and strengthening the rule of law, which reflected the Government's determination to establish a culture of democracy that respected human rights and the rule of law in order to ensure the future of the country's children. Several institutions had been set up to fulfil that purpose, such as the Southern Sudan Human Rights Commission, which guaranteed, inter alia, the freedom of the press.
4. The decentralized structure made it easier to provide services to the population and to improve their means of subsistence. The Government worked closely with development partners to avert the risks of a crisis or armed conflict by boosting security and improving living conditions in the communities.
5. A significant portion of the budget, derived from oil revenues, was devoted to social and educational services, poverty reduction, improving the drinking water supply and the development of key economic sectors, such as agriculture.
6. The Interim Constitution of Southern Sudan promulgated in 2005 contained an entire chapter on the rights of the child, which mirrored the fundamental principles set out in the Convention. It also established that the Convention formed an integral part of the Bill of Rights and prevailed in the event of conflict. The chapter specifically embodied the principles of non-discrimination and the best interests of the child, the right to life and survival, and the protection of children against abuse and exploitation, and unequivocally defined children as all persons under the age of 18 years. Other rights relevant to children, such as free and obligatory education and free access to basic health care, were also set forth in the Bill of Rights.
7. The Child Act of 2008, in effect in Southern Sudan, covered all children, but also contained specific provisions for children in special need of protection and children in conflict with the law. The Act incorporated the provisions of the Convention, authorized and promoted cultural practices that protected children's rights and prohibited those that

were detrimental to them. Under the Act, all persons had the right to report any violations of the rights of the child in Southern Sudan to the judicial authorities. The Act also established the right to education, the right to registration at birth, the right to life, survival and development, the right to health, the right of male as well as female children born out of wedlock to inherit without distinction, as well as the rights of children with disabilities. It also prohibited child labour and other forms of economic exploitation of children.

8. The Act empowered the courts of Southern Sudan to issue ordinances to protect the rights of the child in keeping with the child's best interests, including ordinances on the placement of children in foster care, custody arrangements, child support or alimony and family allowances, as well as restraining orders to protect child victims of domestic violence.

9. A Child Court had been created together with a children's commission, which was responsible for investigating reports of child rights violations, overseeing the implementation of the Convention, raising the communities' awareness of children's rights and encouraging the participation of children in discussions of issues affecting them.

10. A policy to promote the rights of children without parental protection had been introduced in 2008. Most children in that situation had been taken in by family members or other relatives. The placement of children in institutions was discouraged.

11. The Ministry of Gender, Child and Social Welfare drafted all policy on children's affairs in Southern Sudan. Bureaux in charge of handling women's and children's affairs had been opened in some police stations. The staff of those bureaux had received special training and were consequently versed in the provisions of the Child Act and knew how to treat minors.

12. A child protection unit had been set up in the Sudan People's Liberation Army to prevent the recruitment of child soldiers or, if applicable, to demobilize them.

13. A justice department for women and minors had been created in the Ministry of Legal Affairs and Constitutional Development to handle juvenile delinquency issues and raise awareness of the Child Act among magistrates, in addition to other activities. Specialized magistrates would be appointed as soon as they had been trained.

14. Despite the efforts made, many issues still needed to be resolved, including data collection, violence towards children, birth registration, early marriages, the recruitment of children into the armed forces, child abduction, and children without parental care.

Initial report of the Sudan on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (continued) (CRC/C/OPAC/SDN/1; CRC/C/OPAC/SDN/Q/1; CRC/C/OPAC/SDN/Q/1/Add.1)

15. **Mr. Koompraphant** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) said that the Sudan was still in the midst of political conflicts and turmoil and a further step was needed to establish peace for all Sudanese. The country required strong support from the international community. Under article 45 of the Convention, the Committee could transmit, as it considered appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any requests for technical assistance made by the State party.

16. He would like to know how the Government was implementing its action plan in accordance with United Nations Security Council resolutions 1612 (2005) and 1882 (2009), whether children had been recruited in hostilities and whether anyone had been prosecuted for recruiting children.

17. He enquired about measures to improve the standard of living of displaced children in Darfur, where access to food, drinking water and health facilities was limited. He wished to learn whether the State party was cooperating with neighbouring countries, especially Southern Sudan, to protect children from attack and abduction and, above all, girls from being recruited as sex slaves.

18. **Mr. Krappmann** asked whether the National Council for Child Welfare conducted awareness-raising activities relating to the Protocol in all parts of the country, specifically in the regions affected by the use of child soldiers. He wished to receive assurances that the various awareness-raising workshops were not targeting only the members of the army, but also the public at large and all persons involved in the protection and rehabilitation of former child soldiers. He stressed the importance of disseminating the Protocol among the communities and camps of displaced persons, where children were particularly vulnerable.

19. He wished to know whether human rights education formed part of the school curriculum and whether information on the Protocol was included, and if not, whether the State party planned to include such subjects in the curriculum. Awareness-raising within the education system must not be the only solution, however, as not all children attended school. The media should therefore be involved as well.

20. **Mr. Filali** (Country Rapporteur) asked about the measures taken to prevent the enlistment of children. He requested information as to the status of military schools, whether the pupils attending them received military training and learned to handle weapons, and whether the curriculum included courses on international humanitarian law, human rights, and education in tolerance and peace.

21. He wished to know the measures taken in Southern Sudan to prevent forced enlistment of children as well as their voluntary enlistment in return for pay, given the difficulties that humanitarian organizations had in providing aid to the population.

22. He requested a description of the methods used to verify the age of those recruited by the self-defence groups that communities had formed and more information on the demobilization and reintegration measures implemented by the Child Protection Unit.

23. **Mr. Pollar** asked whether there was a legal definition of children's direct participation in hostilities, whether penalties existed for military personnel or civilians who recruited children into the armed forces and whether there had been any convictions.

24. Given the shortcomings of the birth registration system, he wished to know the methods used to determine the age of armed forces recruits and to receive assurance that the age of conscription would not be lowered to 16 years even if the country entered a state of emergency.

25. **Ms. Varmah** asked whether campaigns to raise awareness of the Protocol were planned. She requested further details on the children's parliaments and the training on child protection given to military personnel and the staff of the Commission for Disarmament, Demobilization and Reintegration.

26. **Ms. El-Ashmawy** asked which mechanisms the Government had set up to coordinate the action of all parties involved in the implementation of the Protocol and what border measures had been taken to prevent children falling victim to cross-border organized crime once the fighting was at an end.

27. The State party had passed a Human Rights Act in April 2009 but had yet to set up the human rights commission, and she wished to know what action was being taken in that regard. She also wished to know whether Sudan intended to sign multilateral agreements on the protection and recruitment of children on its eastern and southern borders.

28. She requested information on the measures taken to improve the collection of data on the topics covered by the Protocol and to guarantee the right of children involved in armed conflicts to be treated as victims and not as criminals. What steps did the Government intend to take to develop a national action plan to ensure the re-education, rehabilitation and reintegration of such children?

29. **The Chairperson** said that there was very little data on the children involved in or displaced by armed conflicts and wished to know whether the State party had conducted any surveys on the matter. He would like details on the resources allocated to post-demobilization reintegration and to know which legal instrument criminalized the recruitment of children.

30. He would be interested to learn which court tried children who had committed a crime when they were under the orders of a military group, and whether Sudan would draw inspiration from the case law of the Special Court for Sierra Leone, which considered such children to be victims.

31. He requested clarification regarding the demining programmes and asked whether the export of weapons to countries likely to use or recruit children during conflicts was prohibited by law.

The meeting was adjourned at 11 a.m. and resumed at 11.25 a.m.

32. **Ms. Habani** (Sudan) said that the recruitment of children was criminalized under the Armed Forces Act of 2007 and the Child Act of 2010. A programme had been implemented in Southern Sudan to combat the recruitment of children and to further disarmament, demobilization and reintegration.

33. **Mr. Ali** (Sudan) said that the Sudanese armed forces abided by the Constitution and all the international treaties ratified by the Sudan. In 2008, the Armed Forces Act had been brought into line with all the treaties to which the Sudan was party, including the Geneva Convention relative to the Protection of Civilian Persons in Time of War. In 2007, the armed forces high command had distributed a brochure on, among other matters, the protection of civilians, including children. Article 43 of the Child Act prohibited the recruitment of children, and section 14 of the Armed Forces Act of 2007 set 18 years as the minimum age for recruitment. Furthermore, article 176 of the Armed Forces Act provided that persons involved in the recruitment of minors would be subject to a 5-year prison sentence. The Criminal Code had been revised in 2009 to incorporate all those provisions.

34. **Mr. Filali** asked whether there was a difference between “military acts” and “acts of war” as referred to in article 43 of the Child Act and whether the aforementioned penalties applied also to the recruitment of children abroad by Sudanese nationals. Had any cases of the recruitment of minors come before military courts?

35. **Ms. Habani** (Sudan) explained that the recruitment of children for “military acts” referred to recruitment by both regular and irregular armed forces and even for the performance of domestic tasks. Military courts were competent to hear cases of child recruitment, but no such case had been presented.

36. The Sudan had signed bilateral and regional agreements to end the recruitment of children and the proliferation of arms. In June 2010, the Sudan had signed, together with Chad, the Central African Republic, Cameroon and Nigeria, the N’Djamena Declaration, whereby the parties undertook to end the recruitment of child soldiers. A bilateral agreement had been signed with Chad on child recruitment and arms proliferation.

37. **Mr. Mahi** (Sudan) explained that the Commission for Disarmament, Demobilization and Reintegration had a unit in charge of controlling small arms and light weapons, which worked with the national police force, the United Nations Development

Programme (UNDP) and the Regional Centre on Small Arms. The department had carried out several awareness-raising campaigns. An office to handle the matter nationwide had been created after the Sudan's accession to the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa.

38. A national action plan to control small arms and light weapons had been implemented with the participation of all the ministries involved in the matter. The Commission for Disarmament, Demobilization and Reintegration was preparing a national conference with a view to setting up the small arms and light weapons control mechanisms proposed at the N'Djamena Conference. Several rehabilitation projects and programmes were being carried out with the United Nations Children's Fund (UNICEF). The rehabilitation programme included social monitoring, psychological and social support, formal and informal education, as well as vocational training. The programme had a two-year time frame and was being implemented by local and foreign civil society organizations, which were working on nine projects in Northern Sudan.

39. All the pertinent agencies, including the Ministry of Health, the Ministry of Youth and the Ministry of Social Affairs, as well as civil society organizations, were participating in efforts to raise awareness of the Optional Protocol. Training seminars on the provisions of the Protocol were regularly held for the media and the child welfare commissions.

40. The Sudan had participated in the Paris Conference "Free Children from War", held in 2007, and the country's disarmament, demobilization and reintegration strategy was based on the Paris Commitments signed on that occasion.

41. The Commission for Disarmament, Demobilization and Reintegration, together with social workers and civil society organizations, was trying to focus efforts on children from vulnerable groups to prevent further recruitment of children into armed groups. The implementation of the various reintegration projects was basically financed by the international community, but the Government was also contributing.

42. **The Chairperson** asked how many children were involved in the nine projects under way in Northern Sudan and whether those projects were sufficient to meet needs. He wished to know the size of the budget allocated to such activities, either in monetary terms or as a percentage of GDP, and whether allocations had increased or fallen. Considerable financial resources were needed to ensure that all demobilized children, including street children, were reintegrated into society.

43. **Mr. Mahi** (Sudan) said that the nine projects involved 1,629 children. No precise figures on the State's contribution were available. Greater efforts would certainly be needed to meet all the needs associated with reintegrating children into society.

44. **The Chairperson** said that the State party should perhaps consider investing heavily in reintegration programmes.

45. **Mr. Mahi** (Sudan) replied that the State had to address the needs of not only child soldiers, but also children from vulnerable groups in general. In the State of Khartoum, for example, in addition to 31 child soldiers, the State was looking after 2,000 vulnerable children. The Government was making every effort to allocate as many available financial resources as possible to those activities, while approaching new partners, such as the United Nations Food and Agriculture Organization, the World Food Programme and the Japan International Cooperation Agency, for support. The Government was also beginning to work with the International Labour Organization (ILO).

46. **The Chairperson** asked whether accurate data were available on the number of children who had in one way or another participated in the conflicts and on the number of children who needed to be reintegrated into society.

47. **Mr. Mahi** (Sudan) said that there was a regularly updated database that made it possible to follow up on the children who were being cared for by psychological and social welfare centres. The delegation would provide the Committee with more precise data in due course.

48. It was very difficult to estimate the sums spent on demobilized children as the resources came not only from the national budget, but also from the budgets of the various states and provinces. Demobilized children were given a health card which granted them free access to health care and were exempt from having to pay school fees. The State was also trying to bring about the economic reintegration of demobilized children by providing them and their families with financial support to prevent any further recruitment.

49. **Ms. El-Ashmawy** asked what border measures had been taken to prevent children involved in armed conflict from being transferred or recruited abroad to be exploited.

50. **The Chairperson** asked what concrete measures were being taken to prevent all new recruitment of children to the armed forces.

51. **Mr. Mahi** (Sudan) said that, above all, children needed to be encouraged to join the school system and complete their schooling. Social monitoring of children was also carried out through visits to the institutions in which they lived or their family homes. Any risk of new recruitment was reported. All the armed groups that had demobilized child soldiers had committed to refrain from recruiting children or from offering them financial incentives. A joint committee had been set up between Northern and Southern Sudan to address the situation of children living in the area of the former North-South dividing line. Agreements had been signed, including with the International Committee of the Red Cross (ICRC), to help reunite children with their families. Some demobilized children had thus been able to be reunited with their families in displaced persons camps.

52. The Sudan had acceded to the United Nations Convention against Transnational Organized Crime and had set up a committee with Chad, Eritrea, Ethiopia and Kenya to prevent illegal cross-border movements, all in keeping with the principles of international humanitarian law and the standard minimum rules established for the treatment of child soldiers.

53. **Ms. Habani** (Sudan) said that all children who had participated in the assault on Omdurman in May 2008 and whose age had been established as being under 18 years had been freed. Those aged 18 and over who had been convicted had immediately been granted a presidential amnesty and allowed to return to their families.

54. **Mr. Musa** (Sudan) added that the children used by the Justice and Equality Movement (JEM) in the attack on Omdurman had been handled by the Sudanese authorities in accordance with recognized international norms. The children had received the assistance and care they needed. The President of the Republic had set up a commission, presided over by the Minister for Social Affairs, to study the cases of young people who had just turned 18. Those youths had been classified and treated as victims, detained separately and, where necessary, transported to reintegration and psychological support centres. ICRC staff had been able to interview them and they had been handed over to the Office of the Prosecutor-General.

55. **Ms. Habani** (Sudan) said that a mechanism for monitoring and reporting information on children in armed conflict, presided over by the National Council for Child Welfare, had been set up the day after the adoption of United Nations Security Council resolution 1612 (2005) on children in armed conflict, and Ms. Radhika Coomaraswamy, Special Representative of the Secretary-General for Children and Armed Conflict had stressed, at the end of her visit to the Sudan on 15 November 2009, the progress made by the Sudan in that area. Most camps were run by the Government while humanitarian

organizations were cooperating with the Ministry of Humanitarian Affairs to improve access to aid for displaced persons and refugees.

56. **Ms. Magot** (Sudan) said that, pursuant to the 2008 Child Act of Southern Sudan, the recruitment and voluntary enlistment of persons under 18 in the armed forces or armed groups was prohibited. It was illegal to recruit children under the age of 18 for participation in military or paramilitary activities, including for performing cooking or nursing duties, manual labour or sexual purposes. The Government was under the obligation to ensure that both the children involved in armed conflict (whether used by regular armed forces or other armed groups) and those affected by armed conflict would receive protection, rehabilitation assistance and medical care and were reintegrated into society. The Government was also required to ensure that the rights of children were respected even during an armed conflict, and to abide by international humanitarian law.

57. The Child Act of Southern Sudan established fines and prison sentences of up to 10 years for anyone found guilty of recruiting or using children for military purposes.

58. The Child Protection Unit set up within the Political and Moral Guidance Directorate of the Sudan People's Liberation Army in 2007 had established sub-units at every level of the armed forces, from headquarters to company level. They carried out awareness-raising and training activities and were responsible for ensuring that not a single child was enlisted or re-enlisted in the armed forces and that any officer who violated the prohibition on the enlistment of children was apprehended. They verified the age of potential recruits on the basis of age estimation certificates if, as was often the case in Southern Sudan, applicants did not possess birth certificates.

59. With regard to the reintegration of child soldiers and the fight against the recruitment of children, a common reintegration strategy had been adopted in 2007 by the Disarmament, Demobilization and Reintegration Commissions of Northern and Southern Sudan. The strategy stressed the need for cooperation among the army, the commissions and the Ministries of Social Welfare and Education, at all stages, from the moment child soldiers were identified through to their reintegration in society. The intention is also that demobilized children were monitored by social services for a period of two years and that the families that took them in received support. The communities involved must possess the necessary infrastructure and services, especially education and vocational training, so that demobilized children would be less inclined to re-enlist.

60. **The Chairperson** requested details on the awareness-raising activities carried out in schools, especially regarding peace, human rights and humanitarian law, as well as on the training of professionals. He also wished to know how schools were protected against armed attack.

61. **Mr. Filali** said that he understood that schools were sometimes being used as military bases and that, in such an event, the children could no longer go to school.

62. **Ms. Habani** (Sudan) said that school syllabuses included human rights and children's rights in particular and had been designed by the National Council for Child Welfare together with the Ministry of Education. Radio stations were also involved in awareness-raising. As to the protection of schools against armed attack, she repeated that schools were never used as military bases. When children were displaced by conflict and could not attend school, educational services were provided in the displaced persons' camps with the help of international partners.

63. **The Chairperson**, drawing attention to the fact that not all children attended school, asked whether awareness campaigns, particularly in the mass media, targeted the population at large so as to raise awareness of human rights and the need, as part of education for peace, to prevent the enlistment of minors.

64. **Mr. Ali** (Sudan) said that the Armed Forces Act of 2007 was very clear on the subject of attacks on public establishments and other places protected under international humanitarian law, including schools. Such attacks were punished with 10–20 years' imprisonment, and those found guilty could be sentenced to pay compensation to the victims in keeping with sharia law. However, schools that had been occupied and used by armed groups could lose their protected status and become military targets under international humanitarian law. Armed groups sometimes used civilians as human shields.

65. The 2009 Report of the Secretary-General on children and armed conflict in the Sudan (S/2009/84) mentioned a school that had been attacked in the town of Abyei. The school had contained weapons caches and unexploded munitions, which was against army regulations. It had therefore become a military target and lost its protected status under the Fourth Geneva Convention and the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts. The schools that were attacked were often in areas that civilians had already fled as a result of the conflict and were therefore, like other facilities, often abandoned.

66. The training establishments run by the army abided by the provisions of article 3 (para. 5) of the Optional Protocol and articles 28 and 29 of the Convention. The technical secondary school for engineers, whose workings and entry requirements were described in detail in paragraphs 55 and 56 of the initial report, was one example of such an establishment.

67. **Ms. Osman** (Sudan) said that verification of the age of child soldiers was a key element of demobilization efforts and that the Commission for Disarmament, Demobilization and Reintegration was also engaged in HIV/AIDS awareness-raising activities. As to coordination among the various entities involved, the Ministry of Social Affairs offered jobs to street children and guided those with training towards a suitable career. Identity cards were also issued to children who had none. Several training programmes to improve the employment prospects of young people were under way in the State of Khartoum with the support of the Japan International Cooperation Agency.

68. **Mr. Filali** said that the 2010 Child Act prohibited the application of the death penalty to minors but, according to certain sources, it was still being applied, particularly in Darfur and in the cases of children who had been accused of participating in the attack on Omdurman.

69. **Ms. Habani** (Sudan) said that no person under the age of 18 could receive the death penalty.

70. **Mr. Filali** asked the delegation of the Sudan to confirm that all children who had participated in the assault on Omdurman had been freed, including those initially sentenced to death.

71. **Ms. Habani** (Sudan) replied that it was so. A few days prior to the delegation's arrival in Geneva, a Government official had visited the prison at Kober to check whether the children identified by UNICEF were there, and had been able to confirm that no children were being held there. The situation had already been resolved, and the Sudanese Government confirmed that all children who had participated in the attack on Omdurman had been released, together with several adults.

72. **The Chairperson** asked whether the 2010 Child Act prohibited life sentences for minors.

73. **Ms. Habani** (Sudan) said that children could never receive life sentences as they were not subject to the same penalties as adults. Those who committed the most serious crimes could be placed in rehabilitation centres, and other custody arrangements were provided for in the law.

74. **Mr. Filali** said that life sentences were not explicitly listed among the exceptions to prison sentences established in article 77 of the Child Act of 2010.

75. **Ms. Habani** (Sudan) said that under article 77, a child could be deprived of his or her liberty only for acts of violence that made it impossible to take alternative measures. Juvenile offenders were not subject to the Criminal Code.

76. **The Chairperson** thanked all the members of the delegation of the Sudan for the quality of their replies to the numerous questions posed by the Committee.

77. **Mr. Filali** expressed his appreciation for the constructive dialogue held with the delegation of the Sudan, which had enabled the Committee to take stock of the situation of children's rights in the country. The Government was evidently trying to protect children's rights as shown by the passing of the 2010 Child Act. The Sudan still suffered from inadequate infrastructure and capacity. As the Independent Expert on the situation of human rights in the Sudan had reported to the Human Rights Council on 17 September, armed fighting continued, and banditry and major crime were on the rise, with children often among the first victims.

78. The following problems therefore needed to be urgently addressed: infant mortality; access to drinking water; primary school attendance; the involvement of children in armed groups, especially in Southern Sudan; early marriages; female genital mutilation, which must be prohibited regardless of cultural traditions; responsibility for displaced persons; and the enforcement of laws and statutes throughout the territory, given that, as a State party to the Convention, the State of the Sudan was the Committee's official interlocutor. Attention also needed to be paid to the definition of the child in legal instruments, non-discrimination against children born out of wedlock, and corporal punishment. With regard to the Optional Protocol, the Committee attached particular importance to the following issues: the dissemination of the Protocol's provisions and corresponding awareness-raising efforts, voluntary enlistment of children in armed forces, access to humanitarian aid, children's involvement in armed groups, the protection of victims, education in tolerance and peace, education in emergency situations, the proliferation of weapons, and the criteria used to judge young people's ages.

79. **Ms. Habani** (Sudan) thanked the Committee for its efforts to apprise itself of the human rights situation around the world. The Sudan would unfailingly adhere to the Committee's recommendations and observations to improve the promotion and protection of children's rights in the country. The complementary information that it had not been possible to provide during the meeting would be sent to the Committee at a later date.

The meeting rose at 1 p.m.