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II. CONCLUDING OBSERVATIONS, CONTINUED

CERD

- Qatar, CERD, A/57/18 (2002) 38 at para. 188.

188. The Committee welcomes the State party's declared intention to ratify in the near future the Convention on the Elimination of All Forms of Discrimination against Women, and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

- Uganda, CERD, A/58/18 (2003) 50 at para. 278.

278. While noting the efforts made by the State party to resume the dialogue with rebels of the Lord's Resistance Army in the north of the country, the Committee remains concerned about reports of grave acts of violence against tribes in the Gulu and Kitgum districts committed in the course of internal strife. The Committee invites the State party to continue its efforts to restore peace in the region and to protect vulnerable groups from human rights violations, notably tribal groups and children.

ICCPR

- El Salvador, ICCPR, A/58/40 vol. I (2003) 61 at para. 84(19).

(19) The Committee is sorry that the delegation was unable to explain the Legislative Assembly's reasons for not approving the establishment of a national commission of inquiry to track down children who disappeared in the conflict (arts. 6, 7 and 24).

The State party is...invited to reconsider the establishment of a national commission on disappeared children and a compensation fund for young people who are found.

- Philippines, ICCPR, A/59/40 vol. I (2003) 15 at para. 63(17).

(17) The Committee is concerned that the measures of protection of children are inadequate and the situation of large numbers of children, particularly the most vulnerable, is deplorable. While recognizing that certain legislation has been adopted in this respect, many problems remain in practice, such as:

...

(d) children as young as 13 allegedly being used by armed groups without adequate

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measures of protection by the State (art. 24);

...

The State party should:

...

(c) Take all appropriate measures to ensure protection of children who have been involved in armed conflict and provide them with adequate assistance and counseling for their rehabilitation and reintegration into society (art. 24);

...

- Uganda, ICCPR, A/59/40 vol. I (2004) 47 at para. 70(15).

(15) The Committee is concerned about the magnitude of the problem of abduction of children, in particular in northern Uganda. While acknowledging the measures taken by the State party to mitigate it, the Committee is concerned that available data do not show a decrease in the number of abductions. It is also concerned about the fate of former child soldiers (arts. 6, 8 and 24).

The State party should take the necessary steps, as a matter of extreme urgency and in a comprehensive manner, to face the abduction of children, and to reintegrate former child soldiers into society.

ICESCR

- Colombia, ICESCR, E/2002/22 (2001) 110 at paras. 769 and 790.

769. The Committee is deeply concerned about the high numbers of street children and children affected by armed conflict. The Committee is particularly concerned that children are being forced to participate in the armed conflict.

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790. The Committee calls upon the State party urgently to undertake measures to address the problem of street children and children affected by armed conflict and to prevent and discourage children from taking up arms.

- Guatemala, ICESCR, E/2004/22 (2003) 59 at paras. 411 and 429.

411. The Committee...takes note of the efforts made by the State party towards the implementation of the National Reparations Programme for victims of war. However, the Committee expresses concern at the lack of effective measures to reunite families separated by the conflict, to establish the whereabouts of children who have disappeared and to

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safeguard the rights of children orphaned by the war.

...

429. The Committee urges the State party to increase its efforts to reunite separated families, to continue seeking children who have disappeared and to safeguard the situation of war orphans while facilitating access to the judicial system for affected persons.

- Serbia and Montenegro, ICESCR, E/2006/22 (2005) 41 at paras. 296 and 323.

296. The Committee regrets the absence of information on mental health services in the State party's report, including provision of psychological rehabilitation to victims of physical and sexual violence and other traumatizing experiences related to armed conflict.

...

323. The Committee requests the State party to ensure the provision of adequate counselling and other assistance to victims of physical and sexual violence and other traumatizing experiences related to armed conflict, in particular women and children...

CEDAW

- Sri Lanka, CEDAW, A/57/38 part I (2002) 31 at paras. 298 and 299.

298. The Committee expresses its concern about the continued situation of armed conflict in the north and east of Sri Lanka and the increase of internally displaced persons, the majority of whom are women and children.

299. The Committee urges the State party to allocate more resources to meet the needs of internally displaced women and children and to ensure their privacy, access to health facilities, security and protection from violence...

CAT

- Uganda, CAT, A/60/44 (2005) 39 at paras. 93 and 97.

93. The Committee is further concerned about:

...

(h) The magnitude of the problem of abduction of children by the Lord's Resistance Army, in particular in northern Uganda;

...

97. The Committee recommends that the State party take all necessary legislative, administrative and judicial measures to prevent acts of torture and ill-treatment in its

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territory, and in particular that it:

...

(n) Act without delay to protect the civilian population in areas of armed conflict in northern Uganda from violations by the Lord's Resistance Army and members of the security forces. In particular, the State party should protect internally displaced persons confined in camps, which are constantly exposed to attacks from the Lord's Resistance Army;

(o) Take the necessary steps, as a matter of extreme urgency and in a comprehensive manner, to prevent the abduction of children by the Lord's Resistance Army and to facilitate the reintegration of former child soldiers into society;

...

CRC

- Cameroon, CRC, CRC/C/111 (2001) 71 at paras. 348 and 349.

348. ...The Committee is...concerned that the minimum and upper age limits have not been set for compulsory education, that a child below the age of 18 years may be recruited into the armed forces with parental consent..

349. The Committee recommends that the State party:

...

(c) Set a minimum age of 18 years for recruitment into the armed forces, without any possibility of recruitment below that age, even with parental consent;

...

- Gambia, CRC, CRC/C/111 (2001) 89 at paras. 421 and 422.

421. The Committee is concerned that there is no clear legal definition of the child in the State party and that various legal minimum ages which are inconsistent with the Convention, discriminatory and/or too low have been set.

422. With reference to paragraph 60 of the State party's initial report, the Committee encourages the State party to take the necessary legislative measures:

...

(c) To establish clear legal minimum ages for compulsory education, employment and enlistment in the armed forces, in accordance with the principles and the provisions of the Convention.

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- Paraguay, CRC, CRC/C/111 (2001) 103 at paras. 514 and 515.

514. The Committee is deeply concerned that, although the State party's legislation states that the minimum age for recruitment into the armed forces is 18, minors constitute a considerable proportion of conscripts into the Paraguayan armed forces and national police, and very much regrets that its previous recommendation (CRC/C/15/Add. 75, para. 36) in this regard was not implemented. It is deeply worried at the number of cases of torture and ill-treatment of conscripts, including children, by their superiors and at cases of unclarified deaths of conscripts, which also involved minors. In particular, it notes with concern that the majority of these deaths and ill-treatment cases were not investigated, and that there are reports of forcible recruitment of children, especially in rural areas, and of falsification of documents proving their age.

515. The Committee urges the State party:

(a) To put an end to the practice of recruiting children into the Paraguayan armed forces and national police, in line with its previous recommendation (CRC/C/15/Add.75, para. 36), and punish those involved in forcible recruitment;

(b) To investigate all cases of ill-treatment and death of conscripts and suspend from duty the officials implicated in such accidents;

(c) To prosecute and punish those responsible for these violations;

(d) To provide compensation to the victims of human rights violations during military service or their families;

(e) To provide training on human rights, including children's rights, to army officials; and

(f) To ratify the Optional Protocol to the Convention on the involvement of children in armed conflict, setting 18 years as the minimum age for all military recruitment.

- Uzbekistan, CRC, CRC/C/111 (2001) 117 at paras. 584 and 585.

584. The Committee expresses its concern at the negative impact on children of reported military operations in the country (for example, in the Surkhandarya region, which involved the relocation of villagers, and the mining of Uzbek-Tajik border areas).

585. In the light of article 38 and other relevant articles of the Convention, the Committee recommends that the State party:

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(a) At all times ensure respect for human rights and humanitarian law aimed at the protection and care of children affected by armed conflict;

(b) Provide physical rehabilitation and psychological recovery measures for these children.

- Lebanon, CRC, CRC/C/114 (2002) 11 at paras. 79 and 80.

79. The Committee notes with concern the negative impact of the past armed conflict on children, including increasing vulnerability to socio-economic deprivation, displacement and injury from landmines, as well as of past practices of recruitment of children by armed groups during the civil war.

80. The Committee reiterates its previous recommendation ([CRC/C/15/Add.54], para. 42) and urges the State party to continue and strengthen its efforts to provide for adequate psychosocial recovery and reintegration of victims of violence and the armed conflict in Lebanon. It also encourages the State party to continue and strengthen its demining activities and to seek the necessary technical and financial support from the international community.

- Greece, CRC, CRC/C/114 (2002) 25 at paras. 121 and 122.

121. Taking note of the State party's indication of its intention to change legislation and define the age of majority uniformly as 18, and noting the Special Committee that has been appointed in this regard, the Committee is concerned:

...

(b) That domestic legislation allows the drafting into the armed forces of children aged 17.

122. The Committee recommends that the State party:

...

(b) Raise, in light of the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict signed by the State party in September 2000, the minimum age at which persons can be conscripted into the armed forces to at least age 18.

- Mozambique, CRC, CRC/C/114 (2002) 65 at paras. 272, 273, 279, 280, 311 and 312.

272. The Committee is concerned:

...

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(c) That domestic legislation permits the conscription of children under the age of 18 under certain circumstances.

273. The Committee recommends that the State party:

...

(c) Ensure that domestic legislation prevents the conscription of young people under the age of 18; and consider establishing 18 as the minimum age for voluntary recruitment.

...

279. The Committee is concerned that:

...

(b) Landmines continue to pose a serious threat to children's survival and development.

280. The Committee recommends that the State party:

...

(b) Continue efforts to clear landmines and ensure the provision of physical rehabilitation and other relevant support to victims.

...

311. The Committee joins the State party in expressing concern that:

(a) As noted in paragraph 548 of the State party's report, "the needs of children formerly affected by the war continue to warrant special concern";

(b) There are still a large number of adolescents and young people, in both urban and rural areas, affected by the conflict who lack appropriate education and/or employment opportunities.

312. Acknowledging the significant efforts made in this regard, the Committee recommends that the State party:

(a) Continue to give attention to the needs of children affected by the war and end the reconscription of children;

(b) Give particular attention to providing education and/or employment opportunities for adolescents and young people, in both urban and rural areas.

- Guinea-Bissau, CRC, CRC/C/118 (2002) 12 at paras. 49, 50, 78 and 79.

49. The Committee is concerned that:

...

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(b) Boys under age 16 are legally permitted to join the armed forces if they have parental agreement and that children well under the age of 16 were recruited into armed forces in 1998 and 1999, during the internal armed conflict.

50. The Committee recommends that the State party:

...

(b) Clearly define the legal minimum age at which children can be recruited into the armed forces, raising the age limit to comply, at a minimum, with the standards set in the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and ensure enforcement of these standards.

...

78. The Committee is concerned that:

(a) Children were involved in the recent internal armed conflict, *inter alia*, as combatants, and that many children may have suffered from psychological trauma as a result;

(b) Child soldiers may not have received support toward demobilization and family and social reintegration;

(c) There continue to be a considerable number of landmines that place children at risk.

79. The Committee recommends that the State party:

(a) Ensure the demobilization of all under-age soldiers, providing such children with assistance to this end and in family and social reintegration;

(b) Take steps to assess and respond to the needs of child soldiers in terms of psychological assistance;

(c) Continue its landmine detection programme;

(d) Seek international assistance in the form of technical support, including from UNICEF, in this regard.

- Niger, CRC, CRC/C/118 (2002) 37 at paras. 187 and 188.

187. The Committee welcomes the State party's decision to review the "prytanée militaire" prior to ratifying the Optional Protocol on the involvement of children in armed conflict. In

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addition, the Committee notes the Peace Agreement concluded in 1995 between the State party and the various rebel groups, and the establishment of the Office of the High Commissioner for the Restoration of Peace, but remains concerned at the difficult situation of displaced persons, particularly children and women.

188. The Committee encourages the State party to speed up the review of its "prytanée militaire". In addition, the Committee recommends that the State party reinforce its efforts to provide displaced children with adequate social services, including health care, immunization and education, and to socially reintegrate former combatants.

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/121 (2002) 23 at paras. 145 and 146.

145. The Committee is deeply concerned that about one third of the annual intake of recruits into the armed forces are below the age of 18 years, that the armed services target young people and that those recruited are required to serve for a minimum period of four years, increasing to six years in the case of very young recruits. The Committee is also concerned at the widespread allegations that young recruits have been the victims of bullying and at the fact that children below the age of 18 years take direct part in hostilities overseas. The Committee remains concerned at the negative impact of the conflict in Northern Ireland on children, including in the use of emergency and other legislation in force in Northern Ireland.

146. The Committee recommends that the State party:

(a) Ratify the Optional Protocol on the involvement of children in armed conflict and take all necessary measures to prevent the deployment of persons below the age of 18 years in the circumstances referred to in the declaration made upon signature by the State party of the Optional Protocol, keeping in mind its object and purpose;

(b) While it recruits persons who have attained the age of 16 years but who have not attained the age of 18 years, endeavour to give priority to those who are the oldest in light of article 38, paragraph 3, of the Convention, and strengthen and increase its efforts to recruit persons of 18 years and above;

(c) In line with its previous recommendations ([CRC/C/15/Add.34], para. 34), review the emergency and other legislation, including in relation to the system of administration of juvenile justice, at present in operation in Northern Ireland to ensure its consistency with the principles and provisions of the Convention.

- Sudan, CRC, CRC/C/121 (2002) 53 at paras. 225, 254, 255 and 278-281.

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225. The Committee notes the extremely negative impact of the armed conflict on children and that it has created conditions in which even a minimal implementation of the Convention is difficult. While noting the *de facto* control by non-State actors of areas of the State party's territory, notably in southern Sudan, the Committee emphasizes the full responsibility of the State party; it invites all other parties to respect child rights within the area under their control.

...

254. The Committee is concerned that...acts of torture, rape and other cruel, inhuman or degrading treatment have been committed against children in the context of the armed conflict.

255. The Committee recommends that the State party:

...

(b) Prevent all forms of violence against children and make sure that perpetrators of violence against children, including the police, are prosecuted;

(c) Immediately end the practice of detaining children in camps where they suffer torture and other cruel, inhuman or degrading treatment or punishment and make sure that those responsible for such acts are brought to justice;

...

278. While noting the demobilization of some children, the Committee is deeply concerned that:

(a) Children are still being used as soldiers by the Government and opposition forces;

(b) Landmines continue to pose problems for the safety of children, including in regions where armed conflict is no longer taking place;

(c) Government forces have conducted indiscriminate bombing of civilian areas, including of food stocks;

(d) Access to needy populations by humanitarian organizations has sometimes been impeded.

279. The Committee recommends that the State party and, as far as applicable, other relevant actors:

(a) End all recruitment and use of children as soldiers, in accordance with applicable international standards; complete demobilization and rehabilitate those children who are currently serving as soldiers; and comply with Commission on Human Rights resolution 2001/18;

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- (b) End the military recruitment of professionals working with children, such as teachers;
- (c) Include respect for children's rights in any negotiated agreement to end the armed conflict;
- (d) Ratify and fully implement the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and On Their Destruction, of 1997;
- (e) Respect the provisions of article 38 of the Convention and related provisions of international humanitarian law with regard to the protection of civilians, including children, in armed conflicts;
- (f) Guarantee the delivery of humanitarian assistance to the populations in need, and respect the rights of children among civilian populations to, among others, food, water, medical care and adequate housing;
- (g) Fully cooperate with the United Nations verification team investigating alleged abuses against civilians, including children, during the armed conflict.

280. The Committee welcomes the work of the Committee for the Eradication of Abduction of Women and Children. However, it remains concerned that the State party's legislation does not adequately prohibit slavery or sanction those engaged in it and that thousands of children have been abducted and enslaved in the context of the armed conflict as well as for commercial gain (i.e. sold as servants, agricultural labourers and concubines, or forcibly recruited as soldiers).

281. The Committee recommends that the State party:

- (a) Ensure that child slavery is prohibited under domestic legislation and in accordance with the Convention and other relevant international standards;
- (b) End all forms of slavery and abduction of children within the State party and, in this context, urgently implement the provisions of Commission on Human Rights resolution 2001/18;
- (c) Prosecute those persons engaged in the abduction, sale, purchase or illegal forced recruitment of children;
- (d) Continue and strengthen the work of the Committee for the Eradication of Abduction of Women and Children, including through making available greater financial resources and giving the Committee more authority at the regional and local levels;

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(e) Provide assistance to children returning from slavery or abduction with reintegration in their families and communities;

(f) Seek international cooperation in this regard.

- Israel, CRC, CRC/C/121 (2002) 131 at paras. 554, 555, 574, 575, 581, 582, 608 and 609.

554. In the present context of violence, the Committee recognizes the difficulties of the State party in fully implementing the Convention. Amidst continuing acts of terror on both sides, especially the deliberate and indiscriminate targeting and killing of Israeli civilians, including children, by Palestinian suicide bombers, the Committee recognizes the climate of fear which persists and the State party's right to live in peace and security. At the same time, the Committee recognizes that the illegal occupation of Palestinian territory, the bombing of civilian areas, extrajudicial killings, the disproportionate use of force by the Israeli Defence Forces, the demolition of homes, the destruction of infrastructure, mobility restrictions and the daily humiliation of Palestinians continue to contribute to the cycle of violence.

555. The Committee emphasizes that a peaceful and stable future for children in the region can only be achieved on the basis of international human rights and humanitarian law, compliance with which is essential to guarantee respect for the equal dignity of all people in Israel and the occupied Palestinian territory.

...

574. The Committee is concerned that Israeli legislation discriminates in the definition of the child between Israeli children (e.g. persons under 18 in the 1962 Guardianship and Legal Capacity Law, and the Youth (Trial, Punishment and Modes of Treatment) Law) and Palestinian children in the occupied Palestinian territories (i.e. persons under 16 in Military Order No. 132).

575. The Committee recommends that the State party rescind the provision of Military Order No. 132 concerning the definition of the child and ensure that its legislation conforms to articles 1 and 2 of the Convention in this regard.

...

581. The Committee deeply regrets the killing and injuring of all children in the State party committed by all actors prior to and during the present armed conflict. It is extremely concerned about the consequences of the climate of terror which seriously harms the development of children.

582. The Committee strongly urges the State party and all relevant non-State actors:

(a) To take immediate and all necessary measures to end the violence;

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(b) To take immediate and all necessary measures to ensure that children are not recruited and do not participate in the conflict;

(c) To investigate immediately and effectively all killings of children and bring the perpetrators to justice;

(d) To take all necessary measures to provide child victims of these human rights violations with possibilities for adequate compensation, recovery and social reintegration.

...

608. The Committee is seriously concerned about the impact of terrorism on the rights of children in the State party, as well as the impact of military action on the rights of children in the occupied Palestinian territories. Moreover, the Committee is concerned about the insufficient cooperation of the State party in relation to demining efforts in southern Lebanon and the lack of redress available to the child victims of Israeli Defence Forces operations there.

609. The Committee recommends that the State party and other non-State actors:

(a) Establish and strictly enforce rules of engagement for military and other personnel which fully respect the rights of children as contained in the Convention and protected under international humanitarian law;

(b) Refrain from using and/or targeting children in the armed conflict and comply fully with article 38 of the Convention, and as much as possible with the Optional Protocol on the involvement of children in armed conflict;

(c) Provide full support and cooperation for demining efforts in southern Lebanon, and possibilities for adequate compensation, recovery and rehabilitation to the child victims of Israeli Defence Forces actions in southern Lebanon;

(d) Ratify and fully implement the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, of 1997.

- Eritrea, CRC, CRC/C/132 (2003) 8 at paras. 27, 77 and 78.

27. The Committee notes with appreciation the State party's successful efforts, following its independence in 1993:

...

(e) To provide alternative care, while avoiding institutionalization, of children that have been orphaned due to past armed conflicts.

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...

77. While noting with appreciation the State party's extensive experience in providing care and protection to vulnerable children separated from their families through national and field-level structures, as well as the Eritrean Refugees and Relief Commission, the Committee is concerned that there are still a significant number of children suffering from the effects of armed conflict, in particular returnees, internally displaced children, landmine victims and children who were separated from their parents following expulsions of Eritreans from Ethiopia during the border war (1998-2001).

78. The Committee recommends that the State party continue to strengthen programmes to provide assistance and support to children affected by armed conflict, including returnee and displaced children and landmine victims, while paying particular attention to female-headed households. In particular, the Committee recommends that the State party:

(a) Ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and enact refugee legislation that adheres to international standards, in particular in the area of rights and obligations of asylum-seekers;

(b) Strengthen efforts to trace and reunite family members of refugee and displaced children, including those expelled from Ethiopia during the border war;

(c) Develop administrative structures and procedures for processing asylum-seekers, including children;

(d) Seek international support and technical assistance, where possible, from United Nations agencies, in particular UNHCR, and NGOs to expedite the process of demining and the social reintegration and, when necessary, rehabilitation of all victims of recent armed conflicts.

- Sri Lanka, CRC, CRC/C/132 (2003) 48 at paras. 230, 242, 243, 271 and 272.

230. The Committee is greatly encouraged by the ongoing peace process and the inclusion of human rights issues, including the human rights of children, in the peace talks.

...

242. The Committee welcomes the establishment of the National Human Rights Commission in 1997, which also accepts and investigates complaints regarding the violation of children's rights. However, the Committee is concerned that the Commission has insufficient human and material resources to deal effectively with its volume of work.

243. The Committee recommends that the State party, in accordance with the Committee's general comment No. 2 on national human rights institutions:

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...

(c) Ensure its accessibility to children, in particular by raising awareness of its power to receive, investigate and address complaints by children, in particular those affected by conflict.

...

271. Almost 20 years of civil conflict has had an extremely negative impact on the implementation of the Convention in the State party. While recognizing that children will greatly benefit from the peace process, the Committee is concerned that during the transition to peace and the reconstruction process, children who have been affected by the conflict remain a particularly vulnerable group.

272. The Committee recommends that the State party implement the plan of action for the respect of the rights of children during the reconstruction process (2003). In particular, the Committee recommends that the State party:

(a) Prioritize the demobilization and reintegration of all combatants under 18 and ensure that all armed groups reintegrated into the national armed forces adhere to the minimum age of recruitment of 18 years;

(b) Develop, in collaboration with NGOs [non-governmental organizations] and international organizations, a comprehensive system of psychosocial support and assistance for children affected by the conflict, in particular child combatants, unaccompanied internally displaced persons and refugees, returnees and landmine survivors, which also ensures their privacy;

(c) Take effective measures to ensure that children affected by conflict can be reintegrated into the education system, including through the provision of non-formal education programmes and by prioritizing the rehabilitation of school buildings and facilities and the provision of water, sanitation and electricity in conflict-affected areas;

(d) Seek in this regard technical assistance from, among others, UNICEF.

- Solomon Islands, CRC, CRC/C/132 (2003) 58 at paras. 331-334.

331. The Committee is concerned that a large number of children have been displaced during the recent armed conflict.

332. The Committee urges the State party to make every effort to protect the civilian population from displacement, giving particular attention to the situation of unaccompanied children and the need for effective family tracing and reunification. The Committee also urges the State party to ensure that all displaced children and their families have access to essential health and education services and to consider the need for continued access to such

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services during the often slow process of return to communities of origin. The Committee further urges the State party to provide returning children and their families with assistance in re-establishing themselves in their homes. In addition, the Committee urges the State party to continue to work closely with UNHCR towards establishing conditions conducive to the return of refugees in safety and in the context of a durable solution.

333. The Committee is deeply concerned that:

- (a) The recruitment of children under the age of 18 by militias occurred during the recent armed conflict in the State party and that other cases of alleged war crimes affecting children have not been duly investigated;
- (b) There are no reports of the measures taken to rehabilitate child soldiers.

334. The Committee recommends that the State party:

- (a) Ensure with immediate effect that there is no further recruitment of children by militias;
- (b) Take immediate measures to rehabilitate child soldiers and other child victims of armed conflicts and provide them with access to educational opportunities and health care;
- (c) Take all necessary measures to investigate, prosecute and punish alleged perpetrators of war crimes, especially those affecting children;
- (d) Seek technical assistance from international NGOs, OHCHR and UNICEF.

- Libyan Arab Jamahiriya, CRC, CRC/C/132 (2003) 74 at paras. 366, 367, 386 and 387.

366. The Committee is concerned that:

...

- (b) Although the age of compulsory recruitment into the armed forces is 18 years, article 1 of Mobilization Act No. 21 of 1991 allows for persons of 17 years to, among other things, engage in combat.

367. The Committee recommends that the State party:

...

- (b) Amend article 1 of Mobilization Act No. 21 of 1991 such that persons under 18 mobilized in the context of a general mobilization can serve the war effort without being deployed as active combatants.

...

386. While appreciating the aid provided to refugees and displaced persons in a number of

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conflict-ridden countries such as Sierra Leone, the Sudan and Afghanistan, the Committee is concerned that there is no legislation to specifically guarantee the protection and rights of refugee or asylum-seeking children in the State party.

387. The Committee recommends that the State party ensure an effective legal framework for the protection of the rights of refugee and asylum-seeking children, in accordance with articles 2 and 22 of the Convention. In the light of the State party's accession to the regional instrument on refugees, the State party is encouraged to ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and continue and expand its cooperation with UNHCR.

- Morocco, CRC, CRC/C/132 (2003) 100 at paras. 510 and 511.

510. The Committee welcomes the ratification by the State party of the Optional Protocol to the Convention on the involvement of children in armed conflict and the setting of the minimum age for compulsory recruitment into the armed forces at 20 years, but remains concerned at the situation of children living in Western Sahara.

511. In light of article 38 of the Convention, the Committee recommends that the State party take all feasible measures to ensure full protection and care of children who are affected by the armed conflict taking place in Western Sahara.

- Pakistan, CRC, CRC/C/133 (2003) 37 at paras. 228, 230, 233 and 234.

228. The Committee is...concerned at reports of madrasas being involved in recruiting children, including forcibly, to participate in armed conflicts, especially in Afghanistan and in Jammu and Kashmir.

...

230. The Committee recommends that the State party:

(a) Ensure the protection of children from maltreatment within madrasas through the establishment of an adequate monitoring mechanism;

(b) Continue and strengthen its planned reform of madrasas, with a view to broadening the scope of the education given in madrasas;

(c) Take effective measures to ensure that children below the age of 18 years are not involved in hostilities and to protect children from forced recruitment.

...

233. The Committee is concerned that, in spite of legislation prohibiting the involvement

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of children in hostilities, there are reports of children being recruited, including forcibly, to participate in armed conflicts, especially in Afghanistan as well as in Jammu and Kashmir.

234. The Committee recommends that the State party:

(a) Take effective measures to ensure that children below the age of 18 years are not involved in hostilities and that children below the age of 15 years are not recruited into armed forces;

(b) Develop, in collaboration with NGOs and international organizations, a comprehensive system for the reintegration and recovery of children who have participated in hostilities.

- New Zealand, CRC (Optional Protocol - Armed Conflict), CRC/C/133 (2003) 126 at paras. 591-595 and 598.

591. 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 at assisting the recovery of child victims of armed conflicts and the rehabilitation and recovery of child combatants.

592. The Committee welcomes the amendment to the Defence Act (1990) which prohibits anyone under 18 from being liable for active service. However, it is concerned that the Defence Force Orders for Administration (15 February 2002) refer only to active service outside New Zealand and therefore implicitly allow active service inside New Zealand by soldiers below the age of 18.

593. The Committee recommends that the State party amend the Defence Force Order to expressly prohibit active service in and outside of New Zealand by soldiers under the age of 18.

594. The Committee notes that the Defence Force Orders for Administration set the minimum age of voluntary recruitment at 17 years. However, it is concerned that this age limit has not yet been specified in the Defence Act (1990) and that the Guardianship Act allows for persons under the age of 18 who are married to be recruited into the armed forces.

595. The Committee recommends that the State party amend the Defence Act and the Guardianship Act to specify a minimum age of voluntary recruitment of 17 years for all persons. The Committee further recommends that the State party consider the possibility of increasing the minimum age for voluntary recruitment to 18 years.

...

598. The Committee recommends that the State party undertake systematic education and

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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.

- Indonesia, CRC, CRC/C/137 (2004) 8 at paras. 50, 51 and 87-92.

50. The Committee notes with concern that societal discrimination persists against girls and against other vulnerable groups of children, in particular children living in poverty, children born out of wedlock, children displaced by conflict and minority children.

51. The Committee urges the State party to conduct an in-depth review of all its legislation with a view to fully guaranteeing the application of the principle of non-discrimination in domestic laws and compliance with article 2 of the Convention, and to adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups.

...

87. The Committee is alarmed at the high level of fatalities in Aceh, West Kalimantan, Central Sulawesi, Maluku and Ambon, as well as those which resulted from the conflict in East Timor in 1999. The Committee is further concerned that children affected by armed conflict remain a particularly vulnerable group and that the perpetrators of violations of their human rights, especially during conflicts, are rarely prosecuted.

88. The Committee is concerned that martial law in Aceh might have a negative impact on the protection and implementation of the rights of children.

89. The Committee is deeply concerned at the report of the use of child soldiers, notably in Aceh and Maluku, as well as in East Timor up to 1999.

90. The Committee is further gravely concerned at the very large number of children displaced as a consequence of armed conflict.

91. The Committee urges the State party:

(a) To take measures to prevent and end the violence affecting children's lives and rights, especially in areas such as Aceh, Maluku and West Papua;

(b) To ensure that the application of martial law in Aceh under no circumstances contradicts the rights guaranteed in the Convention on the Rights of the Child;

(c) To take immediate measures to facilitate access to children and their families by national

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and international aid and humanitarian agencies, particularly in Aceh;

(d) To prevent the use of children in armed conflict by regular army, paramilitary and rebel groups;

(e) To abide faithfully by the principles of human rights law and international humanitarian law and the conventions to which Indonesia is party;

(f) To ensure that all persons, including senior officials, who have sponsored, planned, incited, financed or participated in military or paramilitary operations using child soldiers or children as sexual slaves, or violating any rights of the children, will be prosecuted, including those who committed abuses in East Timor in 1999.

92. The Committee recommends that the State party develop a comprehensive policy and programme for implementing the rights of children who have been affected by conflict. In particular, the Committee recommends that the State party:

(a) Develop, in collaboration with NGOs and international organizations, a comprehensive system of psychosocial support and assistance for children affected by conflict, in particular child combatants, unaccompanied IDPs and refugees, returnees and smuggled children, which also ensures their privacy;

(b) Take effective measures to ensure that children affected by conflict can be reintegrated into the education system, including through the provision of non-formal education programmes and by prioritizing the rehabilitation of school buildings and facilities and the provision of water, sanitation and electricity in conflict-affected areas;

(c) Criminalize the recruitment and use of children for military purposes by any armed force or armed group;

(d) Provide alternatives to military recruitment, including by increasing employment and education opportunities, particularly for vulnerable children in refugee diaspora and tribal areas.

- Germany, CRC, CRC/C/137 (2004) 51 at paras. 305 and 306.

305. In addition to its concerns related to the declaration made by the State party on article 22 of the Convention, the Committee remains concerned that:

...

(c) Recruitment of children as soldiers is not accepted as a child-specific persecution in the asylum procedure;

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...

306. In light of article 7, 22 and other relevant provisions of the Convention, the Committee recommends that the State party take all necessary measures:

...

(c) To consider the recruitment of children as soldiers as a child-specific persecution to be accepted in asylum procedure;

...

- India, CRC, CRC/C/137 (2004) 75 at paras. 446 and 447.

446. The Committee is concerned that the situation in areas of conflict, particularly Jammu and Kashmir and the north-eastern states, has seriously affected children, especially their right to life, survival and development (article 6 of the Convention). The Committee expresses its very serious concern at reports of children who are involved in and are victims of these conflicts.

447. In light of articles 38 and 39 of the Convention, the Committee recommends that the State party ensure respect for human rights and humanitarian law aimed at the protection, care and physical and psychosocial rehabilitation of children affected by armed conflict, notably regarding any participation in hostilities by children. The Committee calls upon the State party to ensure impartial and thorough investigations in cases of rights violations committed against children and the prompt prosecution of those responsible, and that it provide just and adequate reparation to the victims.

- Papua New Guinea, CRC, CRC/C/137 (2004) 94 at paras. 518 and 519.

518. While acknowledging the efforts undertaken by the State party to rehabilitate ex-child soldiers, the Committee expresses its concern that there is still a significant number of children suffering from the very harmful effects of armed conflict.

519. The Committee recommends that the State party set up a comprehensive strategy to ensure that no children are involved in armed conflict and that every ex-child soldier is properly rehabilitated and integrated into the society.

- El Salvador, CRC, CRC/C/140 (2004) 8 at paras. 53 and 54.

53. The Committee is concerned that the State party has not taken a more active role in efforts to investigate the disappearance of more than 700 children during the armed conflict between 1980 and 1992. It notes, in this regard, that the efforts which to date have led to the

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tracing of some 250 children have been undertaken mainly by the NGO *Pro-Búsqueda*.

54. In the light of article 8 of the Convention, the Committee recommends that the State party assume an active role in efforts to trace the children who disappeared during the armed conflict, and, in line with the Human Rights Committee, encourages the State party to proceed with plans to establish a national commission with adequate resources and capacity to trace the disappeared children. It also encourages the State party to ratify the Inter-American Convention on the Forced Disappearance of Persons.

- Rwanda, CRC, CRC/C/140 (2004)36 at paras. 221, 222, 229 and 230.

221. The Committee welcomes the ratification of the Optional Protocol to the Convention on the involvement of children in armed conflict. The Committee further welcomes that Law No. 27/2001 on the Rights of the Child and Protection of Children against Abuse prohibits military service for children under 18 (art. 19), but remains deeply concerned that this law does not apply for the Local Defence Forces. The Committee is further concerned at numerous reports of recruitment of children below the age of 15 years by armed groups operating in the State party or in the Democratic Republic of the Congo. The Committee is also concerned that not all former child soldiers, notably girls, are provided with the means of psychological recovery and social rehabilitation.

222. The Committee recommends that the State party:

(a) Take all necessary measures to ensure that children below the age of 18 years are not recruited in the Local Defence Forces or in any armed group on the territory of the State party;

(b) Make additional efforts to demobilize child soldiers and reintegrate them into their communities and provide for their full psychological recovery and social rehabilitation, paying special attention to girls; and

(c) Seek technical assistance from, among others, UNICEF.

...

229. The Committee is extremely concerned that persons below the age of 18 at the time of their alleged war crime have not yet been tried, have been detained in very poor conditions, some for a very long time, and are not provided with appropriate services to promote their rehabilitation. The Committee notes the establishment of *gacaca* courts but is deeply concerned that no specific procedure has been established for those who were under 18 at the time of their alleged crime, as required by article 40, paragraph 3, of the Convention, and are still in what could be considered as pre-trial detention.

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230. In the light of articles 37, 40 and 39 of the Convention and other relevant international standards, the Committee recommends that the State party take all necessary measures to complete within six months all pending legal proceedings against persons who were below the age of 18 at the time they allegedly committed war crimes.

- Liberia, CRC, CRC/C/140 (2004) 67 at paras. 306-310, 319, 320, 360-363, 366 and 367.

306. The Committee notes with deep concern that the recent armed conflict in the State party has had and is having a very negative impact on the country as a whole and children in particular. This man-made disaster has seriously impaired the implementation of the Convention on the Rights of the Child, an implementation process that faces many serious problems and challenges.

307. The armed conflict in the State party caused, *inter alia*, very severe and large-scale violations of the human rights of the children. The State party faces almost overwhelming challenges to rebuild the infrastructures and basic social services necessary for the implementation of the rights of the child. About 20,000 children have been involved in the recent armed conflict and are in urgent need of rehabilitation and social reintegration. The war led to the destruction of almost all of the schools in the country. In 2004, less than 50 per cent of children were enrolled in primary education. Life expectancy at birth is 53 years, and out of 1,000 children, 157 die before the age of one and 235 before the age of 5. The vast majority of doctors, nurses and physician assistants have left the country (before 2000, there were around 260 doctors, currently there are 30). Only 20 per cent of children are fully immunized and 35 per cent are undernourished. These and other severe challenges for the child's right to life, survival and development should be addressed and require major efforts from the State party for which international assistance is of crucial importance.

308. The Accra Peace Agreement (August 2003), the Disarmament, Demobilization, Rehabilitation and Reintegration programme (DDRR) and the Result-focused Transition Framework (RFTF), elaborated under the auspices of the United Nations and other international organizations, form a good basis and instrument for addressing at least the most urgent matters.

309. In the present document, the Committee will make observations and recommendations regarding the implementation of children's rights in the State party with particular attention to the family environment, health, education, the situation of former child soldiers and other child victims of the armed conflict, and the many other groups of children living in very difficult circumstances.

310. The Committee urges the State party to undertake every measure possible to restore enjoyment by the children in Liberia of their rights as enshrined in the Convention and make

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this the highest priority and have it reflected in the allocation of human and financial resources. In this regard, the State party should urge the international community, other States agencies of the United Nations system, and NGOs to meet their pledges in the most expedient manner and to further increase their financial and humanitarian assistance. The Committee wishes to express its full support for such an appeal, taking into account the importance the Convention attaches to international cooperation to assist State parties to meet their international obligations under the treaty.

...

319. The Committee is concerned that budgetary allocations are insufficient to respond to national and local priorities for the promotion and protection of children's rights. The Committee is also concerned that aggravated by internal strife and governance problems, international development assistance is slowly delivered.

320. In the light of articles 2 and 3, the Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups, "to the maximum extent of...available resources and, where needed, within the framework of international cooperation".

...

360. The Committee notes that the Comprehensive Peace Agreement of 18 August 2003 recognizes the special demobilization and reintegration needs of child combatants. However, the Committee expresses its extremely deep consternation at the very high number of children who have been forcibly recruited into armed forces and armed groups by all parties involved in the conflict, including children as young as nine years old. The Committee is also concerned that these children have been forced to carry goods and weapons, guard checkpoints and often fight in the front line, while girls have been raped and forced to become servants of the soldiers as well as combatants. The Committee is deeply concerned at the direct effects of the armed conflict on all child victims, including child combatants, and about the tragic loss of life and severe psychological trauma inflicted upon them. The Committee is also concerned at the very high number of children who have been internally displaced within the country or who have been forced to leave as refugees including, in particular, those who have been separated from their parents.

361. The Committee urges the State party:

(a) To take every feasible measure to have all child abductees and combatants released and demobilized and to rehabilitate and reintegrate them in society taking into account, in particular, the specific needs of girls and other vulnerable groups;

(b) In the light of article 38, paragraph 3, to ensure to give priority to those who are the oldest when recruiting young persons and to limit recruitment by all armed forces and groups

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to persons of 18 years of age or older;

(c) To take all necessary measures, in cooperation with national and international NGOs and United Nations bodies such as UNICEF, to address the physical needs of children victims of the armed conflict, in particular the psychological needs of all children affected directly or indirectly by the traumatic experiences of the war. In this regard, the Committee recommends that the State party develop as quickly as possible a long-term and comprehensive programme of assistance, rehabilitation, reintegration and reconciliation;

(d) To make every effort to assist children who have been displaced from their homes to return as soon as possible, including through assistance in the reconstruction of homes and other essential infrastructure, within the framework of international cooperation.

362. The Committee welcomes the efforts the State party is making to deal with the large number of internally displaced persons and refugees. However, the Committee is concerned that refugee and internally displaced children in Liberia do not receive appropriate protection and assistance in the enjoyment of their rights under the Convention. The Committee appreciates the attention that the authorities and humanitarian community in Liberia are giving to the issue of sexual assault and the exploitation of refugee and internally displaced girls, as well as to the forcible conscription of refugee and internally displaced boys, but it remains concerned that such acts of assault and forceful conscription still occur in Liberia.

363. In the light of articles 7, 22 and relevant provisions of the Convention, the Committee recommends that the State party:

(a) Strengthen its efforts to provide adequate assistance to the internally displaced children, including access to food, education and health services and to support their return and reintegration into their communities;

(b) Prevent sexual assaults and other exploitation of refugee and internally displaced children, with particular attention to girls, and provide for their rehabilitation and reintegration into society;

(c) Prevent forcible conscription of refugee and internally displaced boys and provide for their rehabilitation and reintegration into society;

(d) In carrying out programmes for internally displaced and refugee children, seek assistance and work closely with UNHCR, UNICEF and other competent international, intergovernmental or non-governmental organizations.

...

366. The Committee is concerned at the recent increase in substance abuse by children, particularly among children associated with armed forces.

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367. The Committee urges the State party to establish programmes to combat substance abuse by children, including the provision of psychosocial assistance for addicts. The Committee further recommends that the State party seek technical cooperation, from, among others, WHO and UNICEF.

- Myanmar, CRC, CRC/C/140 (2004) 81 at paras. 440 and 441.

440. The Committee welcomes the establishment of the Committee for the Prevention of the Recruitment of Child Soldiers, but is deeply concerned at the direct and indirect impact of the armed conflicts on children in the State party. In particular, the Committee is extremely concerned at the use of children below the age of 15 years as soldiers by both the governmental armed forces and the armed groups as has repeatedly been reported, notably in the last report of the Secretary-General on children and armed conflict (A/58/546-S/2003/1053 and Corr.1 and 2). The Committee is also concerned at the military training provided to pupils attending the Nyunt Youth Programme, which could potentially lead to the militarization of children.

441. In light of articles 34 and 38 and other related articles of the Convention, the Committee recommends that the State party:

- (a) Strengthen its efforts to end the armed conflict and to ensure that the protection and promotion of children's rights are given due consideration in any peace negotiations;
- (b) Prioritize the demobilization and reintegration of all combatants under 18;
- (c) Continue to take measures to ensure that all military recruits meet the minimum age recruitment of 18 years and that they enter voluntarily;
- (d) Ensure that all armed groups reintegrated into the national armed forces adhere to the minimum age of recruitment of 18 years;
- (e) Develop, in collaboration with NGOs and international organizations, a comprehensive system of psychosocial support and assistance for children affected by the conflict, in particular child combatants, unaccompanied internally displaced persons and refugees, returnees and landmine survivors, while ensuring their privacy;
- (f) Take effective measures to ensure that children affected by the conflict can be reintegrated into the education system, including through non-formal education programmes and by prioritizing the restoration of school buildings and facilities and the provision of water, sanitation and electricity in conflict-affected areas; and

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(g) Seek in this regard technical assistance from, *inter alia*, UNICEF.

- Democratic People's Republic of Korea, CRC, CRC/C/140 (2004) 111 at paras. 567 and 568.

567. The Committee is concerned that, according to the current legislation, the minimum age for voluntary enlistment in the armed forces is set at 16 years and that, according to information it provided to the Committee on Economic, Cultural and Social Rights (HR/CESCR/NONE/2003/1), children attending school follow military camps during summer holidays, where "they learn how to dismantle and assemble weapons".

568. The Committee recommends that the State party take all necessary measures to ensure that article 38, paragraph 3, of the Convention is respected and to ensure that recruitment is genuinely voluntary when recruiting children between 16 and 18, and that priority will be given to the oldest applicants. The Committee also recommends the State party to ratify the Protocol to the Convention...and increase by law the age for recruitment and voluntary enlistment to 18 years. Furthermore, the Committee recommends that the State party take all necessary measures to avoid the early militarization of children.

- Croatia, CRC, CRC/C/143 (2004) 36 at paras. 231 and 232.

231. The Committee welcomes the State party's ratification of the Optional Protocol on the involvement of children in armed conflict in 2002 and notes the efforts undertaken by the State party to provide psychological and social assistance for children who have been affected by armed conflict. However, it remains concerned about the lack of systematic research on the situation of children affected by armed conflict, including follow-up monitoring measures. The Committee is also concerned about the lack of compensation provisions for those children.

232. The Committee recommends that the State party:

(a) Undertake a comprehensive study on children affected by armed conflict in order to assess the extent and scope and the population affected by the problem and identify the consequences and the recovery and remedial measures needed;

(b) Strengthen awareness-raising campaigns with the involvement of children;

(c) Evaluate the work of existing structures and provide training to the professionals involved in the programmes;

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(d) Extend psychological and social assistance for the children who have been affected by armed conflict;

(e) Take effective measures to ensure that the affected children receive adequate compensation.

- Kyrgyzstan, CRC, CRC/C/143 (2004) 50 at paras. 272 and 273.

272. While acknowledging the existence of bilateral negotiations to address the issue, the Committee is concerned at reports of children being injured as a consequence of landmines on the borders of the State party.

273. The Committee urges the State party to continue its efforts to achieve a bilateral agreement for the demining and demarcation of the border areas, including the ratification and full implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction of 1997. The State party should seek international assistance from the United Nations and other competent bodies in this regard.

- Angola, CRC, CRC/C/143 (2004) 78 at paras. 437-440.

437. While welcoming the actions undertaken for the disarmament, demobilization and reintegration of combatants, the Committee is deeply concerned that inadequate attention is given to the plight of former child soldiers, in particular girls. The Committee is also concerned about the situation of children in the enclave of Cabinda, which is still affected by violent conflict.

438. The Committee recommends that the State party ensure that special attention is given to former child soldiers and children, in particular girls, who were domestic workers, porters, etc. All children who participated in military groups should be eligible for rehabilitation programmes. These programmes should include psychosocial rehabilitation and programmes for community integration. Furthermore, the State party should take all necessary measures to provide adequate protection for children in the enclave of Cabinda.

439. The Committee notes with deep concern the large number of landmines which remain spread out across the country, causing many deaths and injuries every year and posing a threat to the life, survival and development of children in the State party.

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440. The Committee recommends that the State party take all necessary measures to protect children against landmines, including by continuing and strengthening its mine clearance programmes and programmes for mine awareness and physical rehabilitation of child

- Austria, CRC (Optional Protocol - Armed Conflict), CRC/C/146 (2005) 57 at paras. 284-286 and 290.

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.

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.

...

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.

- Nigeria, CRC, CRC/C/146 (2005) 135 at paras. 727-730.

727. The Committee notes that communal clashes linked to political, religious and ethnic differences have led to a large population of internally displaced persons in the State party, and that Nigeria is a host to a large group of refugees from neighbouring countries such as Chad, Sierra Leone and Liberia. The Committee is concerned about the situation of refugee and internally displaced children living in refugee camps, and regrets the paucity of information with regard to these children in the State party report and the State party's position that the issue of asylum-seeking children do not arise in Nigeria. The Committee is particularly concerned about reports of sexual exploitation of refugee girls and women within and outside of the camps, including female teenagers who are forced into prostitution. The Committee is also concerned that the incidence of teenage pregnancy is high in the camp.

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728. The Committee recommends that the State party:

- (a) Seek to ensure, as a matter of priority, that all displaced and refugee children and their families have access to health and education services, and that all their rights contained in the Convention are protected, including the right to be registered at birth;
- (b) Take measures to ensure that appropriate reproductive health education and child-sensitive counselling services are provided to adolescents living in camps;
- (c) Take immediate measures to ensure that all displaced and refugee women and children are protected from all forms of sexual abuse and exploitation and that perpetrators are duly prosecuted;
- (d) Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;
- ...
- (f) Continue its collaboration with, among others, UNHCR.

729. The Committee is deeply concerned by the impact of communal conflicts on children in Nigeria. The Committee is alarmed by the reports of indiscriminate extrajudicial killings in these conflicts, where children as well as adults are routinely killed, shot to death and burnt. The Committee is seriously concerned at the direct effects of this violence on child victims, including child combatants, and about the severe physical and psychological trauma inflicted upon them. The Committee notes that the State party has signed but not yet ratified the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict.

730. The Committee recommends the State party to take all possible measures to prevent the occurrence of communal conflicts, and to develop a comprehensive policy and programme for implementing the rights of children who have been affected by conflict, and allocate human, technical and financial resources accordingly. In particular, the Committee recommends that the State party:

- (a) Develop, in collaboration with NGOs and international organizations, a comprehensive system of psychosocial support and assistance for children affected by conflict, in particular child combatants, unaccompanied IDPs and refugees, returnees;
- (b) Take effective measures to ensure that children affected by conflict can be reintegrated into the education system, including through the provision of non-formal education programmes and by prioritizing the restoration of school buildings and facilities and provision of water, sanitation and electricity in conflict-affected areas; and

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(c) Ratify the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict as a matter of priority.

- Philippines, CRC, CRC/C/150 (2005) 24 at paras. 126, 129 and 178-181.

126. The Committee expresses its serious concern about violations of the right to life of children, *inter alia*, due to the internal armed conflict. The alleged cases of extrajudicial killings of children by military soldiers in Bulan, Sorsogon, in 2004 and by so-called death squads in Davao and Digos cities during recent years give cause for very serious concern.

129. Referring to article 6 and other relevant articles of the Convention, the Committee urges the State party to make every effort to reinforce protection of the right to life, survival and development of all children, *inter alia*, by taking effective measures to prevent extrajudicial killings of children and to investigate thoroughly all alleged cases of killing and bring perpetrators to justice.

...

178. The Committee welcomes the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict by the State party in August 2003 and the setting of minimum age of 18 years for recruitment into the national Armed Forces, however, with exception for training purposes. The Committee also takes note with appreciation of the adoption of a Comprehensive Programme Framework for Children in Armed Conflict of 2001 (Presidential Executive Order No. 56) which promotes rescue, recovery and reintegration of children involved in armed conflict. Notwithstanding these positive steps taken by the State party, the Committee expresses its deep concern about children, sometimes as young as 11 years old, being recruited by armed rebel movements, such as the New People's Army, the Moro Islamic Liberation Front, and the Abu Sayyaf Group, to serve as combatants, spies, guards, cooks or medics.

179. The Committee is concerned that the State party is able to provide only the arrested child soldiers with physical and psychological recovery and social reintegration services, but the majority of children involved in and affected by armed conflict is never reached. Furthermore, the Committee is concerned about the continuing displacement of children and their limited access to social and health services, education and, above all, to development due to the adverse effects of internal armed conflict. In addition, the Committee is concerned at the impact of internal armed conflict on children not involved in hostilities, particularly Muslim children living in the Mindanao region.

180. The Committee recalls that the State party has undertaken to respect and ensure all the rights set forth in the Convention for all children within its jurisdiction at all times. In the light of articles 38, 39 and other relevant articles of the Convention, the Committee urges the State party to continue its peace efforts with armed rebel movements in order to urge

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them to immediately cease the recruitment for and involvement of children in armed conflicts, and to ensure protection of all children who have been involved in armed conflict. The Committee recommends to the State party that it provide children involved in and traumatized by armed conflict with adequate assistance and counselling for their physical and psychological recovery and social reintegration into society in cooperation with national and international non-governmental organizations and United Nations bodies, such as UNICEF. The Committee recommends that the State party provide girl child soldiers with adequate gender-specific rehabilitation and reintegration services.

181. The Committee also recommends that the State party pay particular attention to the implementation of guidelines for Philippine Armed Forces on the treatment of children in armed conflict and ensure that children who are arrested are released from military custody within the prescribed time limits and that children are provided with adequate medical treatment and informed about their rights. As regards displaced children and children living in conflict areas, the Committee urges the State party to take effective measures to secure their access to basic services, including adequate social and health services and education and development. Finally, the Committee recommends that the State party ensure that all children living in areas affected by armed hostilities enjoy their human rights on equal footing without any discrimination.

- Bosnia and Herzegovina, CRC, CRC/C/150 (2005) 49 at paras. 265 and 266.

265. Although the number is constantly decreasing, the Committee is concerned at the information that between 1992 and August 2000 a total of 4,371 persons had been victims of landmines, including about 300 children. The Committee is also concerned at the information that there are still 1 million mines in approximately 30,000 minefields throughout the country, including around schools and in areas where children play and that, according to Red Cross sources, every month 50 children suffer from the consequences of this situation. Furthermore, the Committee is concerned at the situation of children who were victims of the armed conflict, in particular with regard to the consequences of the conflict on their physical and psychological status.

266. The Committee recommends the State party to continue carrying out mine-awareness campaigns, undertake as a matter of priority demining programmes and extend the psychological and social assistance to children who have been affected by the explosion of mines and other consequences of the armed conflict.

- Nepal, CRC, CRC/C/150 (2005) 66 at paras. 291-294, 322, 324, 330, 331, 358, 362 and 363.

291. The Committee notes the extremely negative impact of the armed conflict between the

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State party and the Communist Party of Nepal (the Maoists) on children in Nepal, and that it has created conditions in which even minimal implementation of the Convention is difficult. The Committee notes that the climate of fear, insecurity and impunity resulting from the armed conflict and the states of emergency, declared in 2000 and 2004, have had a seriously negative physical and psychological impact on the sound development of children in the State party. The Committee is extremely concerned at the large-scale bombing, destruction and closing of schools by Maoist insurgents, which are violations of the fundamental rights to education of children. The Committee also notes with deep concern that the conflict has also exacerbated the existing problems in the implementation of the Convention in the State party, as outlined in the present concluding observations.

292. The Committee further notes with serious concern that the absence of the parliament which was dissolved in 2002, does not allow the State party to enact or amend legislation, nor to ratify international conventions, including the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

293. While noting the *de facto* control by non-State actors of areas of the State party's territory, the Committee emphasizes the full responsibility of the State party, and urges the Communist Party of Nepal (the Maoists) to respect child rights within the areas in which they operate. The Committee reminds the State party of its obligation to respect the Convention at all times and not to derogate from any of its provisions, even in exceptional circumstances, including the state of emergency. The Committee further recommends the State party to take stronger measures to combat impunity with regard to violence against children.

294. The Committee recommends to the State party that it undertake all necessary measures to restore the regular functioning of the State party, including the parliament, and to ratify the Optional Protocols to the Convention.

...

322. While noting that birth registration is mandatory by law, the Committee is concerned that despite the efforts of the State party, the low rate of birth registration remains a problem, particularly in rural areas, and has been exacerbated by the conflict which has reduced the ability of local authorities to carry out "public administration services", including birth registration. The Committee is concerned that children who have not been registered at birth are more vulnerable to abuse and exploitation, including recruitment into armed groups, as their ages cannot be established.

324. In the light of article 7 of the Convention, the Committee urges the State party to increase its efforts, including awareness-raising campaigns, to ensure the registration of all children at birth. In this regard, the Committee recommends that the State party ensure that local government authorities, which are entrusted with the task of birth registration, actively engage with the local communities to ensure that births are registered in a timely and

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effective manner. In this regard, the Committee urges the State party to seek assistance from, *inter alia*, UNICEF, non-governmental organizations and other members of the civil society.

...

330. The Committee is deeply concerned that an increasing number of families and children are facing the risks of family disintegration and separation as a consequence of the current armed conflict in the State party. The Committee is equally concerned at the increasing number of children placed in residential care facilities not only as a result of the armed conflict, but also of HIV/AIDS, and that many of these children still have both or one of the parents and/or close relatives. Furthermore, the Committee is concerned that these residential care facilities do not meet the standards set by the State party, and that many of them are not registered. The Committee is also concerned that adequate and effective monitoring of the quality of these facilities is lacking.

331. The Committee recommends the State party:

(a) To develop and implement programmes through community structures and social security benefits to support parents in the performance of their parental obligations, and to pay particular attention in this regard to families affected by the armed conflicts and vulnerable families such as single-parent households;

(b) To undertake effective measures for the reunification of separated families, by implementing programmes for the reinforcement of existing structures such as the extended family, and for the introduction of a foster care system that is well resourced, with adequately trained staff;

(c) To ensure that residential care facilities meet quality standards in conformity with the Convention, that they are registered and regularly monitored and that the placement of children in these facilities is regularly reviewed in accordance with article 25 of the Convention, to ensure that such placement is only used as the last resource and for the shortest time possible.

...

358. The Committee...recommends to the State party that it take all measures, as a matter of priority, to eliminate negative impacts of the conflict (and the state of emergency) on the educational system, and to facilitate reconstruction and reopening of schools, return of teachers and pupils to schools and ensure that adequate resources are provided for these purposes.

...

362. The Committee is highly alarmed by the number of children who were killed in armed conflicts in the State party. The Committee notes with grave concern the reports of abduction and forcible conscription of children by the armed groups for political indoctrination and for use as combatants, informants, cooks or porters and as human shields.

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The Committee is equally concerned that Government forces target under 18s suspected of being members of the armed groups and about the highly alarming reports of disappearances and arbitrary detention and of Government forces allegedly using children as spies and messengers. The Committee is also deeply concerned that there are reports of detention of children under the 2004 amendment to the Terrorist and Disruptive Activities (Control and Punishment) Ordinance. The Committee is concerned at the direct effects of this violence on child victims, including child combatants, and about the severe physical and psychological trauma inflicted upon them. The Committee also expresses concern about children who were separated due to the conflict, including children who have fled to India, and that little efforts have been taken by the State party to reunite these families. The Committee is also concerned about the negative impact of the armed conflict on food supplies, education and health care.

363. The Committee recommends that the State party develop a comprehensive policy and programme for implementing the rights of children who have been affected by conflict, and allocate human and financial resources accordingly. In particular, the Committee recommends that the State party:

- (a) Criminalize abduction, recruitment and use of children for military purposes by any armed forces or armed group;
- (b) Establish a separate Rule of Engagement for its security forces with regard to children;
- (c) Amend or repeal the Terrorist and Disruptive Activities (Control and Punishment) Ordinance in the light of the international juvenile justice standards and norms;
- (d) Develop, in collaboration with NGOs and international organizations, a comprehensive system of psychosocial support and assistance for children affected by conflict, in particular child combatants, unaccompanied internally displaced persons and refugees, returnees;
- (e) Take effective measures to ensure that children affected by conflict can be reintegrated into the education system, including through the provision of informal education programmes and by prioritizing the rehabilitation of school buildings and facilities and provision of water, sanitation and electricity in conflict-affected areas;
- (f) Ratify the Hague Convention on the Civil Aspects of International Child Abduction;
- (g) Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict as a matter of priority;
- (h) Seek technical assistance from, *inter alia*, OHCHR and UNICEF in this regard, and provide maximum possible cooperation to the newly established office of OHCHR in Nepal.

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