



# Convention on the Rights of the Child

## Committee on the Rights of the Child

### Fifty-sixth session

17 January – 4 February 2011

## Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

### Concluding observations: Belarus

1. The Committee considered the initial report of Belarus (CRC/C/OPAC/BLR/1) at its 1598th meeting, held on 26 January 2011 (see CRC/C/SR1598) and adopted at its 1612th meeting, held on 4 February 2011, the following concluding observations.

### I. Introduction

2. The Committee welcomes the submission of the State party's initial report under the Optional Protocol and the written replies to its list of issues (CRC/C/OPAC/BLR/Q/1/Add.1), and appreciates the positive dialogue with a high-level delegation.

3. The Committee reminds the State party that these concluding observations should be read in conjunction with its concluding observations adopted on the State party's third and fourth periodic report under the Convention and initial report on the Optional Protocol on the sale of children, child prostitution and child pornography on 4 February 2011, contained in CRC/C/BLR/CO/3-4 and CRC/C/OPSC/CO/1, respectively.

### II. Positive aspects

4. The Committee welcomes the State party's declaration upon ratification restricting voluntary recruitment into the Armed Forces to persons who have attained the age of 18 years (with the exception of enrolment into a military academy).

5. The Committee further welcomes that the Optional Protocol has the status of law in the State party.

### III. General measures of implementation

#### Dissemination and training

6. The Committee notes as positive the inclusion in the 2004–2010 National Plan of Action for improving the situation of children and for protecting their rights, of measures to familiarise children as well as professionals working with and for children with the provisions of the Optional Protocol. The Committee, however, is concerned that training on the provisions of the Optional Protocol seems to be inadequate. It is also concerned that awareness of the Optional Protocol among the general public is low.

**7. The Committee recommends that the State party ensure that the principles and provisions of the Optional Protocol are widely disseminated to the general public and in particular among children. It further recommends that the State party strengthen human rights training for members of the Armed Forces with specific training on the provisions of the Optional Protocol. Furthermore, the Committee recommends that the State party develop awareness-raising, education and training programmes on the provisions of the Optional Protocol for relevant professional groups working with children, including prosecutors, lawyers, judges, law enforcement officers, social workers, medical professionals, teachers and media professionals.**

#### Data

8. The Committee regrets the insufficient data relating to the implementation of the Optional Protocol.

**9. The Committee recommends that the State party establish a central data - collection system with a view to collecting information and statistics on the implementation of the Optional Protocol, and for the identification and registration of all children under its jurisdiction who may have been recruited or used in hostilities by non-State armed groups abroad, including refugee and asylum-seeking children, and to provide information on the implementation of this recommendation in its next periodic report under the Convention.**

## **IV.Prevention**

### **Military schools**

10.While noting the reduction in numbers, the Committee is concerned that the number of military schools for children is still high, and at the prevalence of military structures responsible for these schools. It is particularly concerned:

- (a)That boys enter the Minsk Suvorov Military School, which reports directly to the Ministry of Defence, and which includes military instruction in the curricula, at the age of 12–13 years;
- (b)That children can enrol as cadets in the Military Academy from the age of 17 and thus are considered as members of the Armed Forces from that age; and
- (c)At the activities of the military-patriotic summer camps for general school students, which take place on the premises of military units, and which include the introduction to weapons.

#### **11. The Committee recommends that the State party:**

- (a) Progressively reduce the number of military schools for children and shift the responsibility for all schools from the Ministry of Defence to the Ministry of Education;**
- (b) Raise the minimum age of entry into the Minsk Suvorov Military School , and abolish the training in the use of weapons in this school;**
- (c) Consider all students under the age of 18 in the Military Academy as civilians and respect their rights as children;**
- ( d) Set up an adequate system for an independent complaint mechanism for children; and**
- ( e ) Remove the military aspects of the summer camps for children, and place the responsibility for these camps with the Ministry of Education.**

### **Peace education**

12.The Committee welcomes that schools teach a special course on children’s rights, and that children learn about the Optional Protocol. It is however concerned that the teaching of peace education is insufficient in the school curricula.

**13. The Committee recommends that the State party take effective measures to include peace education in school curricula and to encourage a culture of peace and tolerance within schools. It also encourages the State party to include human rights and peace education in the training of teachers.**

## **V.Prohibition and related matters**

### **Criminal legislation and regulations in force**

14.The Committee welcomes the amendment of the Criminal Code (art. 136) which makes it a criminal offence to recruit persons under 18 years of age into armed groups other than the National Armed Forces or to involve them in hostilities as part of such armed groups. The Committee, however, regrets the lack of a definition of “direct participation in hostilities” in the State party’s legislation.

**15.The Committee recommends that the State party include a definition of direct participation in hostilities in its Criminal Code . It further recommends that the State party ensure that all military codes, manuals and other military directives are in accordance with the provisions of the Optional Protocol.**

### **Jurisdiction**

16.The Committee regrets the position of the State party that it can only establish jurisdiction for offences under the Optional Protocol committed abroad by or against one of its nationals if the acts committed are also a crime in the State where they were committed.

**17. The Committee recommends that the State party consider establishing jurisdiction for all offences under the Optional Protocol committed abroad by or against persons under its jurisdiction, without requiring that such acts also constitute a crime in the State where they were committed.**

## **VI.Protection, recovery and reintegration**

### **Measures adopted to protect the rights of child victims**

18.The Committee notes that the State party implement a project for the socialisation and adaptation of child refugees in Belarus. However, the Committee regrets the lack of information on measures taken to identify children, including refugee and asylum-seeking children, who may have been recruited or used in hostilities abroad, as well as information on measures taken for their physical and psychological recovery and social reintegration.

19. The Committee encourages the State party to establish an identification process for children who may have been recruited or used in hostilities, and take the necessary measures for their physical and psychological recovery and social reintegration. Such measures should include careful assessment of the situation of these children, reinforcement of the legal advisory services available for them and the provision of immediate, culturally responsive, child-sensitive and multidisciplinary assistance for their physical and psychological recovery and their social reintegration in accordance with the Optional Protocol.

## **VII. International assistance and cooperation**

### **Arms export and military assistance**

20. While welcoming Presidential Order No. 383-Z of 15 July 2002 on meeting the international obligations arising from the Organization for Security and Co-operation in Europe document on small arms and light weapons, the Committee regrets that the export of small and light arms to countries where information has been received that children may be involved in armed conflict is not prohibited by law. The Committee notes with concern the alleged involvement of the State party in international weapons trafficking, as indicated in the report by the former Special Rapporteur on the situation of human rights in Belarus (A/HRC/4/16, para. 47).

**21. The Committee urges the State party to reflect in law :**

**(a) An explicit prohibition of trade and export of small arms and light weapons to countries where children are involved in armed conflict; and**

**(b) The criminalization of illicit activities, including the manufacturing and trafficking of small arms and light weapons, and obligations to maintain records and mark firearms, in accordance with the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.**

## **VIII. Other legal provisions**

**22. The Committee recommends that the State party consider acceding to the Rome Statute of the International Criminal Court.**

## **IX. Follow-up and dissemination**

**23. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations by , inter alia , transmitting them to the Ministry of Defence, the Presidency, the Council of Ministers, the National Assembly (both the House of Peoples and the House of Representatives) and all relevant ministries, national and local authorities for appropriate consideration and further action.**

**24. The Committee recommends that the initial report submitted by the State party and concluding observations adopted by the Committee be made widely available to the public at large, the media and to children in particular in order to generate debate and awareness of the Protocol, its implementation and monitoring.**

## **X. Next report**

**25. In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol and these concluding observations in its next periodic report under the Convention on the Rights of the Child, due on 30 October 2017, in accordance with article 44 of the Convention.**