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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-second session

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: Czech Republic

1. The Committee considered the initial report of the Czech Republic (CRC/C/OPAC/CZE/1) at its 1128th meeting, held on 17 May 2006, without the presence of a delegation of the State party which, in accordance with the Committee's decision number 8 adopted during the thirty-ninth session, opted for a technical review of the report. The Committee adopted at the 1157th meeting, held on 2 June 2006, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report and the reply to the list of issues (CRC/C/OPAC/CZE/Q/1), which give detailed information on the legislative, administrative, judicial and other measures applicable in the Czech Republic regarding the rights contained in the Optional Protocol.

3. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's second periodic report on 31 January 2003, contained in CRC/C/15/Add.201.

B. Positive aspects

4. The Committee notes with appreciation:

(a) The State party's declaration made upon the ratification of the Optional Protocol, that the minimum age for voluntary recruitment into the armed forces of the Czech Republic is 18 years; and

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(b) That the State party contributes to the implementation of the guidelines on children and armed conflict adopted by the European Union's General Affairs and External Relations Council in December 2003.

5. The Committee also wishes to welcome:

(a) The ratification of the International Labour Organization (ILO) Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour on 19 June 2001; and

(b) The provision in the Czech Constitution, article 10, that international treaties take precedence over national legislation.

C. Principal areas of concern and recommendations

1. General measures of implementation

Legislation

6. The Committee welcomes the information in the written replies to the list of issues indicating that the State party has included in the draft Criminal Code provisions that make the recruitment of children into armed forces in times of war or armed conflict a crime that is subject to universality. Nevertheless, the Committee is concerned about the current absence of an explicit criminalization of involvement of children in hostilities and the possible limitations to the criminalization of recruitment. 7. The Committee recommends that the State party strengthen the provisions in the draft Criminal Code so that criminalization of the recruitment of children in armed forces is not limited to recruitment in times

of war or armed conflict. In addition, the Committee recommends that the involvement of children in hostilities (including activities facilitating or even promoting such involvement) is explicitly made a crime subject to the principle of universality. Furthermore, the Committee encourages the State party to ratify the Statute of the International Criminal Court.

Coordination and evaluation of the implementation of the Optional Protocol

8. With reference to paragraph 13 of the concluding observations adopted in 2003 on the second periodic report of the State party under the Convention (CRC/C/15/Add.201), the Committee recommends that the State party include in its coordinating activities the appropriate and effective coordination and regular evaluation of the implementation of the Optional Protocol.

National plan of action

9. The Committee reiterates its recommendation in paragraph 15 of the concluding observations adopted in 2003 on the second periodic report of the State party under the Convention (CRC/C/15/Add.201) and encourages the State party to strengthen its efforts to develop, adopt and implement, in consultation and cooperation with relevant partners, including civil society, a national plan of action for children as a follow-up to the outcome document "A world fit for children" adopted by the General Assembly at its special session on children held in May 2002, and to include in this plan a specific programme for the protection of children affected by armed conflict.

Dissemination and training

10. The Committee is concerned that the State party's dissemination and training activities regarding the Optional Protocol are limited to the armed forces.

11. The Committee recommends that the State party develop systematic awareness raising, education and training on the provisions of the Optional Protocol for all relevant professional groups working with asylum-seeking, refugee and migrant children from countries affected by armed conflict, e.g. teachers, medical professionals, lawyers, judges and military personnel.

Budget allocations

12. The Committee is concerned that the budget necessary for the implementation of the Optional Protocol, in particular for the provision of assistance for the physical and psychological recovery and the social reintegration of children who have been involved in hostilities, as contained in article 6, paragraph 3, has not been allocated.

13. The Committee recommends that the State party allocate appropriate financial and human resources for the full implementation of the Optional Protocol.

2. Recruitment of children

Role of military schools

14. The Committee notes that a significant number of children attend army and police secondary schools, and is concerned at the lack of information on complaints mechanisms available for children attending army and police schools.

15. The Committee recommends that the State party ensure that all children attending army and police schools receive education in a manner consistent with the Convention, in particular with its articles 28 and 29, duly taking into account its general comment No. 1 on the aims of education. Furthermore, the Committee recommends that children attending such schools have direct access to independent complaints and investigation mechanisms.

3. Measures adopted with regard to disarmament, demobilization and social reintegration

Measures of rehabilitation and social reintegration

16. The Committee notes with appreciation that the State party is reviving its policies regarding physical and psychosocial recovery and social reintegration for refugee, asylum-seeking and migrant children from countries affected by conflict, the Committee remains concerned, however, that current institutional arrangements remain insufficient.

17. The Committee recommends that the State party adopt and implement a policy that adequately takes into account the needs of refugee, asylum-seeking and migrant children from countries affected by conflict. In particular, the Committee recommends that the State party provide specific accommodation facilities designed for children. In this regard, the Committee recommends that the State party take note of the Committee's general comment No. 6 (CRC/GC/2005/6) on the treatment of unaccompanied and separated children outside their country of origin, as well as paragraph 57 of the concluding observations of the Committee on the Rights of the Child adopted in 2003 on the second periodic report of the State party under the Convention (CRC/C/15/Add.201).

4. International assistance and cooperation

Protection of victims

18. The Committee requests that the State party submit further information on international assistance provided for children affected by armed conflict.

19. While taking note of the fact that manufacture and export of small arms and light weapons occur in the State party, the Committee recommends that the State party review its domestic law with a view to abolish trade of small arms and light weapons with countries where persons who have not attained the age of 18 take a direct part in hostilities as members of their armed forces or armed groups that are distinct from the armed forces of a State. In this respect, the Committee invites the State party to indicate, in its next periodic report, the number of sales that were halted as a result of the implementation of the amended law on small arms trade.

5. Follow-up and dissemination

20. The Committee recommends that the State party make the Optional Protocol widely known to the public at large, in particular to children and their parents, through, inter alia, school curricula and human rights education.

21. Additionally, in the light of article 6, paragraph 2, of the Optional Protocol, the Committee recommends that the initial report submitted by the State party and the concluding observations adopted by the Committee be made widely available to the public at large, in order to generate debate and awareness of the Optional Protocol, its implementation and its monitoring.

D. Next report

22. In accordance with article 8, paragraph 2, of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its combined third and fourth periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention, for which the date of submission has been set to 30 June 2008 (see paragraph 71 of the concluding observations of the second periodic report, CRC/C/15/Add.201).
