



**Convention on the
Rights of the Child**

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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: Belgium

1. The Committee considered the initial report of Belgium (CRC/C/OPAC/BEL/1) at its 1123rd meeting held on 15 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 its 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, as well as the submission of the written replies to its list of issues (CRC/C/OPAC/BEL/Q/1), which provide detailed information on the legislative, administrative, judicial and other measures applicable in Belgium in respect of the rights guaranteed by 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 7 June 2002 (CRC/C/15/Add.178).

B. Positive aspects

4. The Committee welcomes the State party's declaration made upon the ratification of the Optional Protocol that the minimum age for voluntary recruitment into the Belgian armed forces is not lower than 18 years and that it is absolutely forbidden under Belgian law for any person under the age of 18 years to participate in times of war and in times of peace in any peacekeeping operation or in any kind of armed operational engagement.

5. The Committee welcomes the amendment of the Criminal Code in 2003 (art. 136 quater, para. 1, point 7), which defines the recruitment of children under the age of 15 into the armed forces or armed groups, as well as the act of actively involving children under age 15 in hostilities, as war crimes.
6. The Committee notes with appreciation the State party's development cooperation policy, which prioritizes the prevention of the involvement of children in armed conflict.
7. The Committee also notes with appreciation 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.

C. Principal areas of concern and recommendations

1. General measures of implementation

National plan of action

8. The Committee welcomes the adoption of the national plan of action for children on 24 June 2005 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 notes that the issue of children involved in armed conflict is included in the plan of action (Chap. 7).
9. **The Committee recommends that the State party take concrete action to implement, in consultation and cooperation with relevant partners, including civil society, the national plan of action for children, and that it provide a specific budget allocation and adequate follow-up mechanisms for the plan's full implementation.**

Legislation

10. While noting that conscription has been suspended since 1992 in the State party, the Committee is concerned at the fact that the law governing the conscripts, which has not been repealed, allows for the recruitment of militiamen from January of the year in which they reach the age of 17, especially during wartime.
11. **The Committee recommends that the State party repeal all laws that allow the recruitment of persons under the age of 18 into the armed forces in time of war.**
12. The Committee regrets that the Act of 5 August 2003 has limited extraterritorial jurisdiction in cases of serious violation of international humanitarian law, but it welcomes the fact that children who have been recruited into national armed forces or have been used for active participation in hostilities while they were under the age of 15 can obtain direct access to Belgian courts if there is a link between Belgium and the crime. However, the Committee is concerned that these provisions do not provide for the protection of other forms of recruitment into armed forces or groups involving them in hostilities.
13. **In order to strengthen the national and international measures for the prevention of the recruitment of children into the armed forces or armed groups and their use in hostilities, the Committee recommends that the State party:**

- (a) **Explicitly prohibit by law the violation of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities;**
- (b) **Establish extraterritorial jurisdiction for these crimes when they are committed by or against a person who is a citizen of or has other links with the State party; and**
- (c) **Stipulate in legislation that military personnel should not undertake any act that violates the rights enshrined in the Optional Protocol, regardless of any military order to that effect.**

Dissemination and training

14. While noting with appreciation the unique television advertisement on the impact of war on children by the Belgian National Committee for UNICEF and the training activities and campaigns of the Belgian Red Cross on the status and rights of children involved in armed conflict, the Committee is concerned that the State party's dissemination and training activities regarding the Optional Protocol are generally limited to the armed forces and military training.

15. **The Committee recommends that the State party continue to provide the armed forces with training activities on the Optional Protocol. It also recommends that the State party develop systematic awareness-raising, education and training programmes in all domestic languages on the provisions of the Optional Protocol for all relevant professional groups working with and for children, such as teachers, authorities working for and with asylum-seeking and migrant children coming from countries affected by armed conflict, lawyers and judges.**

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

Measures of social reintegration

16. The Committee notes that the State party is a country of destination for asylum-seeking and migrant children coming from conflict areas. In light of the fact that many of these children may have been victims of traumatic experiences, the Committee notes with appreciation that the Belgian Red Cross, in collaboration with the Federal Agency for the Reception of Asylum-Seekers (Fedasil), provides psychological and social assistance to asylum-seeking children who have fled armed conflict.

17. The Committee regrets the lack of information on specific integration programmes or activities for former child soldiers and the lack of systematic data collection on asylum-seekers under the age of 18 who were involved in armed conflict. While noting that non-accompanied asylum-seeking minors are interviewed by volunteers who attend occasional courses on the trauma experienced by children in exile and on special techniques for interviewing children, the Committee is concerned about the resources of the State party to identify children who have been involved in armed conflict and are in need of immediate care and assistance.

18. **The Committee recommends that the State party pay special attention to asylum-seeking, refugee and migrant children in Belgium who may have been involved in or affected by armed conflict by strengthening its efforts:**

(a) **To identify these children at the earliest possible stage;**

(b) **To provide them with culturally sensitive multidisciplinary assistance for their physical and psychological recovery and their social reintegration;**

(c) **To systematically collect data on refugee, asylum-seeking and migrant children within its jurisdiction who may have been victims of hostilities in their home country; and**

(d) **To regularly train authorities working for and with asylum-seeking and migrant children who may have been victims of hostilities in their home country.**

19. **The Committee also 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. The Committee requests that the State party provide information on social reintegration programmes in its next periodic report.**

3. International assistance and cooperation

Protection of victims

20. While noting with appreciation the State party's efforts to work towards the prohibition of light weapons usable by child soldiers at the international level, for example, by banning the trade of war materiel to countries "where it has been established that child soldiers are aligned with the regular army" (based on the 2003 amendment to the law on small arms trade), the Committee is concerned that this provision applies only to child soldiers under the age of 16. As regards the international trade in small arms and light weapons, the Committee notes that the manufacture and exportation of these weapons occurs within the State party.

21. **The Committee recommends that the State party review its domestic law on small arms trade with a view to abolishing a trade on war materiel 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 report, the number of sales that were halted as a result of the implementation of the amended law on small arms trade.**

Financial and other assistance

22. The Committee notes with appreciation the State party's cooperation at the multilateral level in addressing the issue of children in armed conflict, including the financial support to the United Nations specialized agencies. It is also encouraged by the State party's bilateral activities in this field.

23. The Committee recommends that the State party continue and strengthen its bilateral and multilateral activities to address the issue of the involvement of children in armed conflict, with a particular focus on preventive work.

4. Follow-up and dissemination

Follow-up

24. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, *inter alia*, by transmitting them to the Council of Ministers, the Parliament (the Senate and the Chamber of Deputies), and to Provincial Governments and Parliaments, when applicable, for appropriate consideration and further action.

Dissemination

25. The Committee recommends that the initial report submitted by the State party and these concluding observations adopted by the Committee be made available to children and their parents in all spoken languages of the State party through, *inter alia*, school curricula and human rights education. It also recommends that the State party make the Optional Protocol widely known to the public at large in order to generate debate and awareness of the Optional Protocol, its implementation and its monitoring.

D. Next report

26. 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, which is due on 15 July 2007.
