

and individual experts, could provide in this regard was emphasized, as was the role of catalyst that the Committee could play in developing the agenda for research and study on the rights of the child at the international level. The Committee recognized the importance of being aware of studies relevant to its work already carried out or envisaged by various organizations and bodies. To that end, the Committee recommended that a list of topics to which it attached particular interest should be transmitted to those same organizations and bodies. At the same time, the Committee recognized the importance of this system in facilitating the organization of a bibliographical network concerning the rights of the child. It therefore suggested that the Secretariat also be entrusted with this task.

I. General discussion on children in armed conflicts

61. At its first session, the Committee decided to include a specific provision in its rules of procedure on the organization, in one or more meetings of its regular sessions, of a general discussion on one specific article of the Convention on the Rights of the Child or a related subject, as a means to enhance a deeper understanding of the contents of this international instrument (rule 75). At that time, the Committee decided to devote a day of its second session to the consideration of the topic "Children in armed conflicts".

62. The decision to consider this topic was based on:

(a) The outstanding importance of this issue in the context of the promotion and protection of children's rights and the role the Convention can play in that respect;

(b) The fact that, in recent years, a growing number of conflicts are occurring (more than 150 since the Second World War), using more sophisticated and brutal weapons and fighting methods, affecting a growing number of civilians, particularly children;

(c) The urgency of creating awareness, raising concern and encouraging adequate action;

(d) The need to underline the complexity of the question of children in armed conflicts, which should not be simply reduced to the consideration of a single provision of the Convention, namely article 38.

63. In the consideration of the topic in light of the relevant provisions of the Convention, concerns of a different nature might be raised. Among them:

(a) the relevance and adequacy of existing international instruments, including international humanitarian law, and the advisability of envisaging new standard-setting activities;

(b) the need to reinforce the adoption of preventive measures, designed either to prevent conflicts or to prevent children from taking direct or indirect part in the hostilities or suffering its effects;

(c) the need to ensure an effective protection of children in a period of armed conflict, in the overall framework of the realization of all the rights of the child, inherent to his or her dignity and essential to the full and harmonious development of his or her personality;

(d) the need to ensure the promotion of the physical and psychological recovery and social reintegration of any child victim of, or affected by, an armed conflict, in an environment which fosters the health, self-respect and dignity of the child.

64. The Committee devoted its 38th and 39th meetings, on 5 October 1992, to a general discussion on Children in armed conflicts. The following organizations participated in the debate: Food and Agriculture Organization of the United Nations, United Nations Educational, Scientific and Cultural Organization, World Health Organization, Office of the United Nations High Commissioner for Refugees, United Nations Children's Fund, International Committee of the Red Cross, Friends' World Committee for Consultation, Institut Henri-Dunant, International Catholic Child Bureau, International Council of Voluntary Agencies and International Save the Children Alliance, including Radda Barnen and Save the Children Fund UK. The Committee also had on this occasion the opportunity to establish a dialogue with Mr. Vitit Muntarbhorn, the Special Rapporteur of the Commission on Human Rights on the Sale of Children.

1. Relevance and adequacy of existing standards

65. Reference was made to the different provisions applicable in the framework of children in armed conflicts, including the four Geneva Conventions, the additional Protocols, the Declaration on the Protection of Women and Children in Periods of Emergency and Armed Conflicts, the Declaration on the Rights of the Child, and the Convention on the Rights of the Child. Mention was also made of other United Nations standards, such as the International Covenant on Civil and Political Rights and General Comment 17 adopted by the Human Rights Committee on article 24 of that Covenant.

66. It was pointed out that there were some situations in which children did not benefit from the protection of existing standards, as was very often the case in internal strife. There was therefore a need to consider a set of minimum humanitarian standards to be applicable in all situations to all children, without discrimination, in a period of armed conflict, thus filling any possible existing gaps.

67. When basing the consideration of the question of children in armed conflicts on the Convention itself, it was recalled that States parties have undertaken to respect and ensure all the rights set forth therein to all children within their jurisdiction (art. 2). States parties have also made a commitment to adopt all appropriate measures in order to achieve such a purpose (art. 4) and that, in all actions taken, the best interests of the child shall be a primary consideration (art. 3). None of these general provisions admit a derogation in time of war or emergency.

68. It was further recalled that the Convention, under its article 41, invites States parties to always apply the norms which are more conducive to the realization of the rights of the child, contained either in applicable international law or in national legislation. Finally, attention was drawn to the fact that States parties may also make declarations when ratifying or acceding to the Convention, expressing their commitment before the international community to apply more conducive standards than those directly deriving from the Convention, namely by not recruiting children under 18 years of age into the armed forces.

69. This framework led to the consideration of different needed actions: (a) ratification of, or accession to, existing relevant international instruments; (b) effective implementation of such standards; and (c) improvement of the existing normative framework.

2. Reinforcement of preventive measures

70. General measures designed to prevent the occurrence of conflicts were discussed. Emphasis was put on the role which education can play:

(a) Education in a spirit of understanding, solidarity and peace, as a general and continuous process, as reflected in article 29 of the Convention on the Rights of the Child;

(b) Education and training for the military and for groups working with and for children;

(c) Education and dissemination of information specifically for children.

Attention was also drawn to the need for creating awareness of the political grounds for the existence of conflicts; such an attitude may contribute to the consideration of solutions of mediation or conciliation designed to prevent the conflict or attenuate its effects.

71. Importance was also given to the question of arms expenditures, the sale of arms and the advisability of considering an adequate monitoring mechanism of this reality. As a general preventive measure, reference was also made to the prevention of child abuse and neglect, which could contribute to the prevention of future use of violence.

72. Specific preventive measures designed to prevent the involvement of children in armed conflicts were also discussed: mention was made of the interdiction of recruitment into the armed forces under a certain age, as well as of the adoption of measures ensuring that children will not take part in hostilities or suffer their effects.

3. Ensuring an effective protection to children in situations of armed conflict

73. It was recalled that, apart from article 38, the overall framework of the realization of the rights of the child set forth by the Convention should be ensured; this framework was very often also reflected in the provisions of

humanitarian law. Among these, reference was made to the importance of: protecting the family environment; ensuring the provision of essential care and assistance; ensuring access to health, food and education; prohibiting torture, abuse or neglect; prohibiting the death penalty; and the need to preserve the children's cultural environment, as well as the need of protection in situations of deprivation of liberty. Particular emphasis was also put on the need to ensure humanitarian assistance and relief and humanitarian access to children in situations of armed conflict. In this respect, special attention was paid to important measures, such as days of tranquility and corridors of peace.

4. Promotion of physical and psychological recovery and social reintegration

74. Consideration was particularly given to article 39 of the Convention: different experiences and programmes were brought to the attention of the Committee, underlying the need for resources and goods (namely, food and medicine). Moreover, emphasis was put on the need to consider a coherent plan for recovery and reintegration, to be planned and implemented in a combined effort by United Nations bodies and non-governmental organizations. Attention should be paid to (a) the implementation and monitoring of adequate strategies and (b) the need to reinforce the involvement of the family and the local community in this process.

5. Follow-up to the general discussion

75. In view of the different contributions made and the problems considered, the Committee recognized that there was a need for a continuous response to the outstanding and complex question of children in armed conflicts, in the framework of its mandate. It therefore envisaged different measures which it could take to face this problem:

(a) Development of more specific guidelines for the implementation of the more relevant provisions, namely articles 38 and 39;

(b) Drafting of a set of recommendations;

(c) Consideration of a preliminary general comment;

(d) Realization of general studies on certain aspects of the problem;

(e) Preliminary drafting of a future optional protocol to the Convention on the Rights of the Child raising the age of recruitment of children into the armed forces to 18 years of age.

76. To consider these different measures, in the light of the general discussion the Committee decided to establish a working group composed of some of its members, entrusted with the task of submitting final proposals at the next regular session of the Committee, scheduled for January 1993.

77. Furthermore, the Committee highlighted that, in the task of examining States parties reports, it could envisage:

(a) Welcoming the declaration made by some States parties on the decision they had taken not to recruit children under the age of 18 years;

(b) Emphasizing the need for information on the legislation and practice of States parties, as far as the application of article 38 is concerned;

(c) Seeking information, in light of article 41, on whether the most conducive norms are applied, or encouraging the adoption of more protective provisions at the national level;

(d) Encouraging States parties to consider, when recruitment into the armed forces is admitted under the age of 18 years, how this situation takes the best interests of the child as a primary consideration;

(e) Emphasizing and encouraging States parties to consider, in their continuous process of monitoring progress, whether all necessary and appropriate measures have been adopted to ensure the full realization of the rights of the child, to all children under their jurisdiction.

IV. DRAFT PROVISIONAL AGENDA FOR THE THIRD SESSION

78. The draft provisional agenda for the third session of the Committee reads as follows:

1. Adoption of the agenda.
2. Information by the Secretariat on the action taken pursuant to decisions adopted by the Committee.
3. Submission of reports by States parties in accordance with article 44 of the Convention.
4. Report on the fourth meeting of persons chairing the human rights bodies.
5. Preparatory activities relating to the World Conference on Human Rights.
6. Report on the Seminar on indicators.
7. Report on the follow-up to be made to the general discussion on "Children in armed conflicts".
8. Methods of work of the Committee.
9. System of documentation and information.
10. Future studies.
11. Consideration of State party reports.