



ngo group for the crc

51ST SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

25 MAY – 12 JUNE 2009

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From 25 May to 12 June 2009 the Committee on the Rights of the Child (the Committee) held its 51st session. Under the Convention on the Rights of the Child (CRC) the Committee examined¹ the combined third and fourth consolidated periodic reports of Bangladesh, France, and Romania; the fourth periodic report of Sweden and the second periodic reports of Mauritania and Niger. Under the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC) and the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC), the Committee examined the initial reports of Slovenia and Oman.

Opening and Adoption of the Agenda

On 25 May 2009, Ms. Kyung-wha Kang, the Deputy High Commissioner for Human Rights opened the 51st session by welcoming the newly elected members of the Committee. Ms. Kang, briefed the Committee about recent developments, including the upcoming celebration of the 20th anniversary of the adoption of the CRC on 20 November 2009, which will be marked by a 2-day meeting on 8 and 9 October on Dignity, Development and Dialogue. She also highlighted the appointment of Ms. Marta Santos Pais as the *Special Representative of the Secretary-General on violence against children* on 1 May 2009, the HRC's first annual full-day meeting on the rights of the child on 11 March 2009, the 5th session of the Universal Periodic Review (UPR) in May 2009 and the Durban Review Conference. The newly elected members of the Committee made their solemn declaration to “perform their duties and exercise their powers as a member of the Committee honourably, faithfully, impartially and conscientiously”.

The Committee proceeded with the re-election of the Chairperson, the adoption of its agenda and the review of the organization of its work. The Chairperson, Ms. Yanghee Lee, was nominated by Ms. Rosa Maria Ortiz and seconded by Mr. Lothar Krappmann. The Bureau of the Committee was decided during a closed meeting. The vice-chairpersons are Agnes Aidoo, Kamel Filali, Rosa Maria Ortiz and Jean Zermatten, while the rapporteur is Lothar Krappmann.

¹ All documents concerning the consideration of States parties reports are available at:
<http://www2.ohchr.org/english/bodies/crc/crcs51.htm>

The Committee members raised several issues during the interactive discussion, including the need for a strong and effective Secretariat in view of the two chambers of the Committee which will start in October and throughout 2010, the issues of accurate translation of documents into Spanish, the improvement of the computer system in the Office, the difficulties in accessing the database of other treaty bodies, as well as methods and exceptional measures granted by the Committee to exercise in relation to States parties that are encountering problems in submitting reports on time.

The Deputy High Commissioner (DHC) acknowledged that the two chambers would be challenging both for the Secretariat and the Committee. A new staff member will be hired to fulfil the requirement of accurate translation of documents into Spanish. The DHC was aware of the existing problem of accessing the database and explained that they were revamping the website. She added that OHCHR was considering translating the website into other languages in future and making it more user-friendly.

While acknowledging the importance of the event to celebrate the 20th anniversary of the CRC, and responding to the request of Ms. Lee to financially support the Committee, Ms. Kang noted that more targeted fundraising would be needed for this event, especially since some donors had signalled that they were unable to provide their usual donations.

The Secretary of the Committee noted that the Committee had received 14 reports since its last session: nine reports under the CRC from Cuba, Cambodia, Bahrain, Costa Rica, Iceland, Italy, Madagascar, Panama and Syria; one report under the OPAC from the Democratic Republic of the Congo; and four reports under the OPSC from Canada, Nepal, Sweden and Togo. Six initial reports were still outstanding for Afghanistan, the Cook Islands, Nauru, Niue, Tonga and Tuvalu.

Examination of State party reports under the Convention²

All 18 members of the Committee attended the session. Most States parties sent high-level and large delegations. The 51st had a broad participation from national coalitions and NGOs from France, Sweden, Mauritania, Bangladesh, Niger and Romania. The Swedish delegation also included young participants and children, some of whom had taken part in the pre-session meeting with the Committee. As the Mauritanian NGOs were unable to attend the pre-session in February due to visa issues, they had a brief meeting with the Committee prior to the session. Some of the sessions had a big audience, as groups of students followed the meetings as part of their studies. The NGO Group provided financial support to NGO representatives from Bangladesh (1), Niger (1), Mauritania (2) and Romania (1). The representatives from national NGOs were from the following countries:

NGO attendance during the session

Country	NGO representatives
France	26
Sweden	40
Mauritania	2
Slovenia	0

² All country reports prepared by the NGO Group on the individual sessions can be found at: <http://www.crin.org/resources/infoDetail.asp?ID=7599&flag=report>.

Bangladesh	1
Niger	1
Romania	6
Oman	0

France

The delegation was led by the State Secretary responsible for the family in the Ministry of Labour, Social Affairs, Family and Solidarity and supported by a large delegation consisting of representatives from the line ministries. The State Secretary responded to most of the questions, which is quite unusual when there is a large delegation. The statement and responses of the State Secretary focused on the direct applicability of 11 of the CRC's articles and the relevant programmes in place. However, there was very little self-criticism or discussion about the problems and how to address them.

The main topics discussed included the applicability of the CRC, the lack of coordination between the national and the departmental level, including the Overseas Departments and Territories, stigmatization of vulnerable children and children living in poverty, general intolerance towards Roma and disabled children. The Committee was concerned that the CRC and its Protocols were not widely known and understood by adults and children. Other areas of concern included: the death of children in detention and the high prevalence of self-injurious behaviour among children in detention, the treatment of asylum seekers, the lack of information on overseas departments and the deprivation of adopted children from their right to know about their origins. The Committee also noted that there were limited number of provisions in the jurisprudence of the Council of State directly invoking the provisions of the Convention.

The Committee reiterated its concern on some of its previous recommendations³ which it believed had been insufficiently addressed, particularly those relating to reservations and declarations to the Convention, the direct applicability and the establishment of a body for the overall coordination of the implementation of the Convention, the minimum age of criminal responsibility, birth registration, the child's right to know his/her biological parents and sibling, inter country adoption, corporal punishment and unaccompanied minors. Furthermore, the Committee recommended France to ensure that the Convention and its two OPs were widely known in the country. It also emphasized the need for a global policy for children, adequate budget allocation, follow-up and evaluation mechanisms for the full implementation of the plan of action, the establishment of a harmonized nationwide system to collect and analyze data, and the need for policies to address the intolerance towards children of minority groups.

In May 2008, the human rights record of France was examined under the UPR mechanism of the HRC.⁴ The government of France commented that it did not plan to accede to the *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families* by explaining that the State medical aid system [...] set France

³RC/C/15/Add. 240

⁴The report of the Working Group, including the responses of France to the recommendations made during the UPR is available at: <http://www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CFRSession2.aspx>.

above the minimum standard called for by the Convention and that the same was true of the *unconditional admission of all children to French schools* and of compliance with the principle of “equal pay for equal work”.

The 5th periodic report of France under the CRC is due by September 2012. The 6th periodic report of France for CAT is scheduled to be examined between 26 April and 14 May 2010; the 5th periodic report on the ICCPR is due in 2012; the 7th and 8th periodic report on CEDAW is due in 2013; the 7th, 8th and 9th periodic report under CERD was submitted and is to be scheduled; the 4th periodic report under CESCRC is due in 2011.

Sweden

The high-level delegation consisted of the representatives, deputy directors and desk officers from the main ministries.

The main issues raised included the limited power of the Ombudsman to receive individual complaints from children, its independence from the government, existing discrimination, xenophobia and racist attitudes towards children of ethnic minorities, refugee and asylum-seeking children as well as children belonging to migrant families.

The Committee was concerned with the high level domestic child abuse and neglect in Sweden, the spread of sexually transmitted diseases, the increasing rate of unwanted teenage pregnancies and abortions and the bullying in schools against children with disabilities and of foreign origin. The Committee made several references to information presented in other UN mechanisms, such as the reports of the Special Rapporteur (SR) on health and the SR on Racism. The Committee learned that the Convention was not law of the land and human rights treaties did not automatically become Swedish law. It was surprised to learn that the CRC was not explicitly incorporated into school curriculum, and that the State policy was to carry out all school activities in accordance with fundamental democratic values, including those stipulated in the CRC. The delegation interacted in an open and frank manner with all the members actively involved in the dialogue with the Committee.

In its recommendations the Committee urged Sweden to ensure that national legislation is brought into full conformity with the CRC and that the Convention is formally recognised as Swedish law. It requested the State party to ensure adequate cooperation among central and local authorities, to provide the Children’s Ombudsman with the mandate to investigate individual complaints, to ensure that it has adequate human and financial resources to exercise his or her mandate effectively and independently. It asked the State party to take measures to ensure that all children are aware of the CRC and its two OPs and that they are protected from harmful information and materials. The Committee asked to take measures to follow-up to the UN Study on Violence against Children, to ensure that children who run away or are forced to leave home, have access to services and get the necessary advice and support as well as address the causes of this phenomena. It further recommended that the State party incorporate the CRC and other relevant human rights treaties in the curricula; to combat bullying and pay special attention to children with disabilities and of foreign origins; to ensure that all children, including undocumented children, have a right to health care and medical services under the same conditions as children legally residing in the country.

In its recent concluding observations on Sweden dated on April 2009, the UN Human Rights Committee asked the State party to ensure “ the availability of a fully adequate number of shelters for women and children subjected to domestic violence, including [...] in particular

women and children with disabilities.”⁵ The Human Rights Committee was concerned “at the lack of detailed information on the effectiveness of the measures taken by the special units of the Migration Board to prevent the disappearance of children travelling without guardians.”⁶ It asked the State party to ensure that “effective measures were taken to prevent the disappearance of unaccompanied asylum-seeking children.”⁷

The 5th periodic report of Sweden for the CRC is due on 1 September 2011. The Committee had scheduled the examination of Sweden's initial report for the OPSC in May 2011. The HRC will review the human rights record of Sweden in 2010.

Mauritania

The delegation was composed of the Secretary-General of the Ministry of Social Affairs, Childhood and Family Affairs, as well as representatives from relevant ministries. Unfortunately, the Minister was unable to come at the last minute. One of the main issues of concern was the incompatibility between Sharia law, customary law and modern law. The Committee was concerned that the National Human Rights Commission (NHRC) lacked resources and was not accessible to children. Other areas of discussion included the lack of coordination; distribution of resources; definition of the child (including age of marriage and criminal responsibility); discrimination against minorities, children with disabilities and children born out of wedlock, polygamy and slavery. The Committee had an open dialogue with the delegation. The latter mentioned the challenges faced and showed an interest in improving child rights.

The Committee reiterated its concern in relation to some of the recommendations made upon the consideration of the initial report of the State party in 2001 which had not been given sufficient follow-up regarding legal reform, national plan of action, resource allocation, data collection system, birth registration, harmful traditional practices, child labor and juvenile justice. Furthermore, the Committee recommended Mauritania to ensure that the provisions of the Convention were widely known in the country. It also emphasized the need to bring the NHRC in compliance with the Paris Principles and provide adequate resources to receive, monitor and investigate complaints from or on behalf of children. It requested that Mauritania take measures to ensure that the marriage age is 18 years, and to prevent discrimination against girls as well as promote awareness on gender equality. It also recommended the government to take measures to give children's views due consideration both in school and family setting and in judicial and administrative proceedings.

The Committee invited the State party to submit its combined 3rd , 4th and 5th report, by 14 June 2013. The Human Rights Council will examine the human rights record of Mauritania during its 9th UPR session in 2010. The SR on Racism visited Mauritania in 2008 and issued a report on country visit.

Bangladesh

The high-level delegation consisted of representatives of relevant ministerial departments. The questions were mostly taken up by the head of the delegation and rarely fielded to different experts. While some of the responses were satisfactory, most of them lacked clarity and raised further concerns and follow-up questions.

⁵ Ibid, para 8

⁶ Ibid, para 12

⁷ Ibid

The main issues of concern were about the domestic legislation, the *Children's Act* of 1974 and its compliance with the provisions of the CRC. Other issues of concern included the independence of the NHRC, the absence of independent, child sensitive procedures for individual complaints. The Committee was concerned that there was no universal definition of the child in the State party's laws and policies which created different, sometimes conflicting definitions of the child, for example, as reflected in legal minimum ages of children for marriage. The Committee members asked about the Internet service providers, radio and satellite television channels operating with minimum regulations to protect children against harmful information, materials, and the exposure of children to digital pornography.

In its concluding observations the Committee noted that poverty and natural disasters hindered the implementation of the CRC in Bangladesh. It asked the State party to speed up the process of removing its reservations⁸, to continue harmonizing its legislation in accordance to the provisions of the CRC and ensure that the CRC can be invoked as a legal basis at all levels of administrative and judicial proceedings. It further recommended to allocate budgetary resources for the implementation of the NPA; to ensure the independence of the NHRC in accordance with the Paris Principles; to take necessary measures to establish the Children's Ombudsman dealing with complaints. The Committee reiterated its previous recommendation about developing a comprehensive and coordinated system of data collection, requested that the CRC was made widely known among the public and was translated in non-Bengali languages. It asked the State party to ensure free of charge birth registration for all children; to adopt specific legislation to protect children from harmful information and materials; to take immediate steps to halt the imposition of death penalty for crimes committed by persons under 18 and abolish the death penalty. It went further by recommending the State to guarantee that no child under the minimum age of conscription be enrolled in the army. It urged the State party to combat the sale of children and trafficking and, *inter alia*, ensure that child victims of sale and trafficking are not criminalized.

On 3 February 2009, in expressing its views on conclusions and recommendations of the report issued by the UPR Working Group⁹, the government of Bangladesh explained that "early marriage and dowry were prohibited and the practices of early marriage and dowry have been made punishable offences under *Child Marriage Restraint Act, 1929 and Dowry Prohibition Act, 1980*."¹⁰ Bangladesh stated that it [was] not in a position to accept the recommendation on abolishing the death penalty, and while awaiting such a decision, it would be better to adopt a moratorium on executions.¹¹ It further explained that "the provision of the death penalty was maintained in Bangladesh only as an exemplary punishment for heinous crimes [...] and that [...] Bangladesh had an extremely low rate of implementation of such death penalties."¹² Bangladesh accepted the recommendation concerning the human rights training of judicial officers to be trained on the issue of rights of women, children and minorities.¹³

In terms of the reporting status of Bangladesh before other UN treaty bodies, Bangladesh's 3rd

⁸ Articles 14, para 1, and 21 of the CRC.

⁹ UPR Report of the Working Group on the UPR, Addendum, A/HRC/11/18/Add, 9 June 2009. Available at: http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/BD/A_HRC_11_18_BGD_Add_1_E.pdf

¹⁰ *Ibid*, A/HRC/11/18/Add.1, page 3.

¹¹ Report of the Working Group on the UPR on Bangladesh. A/HRC/11/18, page 19. Available at:

http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/BD/A_HRC_11_18_BGD_E.pdf

¹² A/HRC/11/18/Add.1, page 4.

¹³ *Ibid*, page 5.

periodic report for CAT is overdue since 2007, the initial report for the ICCPR is overdue since 2001, the 14th periodic report for CERD is overdue since 2006, the 2nd periodic report for CESCR is overdue since 2005. The 6th and 7th periodic report for CEDAW is due on 6 December 2009 and the initial report for the Committee on the Rights of Persons with Disabilities is due on 30 December 2009.

The 5th periodic report of Bangladesh for the CRC is due on 20 October 2012. This report should include information on the implementation of the OPAC and OPSC.

Niger

The delegation of Niger was led by the representative of the Ministry of Women and Protection of Children and accompanied by a high-level delegation from the Prime Minister's Council, the Ministry of Social and Child and Family Affairs. The delegation had a frank discussion with the Committee about the problems and challenges faced by the country in implementing the CRC and emphasised the constraints, namely the lack of financial and human resources necessary to fully commit the implementation of the CRC.

The Committee noted with regret that the newly established National Commission on Human Rights and Fundamental Freedoms was lacking resources and had no regional offices. It further noted that administrative restrictions had imposed some limitations on the activities of both local and international human rights organisations. The Committee mentioned that the consensus reached among traditional and religious leaders about the minimum age for marriage at 18 for both gender, had not yet been enacted in legislation. It further noted that the discrepancy between the minimum legal age for marriage of boys and girls remained gender discriminatory. The Committee was also concerned that, notwithstanding the State party's efforts to eradicate Female Genital Mutilation (FGM), the practice remained widespread in some communities. It commented on the need to address the definition of the child, age of criminal responsibility, birth registration, and preservation of identity.

Although submitted with a significant delay, the Committee welcomed the frank and self-critical nature of the second periodic report of the State party as well as the written replies to its list of issues and commended the fruitful dialogue held with the high level and multi-sectoral delegation.

In its recommendations the Committee regretted that some of its previous concerns and recommendations had been insufficiently or only partly addressed. It urged Niger to take measures to prohibit traditional harmful practices, including FGM, and to hold perpetrators accountable. It requested Niger to take all necessary measures to prohibit early and forced marriages and work with traditional community leaders to raise awareness on the consequences of early pregnancies. The Committee urged Niger to take measures to promptly accomplish the adoption of the planned Children's Code which included all the provisions of the CRC and to regulate and prevent the practices of informal adoption.

Niger's periodic reports are overdue for the CAT, HRC, CERD, CESCR, and OPSC. The 3rd and 4th periodic report for CEDAW was submitted in May 2009. The 3rd and 4th periodic report for the CRC is due in 2012. The Human Rights Council will examine the human rights record of Niger during its 10th UPR session in 2011.

Romania

The delegation of Romania was led by a newly appointed Secretary of State of the National Authority for the Protection of Children's rights. She was supported by a relatively large delegation of middle-rank officials from relevant ministries. The responses provided by the

head of the delegation lacked details and clarity, and were followed up by another set of questions. The delegation was more involved during the second round of questions when specific questions were fielded to experts. This made the dialogue more lively, although the answers provided were sometimes lacking clarity due to a lack of adequate data and some controversial information in the statistics presented in the State party report.

The main issues of concern included the lack of compliance of the Ombudsman office with Paris Principles as well as a lack of knowledge about his authority to receive complaints from children and the general public. The Committee was concerned that there was continuous discrimination and stigma against Roma children, children with HIV/AIDS, disabled children, child victims of violence and abandoned children. It noted that the right of the child to express his or her opinion in judicial hearings was not guaranteed by law. Moreover, there were no provisions in the criminal law for the hearing of child victims of crime such as sexual exploitation and sexual abuse. Other issues of concern included the non-registration of births especially among Roma community, street children and children born at home in rural areas. It was concerned that there were no specialised psychiatric units for children with mental disabilities and such children were placed in institutions for adults.

The Committee asked Romania to take all necessary measures to address some of the recommendations from the concluding observations of the previous report which had not been fully implemented, in particular, those related to discrimination against children belonging to the Roma minority, the investigation of all allegations of torture and other cruel, inhuman or degrading treatment or punishment of children, the creation of an independent body for the promotion and monitoring of the implementation of the Convention, the strengthening of the Child Monitoring and Tracking Information System (CMTIS). The Committee also asked Romania to raise awareness of hospital staff about their responsibilities to register births and recommended the State party to design a comprehensive mental health policy.

During the UPR review of human rights record of Romania in 2008, Romania provided the HRC with supplementary information including separate sections on children without identity, child abandonment, children with parents working abroad, combating child labour, health situation of children and the police treatment of juveniles. The SR on the human rights of migrants will present his report to the HRC on the visit to Romania which took place from 15 to 20 June 2009.

Romania's 4th periodic report is overdue under the CAT, ICCPR, CERD, CESC, OPAC and OPSC. The 7th and 8th combined report for CEDAW is due in 2011. The 5th periodic report of Romania for the CRC is due in October 2012.

Examination of State party reports under the OPSC

Slovenia

The State party was represented by a high-level delegation of senior officials from the Ministry of the Interior, Ministry of Justice, and the Ministry for Education and Sport. The questions were fielded among the members of the delegation according to their expertise.

The main issues of concern were about the discriminatory practices and stigmatization against Roma children, asylum-seekers and children born in Slovenia without a nationality. The Committee noted that the 2008-2009 Action Plan on the fight against human trafficking did not have a specific distinction between the sale and trafficking of children and tended not to differentiate these two different phenomena. The Committee was concerned that the

production or dissemination of materials on the sale of children, child prostitution or child pornography was not criminalized in the legislation. In addition, the enforcement mechanisms to punish those responsible for committing crimes were very weak. The Committee noted the informative dialogue and appreciated the thorough answers provided.

It recommended that the State party develop a comprehensive and systematic mechanism of data collection covering all the areas of the OP; to develop a NPA aimed to address sale of children, child prostitution and child pornography; to allocate adequate human and financial resources for their implementation; to criminalize the production or dissemination of materials advertising the sale of children, child prostitution or child pornography; to conduct training activities for all relevant professionals on the provisions of the OPSC and to ensure the prosecution and punishment of perpetrators of acts prohibited by the OP. It recommended that the report and written replies as well as recommendations of the Committee be made widely available to the public at large.

The Committee requested Slovenia to include further information on the implementation of the OPSC in its combined 3rd and 4th periodic report under the CRC due on 24 June 2008. Slovenia has already submitted its 3rd periodic report for the CAT. The 3rd periodic report for the CCPR is due in August 2010, the combined 5th and 6th periodic report under CEDAW is due in May 2013, the 8th periodic report under CERD is overdue from 2007, and the 2nd periodic report under CESCR is due in 2010. The review of human rights record of Slovenia under the HRC's UPR mechanisms is due in 2010.

Oman

The relatively large delegation of Oman was led by the Minister of Social Development, supported by the deputy President of the High Court and other high-rank officials from the Chief of the Minister's Office, Ministry of Legal Affairs and Department of Child Affairs.

The delegation noted that there had been no cases of violation of the provisions of the OPSC in the country. It pointed out that migrant children were particularly vulnerable to violations of provisions provided in the OPSC. The Committee noted that there was no National Plan of Action to combat the crimes under the Protocol. The Committee was concerned that there were insufficient resources allocated to the implementation of the provisions of the Protocol. It further noted that not all the offences covered under the Protocol were fully incorporated into the Penal Code, and regretted the lack of information on penal provisions relating to the sale of children and child pornography. Other concerns included the enforcement of legislation in practice and the re-victimization of child victims. Even if girls had been victims of child prostitution, they could be criminalized on charges of *zina*¹⁴ and honour crimes. The Committee remained concerned that children were still at risk of being used as camel jockeys. It recalled the potential risk of trafficking in such practice. The Committee said that Oman had the political will to meet all its commitments under the OPSC and noted the constructive dialogue with the delegation.

The Committee recommended that Oman design and implement a comprehensive mechanism of data collection, analysis, monitoring of all the areas covered by the OPSC; strengthen the *Follow-up Committee on the Implementation of the Convention on the Rights of the Child* and ensure that coordination of the Protocol is incorporated into its operation; make the provisions of the Protocol widely known to the public at large; increase budget allocations

¹⁴ The Committee noted that child victims may be re-victimised by being treated as offenders and that girls, who have been victims of child prostitution, may be criminalised, inter alia on charges of “zina” and honour crimes. Para 31, CRC/C/OPSC/OMN/CO/1, 12 June 2009,

and ensure that the National Human Rights Committee is independent and complies with the Paris Principles. It asked Oman to develop procedures for the early identification of child victims of offences under the Protocol and ensure that they were not criminalized; raise the age of camel jockeys to 18 years, as well as continue and strengthen international cooperation, in relation to the implementation of the provisions of the OP, and conduct research to examine cross-border protection issues between Oman and its neighbouring countries. The Committee requested the State party to include further information on the implementation of the OPSC in its consolidated 3rd and 4th periodic report under the CRC, due on 7 July 2012. Oman's report on the UPR is due in 2011. The SR on trafficking in persons, especially women and children visited the Sultanate of Oman from 2 to 7 November 2006 and issued mission report on her findings. The SR on sale of children, child prostitution and pornography agreed to visit Oman on 10 Feb 2009. Oman's initial report under CEDAW was due in 2007; the 2nd, 3rd and 4th periodic reports are due in 2010 for CERD.

Examination of State party reports under the OPAC

Slovenia

The Committee noted the lack of awareness of the provisions of the OPAC among professionals working with children and the general public and that the domestic legislation did not have a specific provision on prohibiting the sale of arms to countries where children could be recruited or used in hostilities. The Committee was concerned that children arriving at the borders of Slovenia who were seeking protection could be returned to their countries without their cases being properly assessed.

In its concluding observations the Committee asked the government to adopt a binding definition of “direct participation in hostilities” as well as provide criminal liability for individuals committing crimes stipulated in the OPAC. It asked to consider criminalizing the recruitment of children at the ages of 16 and 17 and their use in hostilities as separate offences and that recruitment as such is criminalized by the law for both peace and wartime. It recommended to take measures to ensure that those responsible for controlling the sale, export or transit of arms, are made aware of the OP. It further recommended that children seeking protection at the borders were provided with an opportunity to submit requests and that Slovenia identified children entering the country who might have been recruited abroad. The Committee asked that further information on the implementation of the OPAC be included in its combined 3rd and 4th periodic report under the CRC is overdue as of 24 June 2008.

Oman

The Committee noted with regret that Oman did not make any progress in withdrawing its reservation to the OPAC. The main issues of concern included the lack of awareness of the OP among the general public, absence of information on children coming from areas affected by armed conflict. The Committee was further concerned over the lack of “*an identification mechanism*” for such children and regretted that recovery and reintegration programmes and services were not available for them.

The Committee recommended that Oman review its reservations with a view to withdrawing them, provide members of the armed forces with training on the provisions of the Protocol. It urged Oman to revise the Penal Code to include a provision criminalizing the recruitment and involvement of children in hostilities; as well as to bring the military codes and manuals in

line with the provisions of the OPAC. The Committee asked Oman to ratify the Rome Statute of the International Criminal Court. It asked Oman to include further information on the implementation of the OPAC in its consolidated 3rd and 4th periodic report under the CRC, due on 7 July 2012.

Working Methods of the Committee

During its 51st session the Committee adopted its general comment on article 12 on the rights of the child to be heard, and discussed, in general terms, initiatives for two general comments, one on article 3, on the best interests of the child; and one on article 19, on violence against children.

The events on the 20th anniversary of the Convention

The Committee decided at its 50th session that a commemoration of the 20th anniversary of the adoption of the CRC would be held during its 53rd pre-sessional working group in October 2009. The Committee will discuss the themes for its 2010 day of general discussion at its 52nd session.

The Committee officially presented the 20th anniversary event during a meeting with States parties on 11 June 2009. To celebrate this anniversary, the international community will organize a two-day celebration which will focus on the theme *Dignity, Development and Dialogue* and will provide an important opportunity to bring together States parties, UN bodies and other intergovernmental organizations, national human rights institutions, international and national NGOs, children's and youth groups, academics and all others interested in the CRC.

The celebration will take place in Geneva on *Thursday, 8 and Friday, 9 October 2009*, in the Centre International de Conférences de Genève (CICG). NGOs will have an opportunity to make submissions relevant to the topics of six working groups. The deadline of NGO submissions is extended to 4 September 2009. More information on the CRC Anniversary event as well as NGO submissions is available at www.childrightsnet.org and <http://www.crin.org>.

Marking the 20th Anniversary of the CRC, Save the Children and partners will organize a conference¹⁵ that will focus on how violations of the rights enshrined in the Convention can be addressed by a court of law—commonly referred to as the *justiciability* of the rights.

This conference will be exploring the potential benefits of adding use of the CRC as a legal instrument, for example through litigation or *Amicus Curiae* briefs, to the existing strategies of child focused civil society organizations. The two-day conference will be structured around thematic panels with presentations by recognized, high level experts in the field on themes such as “using national and regional judicial systems” and “strategic litigation”, each with its corresponding working group where participants will have a chance to apply the acquired knowledge and share experiences.

Closing Remarks of the 51st Session

¹⁵The full title of the event is “Convention on the Rights of the Child: From Moral Imperatives to Legal Obligations - In search of Effective Remedies for Child Rights violations” which will take place from 12-13 November, 2009 in the CICG.

On 12 June 2009, the Committee concluded its 51st session by adopting the concluding observations on France, Sweden, Mauritania, Bangladesh, Niger and Romania on the CRC, and Slovenia and Oman on the OPSC and OPAC.

In her closing remarks, the Chairperson mentioned that the Committee attended an open-ended working group meeting organised by the Permanent mission of Slovakia on the preparation of draft Human Rights Council (HRC) Resolution on an individual complaints mechanism under the CRC.

Mr. Krappmann, the Rapporteur, noted that the Committee had met with the NGO Group for the CRC's working group on the complaint procedure under the CRC as well as the Executive Committee of the NGO Group to discuss the possible areas of work in support to the work of the Committee. The Committee members had also met with child rights organizations and groups of students throughout the session. It met with the SR on violence against children, held a full day of discussion with high-level representatives from Unicef Headquarters and regional offices, and prepared for the dialogue for the next session. Mr. Krappmann mentioned about the event justiciability organised by the Save the Children.

The Committee's next session will be held from 14 September to 2 October 2009 in Geneva, to consider the reports of Bolivia, Mozambique, Pakistan, the Philippines and Qatar under the CRC, the initial reports of Poland under the two Optional Protocols; the initial report of Yemen under the OPSC; and the initial report of Turkey under the OPAC.