



**STATE PARTY EXAMINATION OF THE BELARUS'S
INITIAL PERIODIC REPORT ON THE OPTIONAL PROTOCOL ON
THE INVOLVEMENT
OF CHILDREN IN ARMED CONFLICT**

**56TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD
17 JANUARY – 4 FEBRUARY 2011**

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Belarus ratified the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) on 25 January 2006. On 26 January 2011, the Committee on the Rights of the Child (the Committee) examined the initial periodic report of Belarus.

Opening Comments

The delegation of Belarus was led by Mr. Viktor Yakzhik, Deputy Minister of Education. He was supported by a delegation of representatives from the Ministry of Foreign Affairs, Ministry of Interior, Ministry of Labour and Social Protection and the Permanent Mission in Geneva.

Mr. Yakzhik included comments on the OPAC during his opening remarks for the session on the CRC. He stated that bringing children into armed conflict, advertising for children to join wars, or creating military groups, was prohibited in Belarus. In the case of general mobilisation, children under 18 years would be released from the forces and military schools. The delegation noted that in order to ensure that Belarus applied the most advanced protection of the rights of the child, the State had invited multiple Special Rapporteurs to visit. To conclude, Mr. Yakzhik reiterated that the delegation was open to an interactive dialogue.

Mr. Citarella, the Country Rapporteur, commended the delegation's submission of its initial report on OPAC and noted that national legislation seemed quite advanced. Nevertheless, there were unanswered questions. First, Mr. Citarella noted that the Constitution obligated citizens to defend the country in case of an attack and wanted to clarify that children would be absolved from this duty. Mr. Citarella was also concerned about military schools in Belarus,

noting that children as young as 12 years could enrol. He asked whether children and parents were informed about the implications of being in military schools and whether the school was actually under the jurisdiction of the Ministry of Defence. Mr. Citarella said there was a general prevalence of military schools across the country, including military summer camps, and asked for more information on Belarus's interest in military instruction.

General Measures of Implementation

The Role of Civil Society

The Committee wanted to know what role civil society played in peace and conflict resolution.

Prevention

Recruitment

The Committee noted that the age of voluntary recruitment was 18 years, but could be below 18 years, with parental consent. The Committee wanted to make sure that child volunteers were entitled to special protection and asked what justice system was applicable to the volunteers. The Committee also wanted to know what methods were used to attract volunteers, e.g. advertising, scholarships, etc. The delegation stated that even if parents wished their child to serve, the State would not allow children below the age of 18 to enter active service. A 17-year-old could enter a higher military institution, but could not serve in a military position until he was at least 18 years old. The delegation restated that it was not possible for a minor to serve in the army, *even* as a volunteer.

Conscription

The Committee noted that persons under 18 years would not be recruited to armed forces and wanted to know whether this was valid in peace, war and emergency situations. The delegation emphasised that Belarus had not participated in any armed conflict, but stated that in war or armed conflict, an individual below the age of 18 years who was enrolled in the military academy, would have to leave the academy at a time of deployment; Belarus would not allow minors to participate. This would apply whether Belarus was taking part in a conflict on its territory or in another territory and there were no exceptions or waivers for volunteers; all children under 18 years would be excluded from mobilisation and this was provided for in legislation.

Military school enrolment

The Committee asked how children and parents were informed about military schools and what happened when children wanted to leave such a school, because it appeared that they had to sign a contract for five years. The Committee also asked whether children enrolled in military schools had access to an independent complaints mechanism.

Traditionally, the decision to enrol in military schools was made by a child and his or her parents, with the stipulation that the student could withdraw at any time. The delegation assured that there were no advertisements, nor active recruitment programmes, but that there were, like any school, open-door days where interested students and their parents could come to ask questions. The delegation assured that the current military schools were very different

from the institutions during the Soviet era and that there was now only one higher military institution, compared to five active institutions during Soviet times.

Military school curriculum

The Committee was concerned that the Minsk Military School allotted a significant period of time for teaching children how to use arms. The delegation stated that the courses covered topics such as assistance in emergency situations and physical education, but did not focus on the use of military weapons. The delegation explained that after Belarus gained independence, the general curriculum was revisited by the Ministry of Education, in collaboration with the Ministry of Defence, to include optional courses dedicated to the rights of children, which included information on both optional protocols. The delegation reminded the Committee that there were no historical prerequisites because Belarus had not been involved in any armed conflicts.

The delegation emphasised that military schools were about continuing a tradition, rather than providing military training. Students received a diploma and all schools accepted this diploma, which demonstrated that schooling in these institutions was general. In 2010, very few students enrolled in the army after military school; 40 per cent decided to continue in a higher education military institution, but another 40 per cent decided to pursue a different type of higher education. The delegation explained that the State felt the Minsk Military School could remain open, even after closing other institutions, because the Ministry of Education had helped to develop the curriculum. The delegation emphasised that this school was not a closed education facility, nor a preparatory school for military conflict. The delegation also reiterated that children could withdraw from military school at any time.

Military camps

The Committee was confused about the existence of military camps and asked whether they were for child criminals or patriotic purposes. Specifically the Committee wanted to know about the link between armed forces and the use of military summer camps as a means of preventing juvenile delinquency and rehabilitating convicted juvenile offenders. The delegation explained that the military camps were opened for medical recovery purposes and were administered by the Ministry of Health and the Ministry of Education. The delegation did not see a problem with using military bases for the camps, as it was not a designated military zone and these were spaces that could accommodate the 5,000 camps where 400 children at each camp, relaxed in the summer.

The Committee noted that the camps were used for recovery and health purpose *and* for juvenile offenders and asked how the juvenile offenders would be separated from those seeking medical treatment. The delegation stated that the term “delinquents” and “perpetrators” did not correctly describe the camp-goers; the boys who attended the camps were students who had behavioural issues and were sent there by their parents.

The Committee wanted to know why these camps were called military camps and whether military personnel were involved. The delegation stated that perhaps the use of the term “military” led to difficulties in translation, as the camps could also be called sports camps, patriotic camps, or defence camps. As to whether military personnel were involved, the delegation explained that military personnel who were could participate in physical training or as teachers. The delegation reiterated that the camps were not military and instead their focus was on health and recovery.

Prohibition and Related Matters

The Committee noted that anyone who recruited a child would be imprisoned and whether there were sanctions against it. The Committee noted that according to the OPAC, anyone who recruited a child would be imprisoned. As such, it was asked whether there were sanctions for this crime prescribed in the national law of Belarus.

Protection, Recovery and Reintegration

Direct hostilities

The Committee asked whether there was a definition of direct hostilities and whether measures ensured that children did not take part in direct hostilities. The delegation was unsure about the definition of direct hostilities, but presumed that since Belarus did not have any children in armed conflict, there were no children participating in direct hostilities. The delegation reiterated that a child of 17 years old could not go into armed services, even if he or his parents wanted him to.

Victim protection

The Committee wanted to know how the State identified child victims who had been recruited to armed forces and what measures were being taken to protect victims' situation.

Responsibility of businesses

The Committee asked about the responsibility of businesses, enterprises or companies and asked whether a provision covered the actions of legal persons and drew their attention to their responsibility to children (regarding health, protection and public morals). The delegation was grateful for this question as the Ministry of Justice was working on a project on the legal responsibility of legal persons. The delegation agreed that efforts on this law should continue.

International Assistance and Cooperation

Small arms export

The Committee wanted to know whether Belarus had a mechanism to regulate and track the exportation of arms to ensure that these arms did not end up in countries that were known to recruit children to armed forces. The delegation explained that the export of weaponry was regulated through a law adopted in 2005, but after the accession to OPAC in 2006, a Presidential Decree made changes to the legislation. The State recognised the need to apply the provisions of the Protocol to the export of arms and the delegation assured that it was monitoring exportation to ensure that weapons did not end up in the hands of countries that recruited children for armed conflict.

Concluding Remarks

Mr. Citarella, the Country Rapporteur, thanked the delegation for its replies. Mr. Citarella stated that some of the Committee's concerns had been raised several times because the Soviet tradition of having a big military apparatus was still only recent history. Nevertheless, there had been efforts to reduce this apparatus and the legislation on these issues was strong. Mr. Citarella suggested reviewing some elements of the legislation and asked the delegation

to consider changing all legislation that concerned military schools and the actions of military defence.

Mr. Yakzhik, the head of delegation, stated that important issues had been discussed and the dialogue had been useful. The delegation was grateful to the Committee for recognising what Belarus had achieved and for making recommendations about how the State could improve its work to ensure that children's interests were observed and protected. The delegation took note of the Committee's recommendations with regard to the children in armed conflict.