

COMMITTEE ON THE RIGHTS OF THE CHILD

Fifty-first 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: SLOVENIA

1. The Committee considered the initial report of Slovenia at its 1408th meeting, held on 29 May 2009, and, on 12 June 2009, adopted the following concluding observations:

Introduction

2. The Committee welcomes the submission of the State party's initial report under the Optional Protocol on the involvement of children in armed conflict. The Committee further welcomes its written replies to the list of issues and appreciates the constructive dialogue held with the high-ranking cross-sectoral delegation.

3. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted in respect of the State Party's second periodic report under the Convention on the Rights of the Child, of 26 February 2004, and on the State party's initial report under the Optional Protocol on the sale of children, child prostitution and child pornography.

Positive aspects

4. The Committee notes with appreciation:

(a) The State party's declaration made upon ratification of the Optional Protocol that under Slovenian law the minimum age for voluntary recruitment into its national armed forces is 18 years;

(b) The amendments made to the Slovenian Armed Forces Act (Ur.l. RS No. 68/07) to prohibit that persons under 18 years of age be recruited into the armed forces in all circumstances, including state of war or emergency;

(c) The amendments of the Criminal Code in 2008 which, inter alia, established that such instrument shall apply to any person who, in a foreign country, commits a criminal offence which according to an international agreement has to be prosecuted in all signatory States, irrespective of the location where it was committed;

(d) The appointment of a Deputy Human Rights Ombudsman dealing specifically with the protection of the rights of children that has competence to monitor violations of the rights of children, including violations of the provisions of the Optional Protocol, deal with complaints and request information, including from the Ministry of Defence.

5. Furthermore, the Committee commends the State party on its accession to, or ratification of:

(a) The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, in 2004;

(b) The United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, in 2004;

(c) The ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, in 2001; and

(d) The Rome Statute of the International Criminal Court, in 2001.

I. General measures of implementation

Dissemination and training

6. The Committee notes with appreciation the information provided during the dialogue with the State party that military personnel, including the participants of peacekeeping and other missions abroad, receive training on human rights, international humanitarian law and child rights, including on the Optional Protocol on the involvement of children in armed conflict. The Committee is concerned, however, that the Optional Protocol is not well known by professionals, State officials and the public at large, and that professionals working with children may not receive sufficient training on the provisions of the Protocol.

7. The Committee recommends that the State party ensure that the principles and provisions of the Protocol are widely disseminated among professionals, State officials and the general public. The Committee also recommends that the State party develop systematic education and training programmes on the provisions of the Optional Protocol for all relevant professional groups working with children, notably teachers, health professionals, social workers, police officers, lawyers, prosecutors and judges.

II. Prevention

8. The Committee welcomes the information provided by the State party's delegation that human rights and peace education are included in the curricula of

primary and secondary schools. However, the Committee regrets that the Optional Protocol still remains marginal in children's education.

9. The Committee recommends that the State party ensure that adequate attention is paid to the Optional Protocol in the context of human rights and peace education in schools at all levels.

III. Prohibition and related matters

Criminal legislation and regulations in force

10. The Committee welcomes that legislation does not, in any case, allow recruitment of persons under the age of 18 years to the Slovenian armed forces. It also welcomes that recruitment or use of children under the age of 15 in an armed conflict would be punished with imprisonment for no less than fifteen years and that recruitment of children at the ages of 16 and 17 would be punished with imprisonment for no less than ten years, if the children take direct part in hostilities. The Committee notes that the State party's legislation does not provide for a binding definition of direct participation in hostilities and that it does not recognize criminal liability of legal persons for violations of the rights of children under the Protocol. The Committee is concerned that the mere recruitment of children at the ages of 16 and 17 is not regarded as a separate offence, both in peace and wartime, by the law.

11. In order to strengthen the measures for the prevention of the recruitment of children and their use in hostilities, the Committee recommends that the State party consider criminalizing the mere 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. The Committee further recommends that the State party consider reviewing its domestic legislation with the view to adopt a binding definition of "direct" participation hostilities and to extend to legal persons the criminal liability for the acts and activities enumerated in the Optional Protocol.

IV. Protection, recovery and reintegration

Measures adopted to protect the rights of child victims

12. The Committee takes note of the measures adopted by the State party to provide protection, rehabilitation and other assistance for children affected by armed conflicts in their countries of origin. It also notes the information that among the children seeking protection, no child was identified as having been recruited into armed forces or groups, or used in hostilities, between 2002 and 2008. However, the Committee is concerned at allegations that children seeking protection at the borders could be repelled before their cases are properly evaluated.

13. The Committee recommends that the State party:

- (a) **Ensure that children seeking protection at the borders are provided an opportunity to submit their request;**
- (b) **Identify at the earliest possible stage children entering Slovenia and asking for protection who may have been recruited or used in hostilities abroad;**
- (c) **Provide children who have a right to assistance, recovery and social reintegration with specific, culturally and child-sensitive assistance for their physical and psychological recovery and their social reintegration; and,**
- (d) **Take into consideration the Committee's general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin.**

V. International assistance and cooperation

International cooperation

14. The Committee notes with appreciation the State party's programmes of international cooperation, in particular its commitment to provide assistance to children affected by armed conflicts. The Committee also notes with appreciation the indication by the State party that it is committed to gradually increase the percentage of the Gross Domestic Product devoted to international development assistance.

15. **The Committee encourages the State party to allocate a component of its international development assistance and cooperation programmes to the implementation of activities dedicated to the respect and implementation of the rights of the child under the Optional Protocol.**

Arms Export

16. The Committee notes with appreciation that a permit from the Ministry of Defence is required for each sale, export or transit of military weapons and equipment. However, the Committee notes with concern that the State party's national legislation does not contain a specific prohibition of sale of arms, including small arms and light weapons, to countries where children could be recruited or used in hostilities.

17. **The Committee recommends that the State party take measures to ensure that those responsible for controlling the sale, export or transit of arms, including small arms and light weapons, and military equipment are made aware of the Optional Protocol and are guided, during the relevant decision-making processes, by its provisions. The Committee further recommends that the State party consider introducing a specific prohibition with respect to the sale of arms, including small arms and light weapons, when the final destination is a country where children are known or suspected to be involuntarily recruited or used in hostilities.**

VI. Follow-up and dissemination

18. 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 relevant Government Ministries, the National Assembly and for all relevant national and local authorities for appropriate consideration and further action.

19. The Committee recommends that the initial report on the Optional Protocol submitted by the State party and concluding observations adopted by the Committee be made widely available to the public at large and to children in particular in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

VIII. Next report

20. In accordance with article 8, paragraph 2, 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.
