

COMMITTEE ON THE RIGHTS OF THE CHILD
50th 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: Republic of Moldova

1. The Committee considered the initial report of the Republic of Moldova (CRC/C/OPAC/MDA/1) at its 1382nd meeting (see CRC/C/SR.1382), held on 20 January 2009 and adopted at its 1398th meeting, held on 30 January 2009, the following concluding observations:

A. Introduction

2. The Committee welcomes the submission of the State party's initial report as well as the replies provided in the response to its list of issues. The Committee also appreciates the frank and constructive dialogue held with a high-level and cross-sectoral delegation.

B. Positive aspects

3. The Committee notes with satisfaction that, according to Moldovan legislation (Law No. 1245-XV of 18 July 2002 on the Preparation of Citizens for Homeland Defence and Law No. 162-XVI of 22 July 2005 on the Status of Military Personnel), children below 18 years of age cannot participate in hostilities.

4. The Committee further welcomes the ratification by the State party of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 12 April 2007.

I. General measures of implementation

Dissemination and training

5. The Committee notes with appreciation the measures taken to foster dissemination of international humanitarian law. In particular, the Committee notes the training of the armed forces and police in international humanitarian law and that all members of the armed forces receive basic training in the special needs of children in armed conflict. However, the Committee is concerned that the dissemination of the

Optional Protocol does not extend to all relevant persons and professional groups and, in particular, children.

6. **The Committee recommends that the State party ensure that all relevant professional groups, in particular military personnel, are systematically trained on the provisions of the Convention and its Protocol on the involvement of children in armed conflict. In addition, in light of article 6, paragraph 2 of the Optional Protocol, it recommends that the State party ensure that the provisions of the Convention and its Optional Protocol are widely disseminated to the general public, including children, and State officials. The Committee also recommends that the State party develop systematic awareness-raising, education and training programmes on the provisions of the Optional Protocol for all relevant professional groups working with children (including asylum-seeking, refugee and migrant children who may have been recruited or used in hostilities), notably teachers, journalists, medical professionals, social workers, police officers, lawyers and judges. The State party is invited to provide information in that respect in its next report.**

II. Prevention

Peace education

7. The Committee notes the lack of information on training programmes or educational measures in schools aimed at promoting peace and respect for human rights.

8. **The Committee recommends that the State party, in collaboration with civil society organisations, develop and implement training programmes and campaigns to promote the values of peace and respect for human rights and include peace education and human rights as fundamental subjects in the education system.**

III. Prohibition

Legislation

9. The Committee welcomes the amendments to the Criminal Code which make the use of trafficked children in armed conflict punishable by between 10 and 25 years' imprisonment. The Committee also notes with satisfaction that both the voluntary and compulsory recruitment of children under the age of 18 years are prohibited under the State party's legislation. However, the Committee is concerned that children who have attained the age of 16 years are required to register for conscription at their respective local military authority and that this registration has the effect of conferring "recruit" status. The Committee is also concerned that registration may subject recruits to unnecessary anxiety and exert undue pressure on them to join military schools.

10. **The Committee recommends that the State Party:**
- (a) **consider reducing the period between registration and mandatory enlistment into the armed forces by deferring the registration process for as long as possible until persons become eligible for enlistment at the age of 18 years;**
 - (b) **ensure, at the time of registration, that all recruits are informed of their rights under the Optional Protocol and that they are informed of their right, available under the State party's legislation, to lodge complaints with the appropriate authority within the Ministry of Defence, the Ombudsman and through the appropriate hotline; and**
 - (c) **consider ratifying the Rome Statute of the International Criminal Court.**
11. The Committee notes with appreciation the information provided by the State party during the dialogue to the effect that it assumes extra-territorial jurisdiction in cases of the forced recruitment or participation in hostilities of children.
12. **The Committee recommends that the State party include, in its next report, detailed information on extra-territorial legislation in this area including, if applicable, whether any prosecutions have been brought.**

IV. International assistance and cooperation

International cooperation

13. **The Committee recommends that the State party submit further information on cooperation provided in the implementation of the Protocol, including through technical cooperation and financial assistance.**

Arms export and military technology

14. The Committee appreciates the dialogue with the State party regarding the control of small arms and military technology and notes the requirement for approvals and permits to ensure that small arms and military technology are not transferred to countries or armed groups who recruit or use children to participate in hostilities in violation of the Optional Protocol.

15. **The Committee recommends that the State party take measures to ensure that those responsible for controlling the sale of small arms and the transfer of military technology 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 ensure that its domestic laws, guidelines and practice on exports of arms, other military equipment and military technology explicitly prohibit their direct and indirect export to countries where persons who have not attained the age of 18 may 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.**

V. Follow-up and dissemination

16. 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 Ministry of Defence and all other relevant authorities for appropriate consideration and further action.

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

VI. Next report

18. In accordance with article 8, paragraph 2, the Committee requests that the State party include further information on the implementation of the Optional Protocol in its second periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.